

By the Committee on Community Affairs; and Senators Smith, Stargel, and Thompson

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1 A bill to be entitled
2 An act relating to after-school programs; amending s.
3 402.301, F.S.; deleting a legislative intent provision
4 regarding certain not-for-profit organizations and
5 background screening for such organizations; amending
6 s. 435.02, F.S.; revising the term "specified agency"
7 to include certain divisions within the Department of
8 Education; creating s. 1006.05, F.S.; providing
9 legislative findings; defining the term "not-for-
10 profit organization or municipal government";
11 providing applicability; authorizing such not-for-
12 profit organizations or municipal governments to
13 continue certain licensures; requiring child care
14 personnel of the not-for-profit organizations or
15 municipal governments to meet certain background
16 screening requirements; creating an advisory council;
17 providing for membership of the advisory council;
18 requiring that the advisory council submit a report to
19 the Governor and the Legislature by a specified date;
20 providing a directive to the Division of Law Revision
21 and Information; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. Subsection (6) of section 402.301, Florida
26 Statutes, is amended to read:

27 402.301 Child care facilities; legislative intent and
28 declaration of purpose and policy.—It is the legislative intent
29 to protect the health, safety, and well-being of the children of

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30 the state and to promote their emotional and intellectual
31 development and care. Toward that end:

32 ~~(6) It is further the intent that membership organizations~~
33 ~~affiliated with national organizations which do not provide~~
34 ~~child care, whose primary purpose is providing activities that~~
35 ~~contribute to the development of good character or good~~
36 ~~sportsmanship or to the education or cultural development of~~
37 ~~minors in this state, which charge only a nominal annual~~
38 ~~membership fee, which are not for profit, and which are~~
39 ~~certified by their national associations as being in compliance~~
40 ~~with the association's minimum standards and procedures shall~~
41 ~~not be considered child care facilities. However, all personnel~~
42 ~~as defined in s. 402.302 of such membership organizations shall~~
43 ~~meet background screening requirements through the department~~
44 ~~pursuant to ss. 402.305 and 402.3055.~~

45 Section 2. Subsection (5) of section 435.02, Florida
46 Statutes, is amended to read:

47 435.02 Definitions.—For the purposes of this chapter, the
48 term:

49 (5) "Specified agency" means the Department of Health, the
50 Department of Children and Families, the Division of Vocational
51 Rehabilitation within the Department of Education and any
52 division within the Department of Education which conducts
53 background screenings for after-school programs operated by not-
54 for-profit organizations or municipal governments, the Agency
55 for Health Care Administration, the Department of Elderly
56 Affairs, the Department of Juvenile Justice, the Agency for
57 Persons with Disabilities, and local licensing agencies approved
58 pursuant to s. 402.307, when these agencies are conducting state

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59 and national criminal history background screening on persons
60 who work with children or persons who are elderly or disabled.

61 Section 3. Section 1006.05, Florida Statutes, is created to
62 read:

63 1006.05 After-school programs of not-for-profit
64 organizations and municipal governments.—

65 (1) The Legislature finds that not-for-profit organizations
66 and municipal governments that conduct after-school programs
67 contribute to improved learning and the academic success of the
68 children and youth who attend the organizations' or municipal
69 governments' programs.

70 (2) As used in this section, the term "not-for-profit
71 organization or municipal government" means a not-for-profit
72 organization or municipal government after school program that
73 meets all of the following criteria:

74 (a) Conducts school-based or facility-based after-school
75 programs only for children and youth ages 6 to 18.

76 (b) Provides assistance through such programs with
77 homework, delinquency prevention, life skills, and the
78 development of good character.

79 (c) Operates 5 days a week or more during the school year
80 and operates during school holidays and the summer months.

81 (d) Charges only a nominal fee or no fee.

82 (e) Meets the standards for quality set by the Not-for-
83 Profit After School Program Standards Advisory Council if such
84 standards are adopted by the Legislature.

85 (3) Sections 402.305-402.319 do not apply to not-for-profit
86 organizations or municipal governments as defined in this
87 section.

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88 (4) A not-for-profit organization or municipal government
89 providing an after-school program that is licensed pursuant to
90 s. 402.305 before the effective date of this act may continue to
91 be licensed under s. 402.305 by submitting a notification of its
92 election to the Department of Children and Families.

93 (5) All child care personnel, as defined in s. 402.302, of
94 a not-for-profit organization or municipal government must meet
95 the background screening requirements of ss. 435.04 and 435.12
96 through the Department of Education.

97 Section 4. Not-for-Profit After-School Program Standards
98 Advisory Council.-

99 (1) The Not-for-Profit After-School Program Standards
100 Advisory Council is created within the Department of Education
101 to recommend reasonable and affordable minimum health,
102 sanitation, and safety standards for after-school programs
103 provided by not-for-profit organizations or municipal
104 governments as defined in s. 1006.05, Florida Statutes.

105 (2) The advisory council must consist of the following:

106 (a) A member of the Senate appointed by the President of
107 the Senate.

108 (b) A member of the House of Representatives appointed by
109 the Speaker of the House of Representatives.

110 (c) The Commissioner of Education or his or her designee.

111 (d) Three members appointed by the Governor representing
112 the Florida AfterSchool Network, the Florida Alliance of the
113 Boys and Girls Clubs, and a provider of a not-for-profit after-
114 school program.

115 (e) One member appointed by the Governor as a consumer
116 representative whose child is attending or has attended an

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117 after-school program provided by a not-for-profit organization.

118 (3) The advisory council shall submit a report to the
119 Governor, the President of the Senate, and the Speaker of the
120 House of Representatives by January 1, 2017.

121 Section 5. The Division of Law Revision and Information is
122 directed to replace the phrase "the effective date of this act"
123 wherever it occurs in this act with such date.

124 Section 6. This act shall take effect upon becoming a law.