

26 minors in this state, which charge only a nominal annual
 27 membership fee, which are not for profit, and which are
 28 certified by their national associations as being in compliance
 29 with the association's minimum standards and procedures shall
 30 not be considered child care facilities. However, such
 31 membership organizations that provide child care, including, but
 32 not limited to, child care offered through an after-school
 33 program, must be licensed as a child care facility as required
 34 under this chapter. Notwithstanding licensure or registration
 35 status, all personnel as defined in s. 402.302 of such
 36 membership organizations shall meet background screening
 37 requirements through the department pursuant to ss. 402.305 and
 38 402.3055.

39 Section 2. Subsections (1) through (18) of section
 40 402.302, Florida Statutes, are renumbered as subsections (2)
 41 through (19), respectively, and a new subsection (1) is added to
 42 that section, to read:

43 402.302 Definitions.—As used in this chapter, the term:

44 (1) "After-school program" means a program that offers
 45 child care for school-age children during out-of-school times,
 46 including, but not limited to, before school or after school.

47 The term does not include:

48 (a) A program on a school site that is operated by the
 49 school or through a formal agreement between the school and a
 50 provider to serve children who attend that school.

- 51 (b) A program that is solely instructional or tutorial.
- 52 (c) An open-access program.
- 53 (d) A program that does not hold a Gold Seal Quality Care
- 54 designation under s. 402.281 that provides child care
- 55 exclusively for children in grades 6 through 12.

56 Section 3. Paragraph (c) of subsection (1) of section
 57 402.305, Florida Statutes, is amended to read:

58 402.305 Licensing standards; child care facilities.—

59 (1) LICENSING STANDARDS.—The department shall establish
 60 licensing standards that each licensed child care facility must
 61 meet regardless of the origin or source of the fees used to
 62 operate the facility or the type of children served by the
 63 facility.

64 (c) The minimum standards for child care facilities shall
 65 be adopted in the rules of the department and shall address the
 66 areas delineated in this section.

67 1. The department, in adopting rules to establish minimum
 68 standards for child care facilities, shall recognize that
 69 different age groups of children may require different
 70 standards. The department may adopt different minimum standards
 71 for facilities that serve children in different age groups,
 72 including school-age children. ~~The department shall also adopt~~
 73 ~~by rule a definition for child care which distinguishes between~~
 74 ~~child care programs that require child care licensure and after-~~
 75 ~~school programs that do not require licensure.~~

76 2. Notwithstanding any other provision of law to the
77 contrary, minimum child care licensing standards shall be
78 developed to provide for reasonable, affordable, and safe
79 before-school and after-school care.

80 3. ~~After-school~~ Programs that otherwise meet the criteria
81 for exclusion from child care licensure as an after-school
82 program may provide snacks and meals through the federal
83 Afterschool Meal Program (AMP) administered by the Department of
84 Health in accordance with federal regulations and standards. The
85 Department of Health shall consider meals to be provided through
86 the AMP only if the program is actively participating in the
87 AMP, is in good standing with the department, and the meals meet
88 AMP requirements.

89 4. Standards, at a minimum, shall allow for a credentialed
90 director to supervise multiple ~~before-school and~~ after-school
91 program sites.

92 Section 4. Subsection (6) of section 39.201, Florida
93 Statutes, is amended to read:

94 39.201 Mandatory reports of child abuse, abandonment, or
95 neglect; mandatory reports of death; central abuse hotline.—

96 (6) Information in the central abuse hotline may not be
97 used for employment screening, except as provided in s.

98 39.202(2)(a) and (h) or s. 402.302(16) ~~s. 402.302(15)~~.

99 Information in the central abuse hotline and the department's
100 automated abuse information system may be used by the

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101 department, its authorized agents or contract providers, the
102 Department of Health, or county agencies as part of the
103 licensure or registration process pursuant to ss. 402.301-
104 402.319 and ss. 409.175-409.176. Pursuant to s. 39.202(2)(q),
105 the information in the central abuse hotline may also be used by
106 the Department of Education for purposes of educator
107 certification discipline and review.

108 Section 5. Section 402.317, Florida Statutes, is amended
109 to read:

110 402.317 Prolonged child care.—Notwithstanding the time
111 restriction specified in s. 402.302(2) ~~s. 402.302(1)~~, child care
112 may be provided for 24 hours or longer for a child whose parent
113 or legal guardian works a shift of 24 hours or more. The
114 requirement that a parent or legal guardian work a shift of 24
115 hours or more must be certified in writing by the employer, and
116 the written certification shall be maintained in the facility by
117 the child care provider and made available to the licensing
118 agency. The time that a child remains in child care, however,
119 may not exceed 72 consecutive hours in any 7-day period. During
120 a declared state of emergency, the child care licensing agency
121 may temporarily waive the time limitations provided in this
122 section.

123 Section 6. Paragraph (c) of subsection (4) of section
124 435.07, Florida Statutes, is amended to read:

125 435.07 Exemptions from disqualification.—Unless otherwise

126 provided by law, the provisions of this section apply to
 127 exemptions from disqualification for disqualifying offenses
 128 revealed pursuant to background screenings required under this
 129 chapter, regardless of whether those disqualifying offenses are
 130 listed in this chapter or other laws.

131 (4)

132 (c) Disqualification from employment under this chapter
 133 may not be removed from, and an exemption may not be granted to,
 134 any current or prospective child care personnel, as defined in
 135 s. 402.302(4) ~~s. 402.302(3)~~, and such a person is disqualified
 136 from employment as child care personnel, regardless of any
 137 previous exemptions from disqualification, if the person has
 138 been registered as a sex offender as described in 42 U.S.C. s.
 139 9858f(c) (1) (C) or has been arrested for and is awaiting final
 140 disposition of, has been convicted or found guilty of, or
 141 entered a plea of guilty or nolo contendere to, regardless of
 142 adjudication, or has been adjudicated delinquent and the record
 143 has not been sealed or expunged for, any offense prohibited
 144 under any of the following provisions of state law or a similar
 145 law of another jurisdiction:

146 1. A felony offense prohibited under any of the following
 147 statutes:

- 148 a. Chapter 741, relating to domestic violence.
- 149 b. Section 782.04, relating to murder.
- 150 c. Section 782.07, relating to manslaughter, aggravated

151 | manslaughter of an elderly person or disabled adult, aggravated
 152 | manslaughter of a child, or aggravated manslaughter of an
 153 | officer, a firefighter, an emergency medical technician, or a
 154 | paramedic.

155 | d. Section 784.021, relating to aggravated assault.

156 | e. Section 784.045, relating to aggravated battery.

157 | f. Section 787.01, relating to kidnapping.

158 | g. Section 787.025, relating to luring or enticing a
 159 | child.

160 | h. Section 787.04(2), relating to leading, taking,
 161 | enticing, or removing a minor beyond the state limits, or
 162 | concealing the location of a minor, with criminal intent pending
 163 | custody proceedings.

164 | i. Section 787.04(3), relating to leading, taking,
 165 | enticing, or removing a minor beyond the state limits, or
 166 | concealing the location of a minor, with criminal intent pending
 167 | dependency proceedings or proceedings concerning alleged abuse
 168 | or neglect of a minor.

169 | j. Section 794.011, relating to sexual battery.

170 | k. Former s. 794.041, relating to sexual activity with or
 171 | solicitation of a child by a person in familial or custodial
 172 | authority.

173 | l. Section 794.05, relating to unlawful sexual activity
 174 | with certain minors.

175 | m. Section 794.08, relating to female genital mutilation.

176 n. Section 806.01, relating to arson.
 177 o. Section 826.04, relating to incest.
 178 p. Section 827.03, relating to child abuse, aggravated
 179 child abuse, or neglect of a child.
 180 q. Section 827.04, relating to contributing to the
 181 delinquency or dependency of a child.
 182 r. Section 827.071, relating to sexual performance by a
 183 child.
 184 s. Chapter 847, relating to child pornography.
 185 t. Section 985.701, relating to sexual misconduct in
 186 juvenile justice programs.
 187 2. A misdemeanor offense prohibited under any of the
 188 following statutes:
 189 a. Section 784.03, relating to battery, if the victim of
 190 the offense was a minor.
 191 b. Section 787.025, relating to luring or enticing a
 192 child.
 193 c. Chapter 847, relating to child pornography.
 194 3. A criminal act committed in another state or under
 195 federal law which, if committed in this state, constitutes an
 196 offense prohibited under any statute listed in subparagraph 1.
 197 or subparagraph 2.
 198 Section 7. Paragraph (w) of subsection (2) of section
 199 1002.82, Florida Statutes, is amended to read:
 200 1002.82 Office of Early Learning; powers and duties.—

201 (2) The office shall:

202 (w) Establish staff-to-children ratios that do not exceed
 203 the requirements of s. 402.302(9) or (12) ~~s. 402.302(8) or (11)~~
 204 or s. 402.305(4), as applicable, for school readiness program
 205 providers.

206 Section 8. Paragraph (e) of subsection (1) of section
 207 1002.88, Florida Statutes, is amended to read:

208 1002.88 School readiness program provider standards;
 209 eligibility to deliver the school readiness program.—

210 (1) To be eligible to deliver the school readiness
 211 program, a school readiness program provider must:

212 (e) Employ child care personnel, as defined in s.
 213 402.302(4) ~~s. 402.302(3)~~, who have satisfied the screening
 214 requirements of chapter 402 and fulfilled the training
 215 requirements of the office.

216 Section 9. This act shall take effect July 1, 2018.