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LEGISLATIVE ACTION

Senate

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House

The Committee on Children, Families, and Elder Affairs (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present subsections (1) through (14) of section 402.302, Florida Statutes, are redesignated as subsections (2) through (15), respectively, a new subsection (1) is added to that section, present subsection (2) is amended, present subsections (15) through (18) of that section are redesignated as subsections (17) through (20), respectively, and a new



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11 subsection (16) is added to that section, to read:

12 402.302 Definitions.—As used in this chapter, the term:

13 (1) "After-school program" means child care for school-age
14 children during out-of-school times, including, but not limited
15 to, before school or after school, school breaks, and in-service
16 planning days.

17 (a) The term includes, but is not limited to, a program
18 that does not require a parent to be in attendance while the
19 child is at the facility and satisfies three or more of the
20 following elements:

21 1. Provides transportation to or from the facility where
22 the program is offered.

23 2. Provides meals or snacks to children participating in
24 the program.

25 3. Provides more than one type of activity, including but
26 not limited to educational, artistic, athletic, or self-directed
27 activities.

28 4. Provides tutoring or homework assistance, or includes a
29 specific time for children to complete homework while at the
30 program.

31 5. Advertises or holds itself out as providing child care
32 or being an after-school program.

33 6. Takes children on field trips.

34 (b) The term does not include:

35 1. A program on a public or nonpublic school site which is
36 operated and staffed directly by the school or through a formal
37 agreement between the school and a provider to serve children
38 who attend that school. A lease for space or user agreement is
39 not considered a formal agreement.



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40 2. A program that is solely instructional or tutorial.

41 3. An open-access program. For purposes of this
42 subparagraph, the term "open-access program" means a program
43 that allows children to come and go at will. Such a program may
44 not serve children for more than 4 hours per regular school day;
45 may not advertise or otherwise represent that it provides child
46 care or after school care, is an after-school program, or offers
47 supervision; may not provide supervision; may not provide
48 transportation, directly or indirectly; may not provide meals or
49 snacks outside of the federal Afterschool Meal Program; and may
50 not deliver a school readiness program pursuant to s. 1002.88.

51 4. A program that does not hold a Gold Seal Quality Care
52 designation under s. 402.281 which provides child care
53 exclusively for children in grades 6 through 12.

54 (3) ~~(2)~~ "Child care facility" includes any child care
55 center or child care arrangement which provides child care for
56 more than five children unrelated to the operator and which
57 receives a payment, fee, or grant for any of the children
58 receiving care, wherever operated, and whether or not operated
59 for profit. The following are not included:

60 (a) Public schools and nonpublic schools and their integral
61 programs, except as provided in s. 402.3025;

62 (b) Summer camps having children in full-time residence;

63 (c) Summer day camps;

64 (d) Bible schools normally conducted during vacation
65 periods; and

66 (e) Operators of transient establishments, as defined in
67 chapter 509, which provide child care services solely for the
68 guests of their establishment or resort, provided that all child



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69 care personnel of the establishment are screened according to
70 the level 2 screening requirements of chapter 435; ~~and~~ and

71 (f) After-school progams.

72 (16) "School age child" means a child who is at least 5
73 years of age and no older than 12 years of age by September 1 of
74 the beginning of the school year who is enrolled in kindergarten
75 or a higher grade.

76 Section 2. Paragraph (d) of subsection (1) of 402.310,
77 Florida Statutes, is amended to read:

78 402.310 Disciplinary actions; hearings upon denial,
79 suspension, or revocation of license or registration;
80 administrative fines.-

81 (1) (a) The department or local licensing agency may
82 administer any of the following disciplinary sanctions for a
83 violation of any provision of ss. 402.301-402.319, or the rules
84 adopted thereunder:

85 (d) The disciplinary sanctions set forth in this section
86 apply to licensed child care facilities, licensed large family
87 child care homes, and licensed or registered family day care
88 homes, ~~and~~ and registered after-school programs.

89 Section 3. Section 402.311, Florida Statutes, is amended to
90 read:

91 402.311 Inspection.-

92 (1) A Licensed child care facilities facility and after-
93 school programs registered with the department shall accord to
94 the department or the local licensing agency, whichever is
95 applicable, the privilege of inspection, including access to
96 facilities and personnel and to those records required in s.
97 402.305, at reasonable times during regular business hours, to



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98 ensure compliance with ss. 402.301-402.319. The right of entry
99 and inspection shall also extend to any premises which the
100 department or local licensing agency has reason to believe are
101 being operated or maintained as either a child care facility
102 without a license or an after-school program not properly
103 registered, but no such entry or inspection of any premises
104 shall be made without the permission of the person in charge
105 thereof unless a warrant is first obtained from the circuit
106 court authorizing such entry or inspection. Any application for
107 a license or renewal made pursuant to this act or the
108 advertisement to the public for the provision of child care as
109 defined in s. 402.302 shall constitute permission for any entry
110 or inspection of the premises for which the license or renewal
111 is sought in order to facilitate verification of the information
112 submitted on or in connection with the application. In the event
113 a licensed facility or registered after-school program refuses
114 permission for entry or inspection to the department or local
115 licensing agency, a warrant shall be obtained from the circuit
116 court authorizing entry or inspection before such entry or
117 inspection. The department or local licensing agency may
118 institute disciplinary proceedings pursuant to s. 402.310 for
119 such refusal.

120 Section 4. Section 402.3132, Florida Statutes, is created
121 to read:

122 403.3132 After-school programs.-

123 (1) After-school programs, as defined in s. 402.302(1),
124 must register with the department, providing the following
125 information:

126 (a) The name and address of the program.



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127 (b) The name of the owner/operator of the program.

128 (c) The number of children served.

129 (d) Proof of a written plan to provide at least one other
130 competent adult to be available for the owner/operator in
131 an emergency. This plan should include the name, address, and
132 telephone number of the designated substitute.

133 (2) After-school programs must provide proof to the
134 department that all employed personnel have completed a
135 safety training program of at least 120 minutes in duration
136 which includes training in, at a minimum, the following subject
137 areas:

138 (a) Appropriate interactions between adults and children;

139 (b) Basic supervision of activities offered;

140 (c) Reporting accidents and incidents; and

141 (d) Emergency response procedures including first aid and
142 CPR.

143 (3) After-school programs must provide proof to the
144 department that all employed personnel have undergone a
145 background screening conducted as provided in chapter 435, using
146 the level 2 standards for screening set forth in that chapter,
147 and have not been found guilty of, regardless of adjudication,
148 or entered a plea of nolo contendere or guilty to, any of the
149 offenses listed in ss. 435.03 or 453.04.

150 (4) After-school programs must allow for annual inspections
151 by the department to ensure compliance with the following
152 standards:

153 (a) When caring for school-age children, after-school
154 program personnel will be responsible for the supervision of the
155 children in care and capable of responding to emergencies, and



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156 are accountable for the children at all times, including when
157 children are separated from their groups.

158 1. At all times, lighting within the program facility must
159 allow after-school program personnel to see and supervise all
160 children while in care.

161 2. Supervision standards apply at all times away from the
162 program facility, including during field trips, outdoor play,
163 and when picking up or dropping off children at designated
164 locations, such as bus stops, schools or a child's home.
165 Personnel must know where children are and what they are doing
166 at all times.

167 3. Personnel must respond appropriately to the individual
168 needs and special interests, abilities and cultures of children.

169 4. The facility must have and communicate to staff and
170 parents/guardians a plan for safe, supervised drop-off and pick-
171 up points and pedestrian crosswalks in the vicinity of the
172 facility. The plan must require the drop-off and pick-up are in
173 a location protected from traffic.

174 5. Personnel are required to supervise drop-off and loading
175 to assure that children are clear of the perimeter of all
176 vehicles before the vehicle moves. The personnel supervising the
177 children are required to stay with each child and remain
178 responsible until the custody of the child has been accepted by
179 the individual designated in advance to care for that child.

180 6. Personnel are responsible for picking up a child from a
181 designated location agreed upon by the provider and the parent.
182 The provider is responsible for the timely arrival of its
183 personnel at the designated location and supervision of the
184 child upon the child's arrival. If a child is not present at the



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185 time of pick-up, prior to leaving the designated location,
186 personnel must verify the whereabouts of the child.

187 7. No person shall be an operator, owner or employee in a
188 program while using or under the influence of narcotics, alcohol
189 or other drugs that impair an individual's ability to provide
190 supervision and safe child care.

191 8. For the purpose of safety, one additional adult must be
192 present on all field trips away from the school-age child care
193 program to assist in providing direct supervision. The
194 individual could be a parent volunteer as long as that person is
195 under direct and constant supervision of a screened and trained
196 staff member of the after-school program. When a program
197 facility that utilizes an area away from the facility or on a
198 field trip that is subject to use by persons outside of the
199 program and does not allow the program to have exclusive control
200 of such area, the children must be under direct supervision
201 (within sight and sound) of a screened and trained staff member.

202 9. A telephone or other means of instant communication must
203 be available to staff responsible for children during all field
204 trips. Cellular phones, two-way radio devices, citizen band
205 radios, and other means of instant communication are acceptable.

206 10. If an after-school program uses a swimming pool that
207 exceeds 3 feet in depth or uses beach or lake areas for water
208 activities, there must either be one person with a certified
209 lifeguard certificate or equivalent present, or a certified
210 lifeguard must be on duty and present when any children are in
211 the swimming area.

212 11. During meal/snack times, children must be individually
213 fed and provided their own tableware and be supervised



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214 appropriately for their ages.

215 12. A program must not release a child to any unauthorized
216 individual. All individuals authorized to pick up a child must
217 be identified in writing by the custodial parent or legal
218 guardian to the program, and the program must verify using
219 picture identification. Identification is required on a
220 continuous basis or until staff become familiar with the people
221 picking up the children.

222 (b) It is necessary for the safety of children to require
223 that the caregiver comply with minimum requirements for
224 governing the transportation of children in care in the absence
225 of the parent/guardian.

226 1. All vehicles regularly used to transport children must
227 be inspected annually by a mechanic to ensure that they are in
228 proper working order. Documentation by the mechanic must be
229 maintained in the vehicle.

230 2. The maximum number of individuals transported in a
231 vehicle may not exceed the manufacturer's designated seating
232 capacity or the number of factory installed seat belts.

233 3. Each child, when transported, must be seated in a back
234 seat in an individual factory installed seat belt or federally
235 approved child safety restraint. The child safety restraint must
236 be installed, secured and used in accordance with the
237 manufacturer's instructions and a copy of such instructions must
238 be maintained on file with the program. All children under age 5
239 must be in a car seat or booster seat, and all children age 5
240 and older must be in seat belts.

241 4. Contact information for the parent or custodian of each
242 child being transported must be in the vehicle during transport.



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243 When transporting children with chronic medical conditions (such
244 as asthma, diabetes or seizures), their emergency care plans and
245 supplies or medication must be available in the vehicle. The
246 responsible adult in the vehicle must be trained to recognize
247 and respond appropriately to a medical emergency.

248 5. When transporting children, staff-to-child ratios must
249 be maintained at all times. The driver may be included in the
250 staff-to-child ratio if he or she meets screening and training
251 requirements.

252 6. All after-school programs must comply with the insurance
253 requirements found in s. 316.615(4), F.S.

254 (c) The driver of any vehicle used by an after-school
255 program to provide transportation must have the following:

256 1. A valid Florida driver's license;

257 2. An annual physical examination which grants medical
258 approval to drive, and valid certificate(s) of course completion
259 for first aid training and infant and child cardiopulmonary
260 resuscitation (CPR) procedures; and

261 3. A log which must be maintained for all children being
262 transported in the vehicle. The log must be retained on file at
263 the facility for a minimum of 12 months and available for review
264 by the licensing authority. The log must include each child's
265 name, date, time of departure, time of arrival, the signature of
266 the driver, and the signature of a second staff member or
267 person(s) authorized by the parent to verify the driver's log
268 and that all children have left the vehicle.

269 4. Prior to transporting children, the transportation log
270 must be recorded, signed, and dated immediately, verifying that
271 all children were accounted for and that the log is complete.



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272 5. Upon arrival at the destination, the driver of the
273 vehicle must mark each child off the log as the child departs
274 the vehicle; conduct a physical inspection and visual sweep of
275 the vehicle interior to ensure that no child is left in the
276 vehicle; and record, sign, and date the transportation log
277 immediately, verifying that all children were accounted for, and
278 that the visual sweep was conducted, ensure that a second staff
279 member signs and dates the transportation log verifying that all
280 children were accounted for, and that the log is complete.

281 6. Upon arrival at the destination, a second and different
282 staff member must conduct a physical inspection and visual sweep
283 of the vehicle to ensure that no child is left in the vehicle,
284 and sign, date and record the driver's log immediately,
285 verifying that all children were accounted for, and that the log
286 is complete.

287 (d) Field trip activities:

288 1. Parents must be advised in advance of each field trip
289 activity.

290 2. The date, time, and location of the field trip must be
291 posted in an easily seen location at least two working days
292 prior to each field trip.

293 3. Written parental permission must be obtained in the form
294 of a general or event-specific permission slip.

295 4. If special circumstances arise where notification of an
296 event cannot be posted for two working days, individual
297 permission slips must be obtained from the custodial parent or
298 legal guardian for each child participating on the field trip.

299 5. Documentation of parental permission for field trips
300 must be maintained for a minimum of 12 months.



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301 (e) General health and safety requirements:
302 1. All school-age program facilities must be clean, in good
303 repair, and free from health and safety hazards and vermin.
304 During the hours that the program is in operation, no portion of
305 the building can be used for any activity that presents a risk
306 to the health and safety of the children.
307 2. It is the responsibility of the owner/operator to ensure
308 that all areas and equipment of the program facility are free
309 from fire hazards, such as lint and dust build-up in heating and
310 air vents, filters, exhaust fans, ceiling fans and dryer vents.
311 This includes grease build-up in ovens, stoves and food
312 equipment.
313 3. Animals must be properly vaccinated, free from disease,
314 and clean. Parents must be informed in writing of all animals on
315 the premises. Notice may be provided by a conspicuously posted
316 notice or bulletin, policy handbook, parent flier, or a
317 statement included on the enrollment form. Current vaccinations
318 records must be available for review by the licensing authority.
319 No animal may freely roam the indoor/outdoor premises. Animals
320 are prohibited in areas where food is prepared or served. If
321 animals or birds are kept in classrooms, cages must be kept away
322 from the food storage area and preparation or service area and
323 kept clean.
324 4. Pursuant to Chapter 386, F.S., smoking is prohibited
325 within the after-school program facility, all outdoor areas,
326 during field trips, and in vehicles when being used to transport
327 children. Owners/operators are to notify custodial parents and
328 legal guardians, in writing, that smoking is prohibited on the
329 premises of the after-school program facility.



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330 5. Design and construction of a new after-school program
331 facility or modifications to an existing program facility must
332 meet the requirements of the applicable local governing body.
333 The program facility must provide current written approval from
334 the local governing body to verify compliance with building
335 requirements.

336 (f) Toxic/hazardous material/firearms/weapons:

337 1. All areas and surfaces accessible to children must be
338 free from toxic substances, bio-contaminants, and hazardous
339 materials/equipment/tools, including power tools.

340 2. All potentially harmful items, including cleaning
341 supplies, flammable products, poisonous, toxic, and hazardous
342 materials, must be labeled. These items, as well as knives,
343 sharp tools, and other potentially dangerous hazards, must be
344 stored in a locked area or must be inaccessible and out of a
345 child's reach at all times.

346 3. Firearms and weapons, as defined in section 790.001,
347 F.S., are prohibited within any building or upon any person
348 located on the premises, excluding federal, state or local law
349 enforcement officers.

350 4. Narcotics, alcohol or other impairing drugs must not be
351 present on the premises.

352 (g) Rooms occupied by children:

353 1. All areas of the program facility must have lighting
354 that provides adequate illumination and comfort for program
355 facility activities, a minimum of 20 foot-candles of lighting is
356 required.

357 2. For reading, homework, painting and other close work
358 areas, 50 foot-candles at the work surface is required.



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359 3. When the windows or doors are open, for more than
360 entering/exiting purposes, all buildings must have and maintain
361 screens to prevent entrance of any insects or rodents. Screens
362 are not required for open-air classrooms and picnic areas.

363 4. An inside temperature of 65 - 82 degrees Fahrenheit must
364 be maintained at all times.

365 5. Adequate ventilation must be maintained in all areas of
366 the program facility, in particular in those areas where arts
367 and crafts are conducted, and during any cleaning, sanitizing or
368 disinfecting procedure, to prevent children and child care
369 personnel from inhaling harmful or potentially toxic fumes.

370 (h) Restrooms and bathroom facilities:

371 1. Each after-school program must provide and maintain
372 bathroom facilities that are easily accessible and at a height
373 usable by the children. Platforms are acceptable when safely
374 constructed, with impervious surfaces that can be easily cleaned
375 and sanitized or disinfected.

376 2. After-school program facilities must have a sufficient
377 number of toilets and sinks for the number of children being
378 served. For program facilities having from one to 15 children,
379 there must be at least one toilet and one sink. There shall be
380 at least one additional toilet and sink for every 30 children
381 thereafter. For design and construction of a new child care
382 facility or modification to an existing facility, the program
383 must submit copies of permits obtained to do the work or proof
384 that the permit was satisfied according to the city/county local
385 jurisdiction.

386 3. Bathrooms shall not open directly into an area where
387 food is prepared. A toilet facility may open directly into an



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388 area used by children where food is served, such as into a
389 classroom where tables/chairs have multiple uses.

390 4. Running water, soap, trash receptacles, toilet paper,
391 and disposable towels or hand-drying machines that are properly
392 installed and maintained must be available and within reach of
393 children using the bathroom.

394 5. Each sink and toilet must be maintained in good
395 operating condition, cleaned and sanitized or disinfected as
396 needed, but at least once per day.

397 (i) Fire safety and emergency preparedness:

398 1. There must be at least one operable corded telephone
399 that is neither locked nor located at a pay station that is
400 available to all personnel at all times during the hours of
401 operation.

402 2. Unless statutorily exempted, all after-school programs
403 must conform to state standards adopted by the State Fire
404 Marshal, Chapter 69A-36, F.A.C., Uniform Fire Safety Standards
405 for Nonresidential Child Care Facilities, and must be inspected
406 annually. A copy of the current and approved annual fire
407 inspection report by a certified fire inspector must be on file
408 with the licensing authority. If the program is granted a fire
409 inspection exemption by the local fire inspection office, the
410 exemption must be documented and maintained on file at the
411 program.

412 3. The after-school program facility must properly maintain
413 fire extinguishers with a minimum rating of 2A10BC at all times.
414 All staff must be trained in the use and operation of a fire
415 extinguisher within 30 days of their employment date.
416 Documentation of such training must be maintained in the



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417 personnel file. Travel distance to the nearest extinguisher must
418 not be more than 75 feet from rooms occupied by children. A fire
419 extinguisher must be present in vehicles used to transport
420 children and areas where food is prepared.

421 4. Automatic range-top fire suppression systems are
422 required in the kitchen for program facilities that deep fry
423 food. Suppression hood systems must be maintained and inspected
424 in accordance with the Florida Fire Prevention Code as adopted
425 in Chapter 69A-60, F.A.C.

426 5. Exits should be clearly identified and visible at all
427 times during operation of the after-school program.

428 6. The exits should be clearly marked, identifying the path
429 to safety in case of an emergency. The exits should not be
430 blocked at any time.

431 7. During the program's registration year, fire drills
432 utilizing the approved alarm system must be conducted monthly at
433 various dates and times when children are in care.

434 8. A current attendance record must accompany staff out of
435 the building during a drill or actual evacuation and be used to
436 account for all children. When the program's approved alarm
437 system is activated, all adults and children must evacuate. The
438 operator must maintain a written record of the fire drills
439 showing the date, number of children and staff in attendance,
440 evacuation route used, and time taken for all individuals to
441 evacuate the premises. Each fire drill record must be maintained
442 for a minimum of two years from the date of the fire drill. The
443 fire drills conducted must include, at a minimum, one fire drill
444 using an alternate evacuation route and one drill in the
445 presence of and at the request of the licensing authority in



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446 coordination with the operator or designee.

447 9. The operator must develop a written emergency
448 preparedness plan that includes, at a minimum, procedures to be
449 taken by the program during a fire, shelter in place, lockdown
450 and inclement weather (for example: hurricanes, tropical storms
451 or tornadoes), and to facilitate parent/guardian reunification
452 onsite and offsite. The plan must describe how the program will
453 meet the needs of all children, including children with special
454 needs, during and following an emergency event.

455 10. Emergency preparedness drills must be conducted when
456 children are in care. Each drill outlined in the emergency
457 preparedness plan must be practiced a minimum of one time per
458 year, and may substitute for up to three monthly fire drills.
459 Documentation of this substitution must be maintained for one
460 year. A current attendance record must accompany staff during
461 the drill or actual emergency and must be used to account for
462 all children.

463 11. The operator must maintain and post in an easily seen
464 location a written record of emergency preparedness drills
465 showing the type of drill, date conducted, number of children
466 and staff in attendance, and time taken for all individuals to
467 complete the drill.

468 12. Documentation of conducted fire and emergency
469 preparedness drills must be available at the time of inspection.
470 Documentation produced after the inspection will not be used to
471 meet the registration standard or corrective action
472 requirements.

473 13. The operator must prepare and post an emergency
474 evacuation plan in each room of the program facility, excluding



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475 restrooms, including a diagram of safe routes by which the
476 personnel and children may exit in the event of fire or other
477 emergency requiring evacuation.

478 14. After a fire or natural disaster, the operator must
479 notify the licensing authority within 24 hours of operational
480 status in order for the licensing authority to ensure health
481 standards are being met for continued operation.

482 (j) Food preparation area/food service: A food preparation
483 area is required for program facilities that choose to prepare
484 food in a manner consistent with the definition of "preparation
485 of food". Specific requirements for the food preparation area
486 include:

487 1. Ventilation provided either by mechanical or natural
488 means to provide fresh air and control of unpleasant odors, such
489 as a fan, vent or open window with a screen.

490 2. Smooth, nonabsorbent food contact surfaces with no
491 unsealed cracks or seams. Food-contact surfaces are surfaces of
492 equipment, countertops, utensils, etc., that food comes into
493 contact with during food preparation.

494 3. Food equipment maintained and stored in a sanitary
495 manner and out of the reach of children.

496 4. Shielded lighting.

497 5. Nonabsorbent and easily-cleaned flooring and floor
498 covering.

499 6. Easily cleanable or replaceable ceiling in the event of
500 water and other damage, mildew, or mold.

501 7. A separate hand washing station with hot running water a
502 minimum of 100 degrees Fahrenheit. A hand washing station must
503 include a sink with running water and drainage, soap, trash can,



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504 and disposable towels or hand-drying machines that are properly
505 installed and maintained. Hand washing stations must include
506 posted signs visible to employees and children, demonstrating
507 proper hand washing technique. Portable sinks may not be used
508 for dishwashing or food preparation. If a portable sink is used
509 for handwashing in the food preparation area, hot water must be
510 provided.

511 8. Leak-proof, nonabsorbent containers, covered with a
512 tight-fitting lid, for all food waste stored inside the program
513 facility. The container must be emptied, cleaned and sanitized
514 or disinfected daily.

515 9. A food preparation area clean and free of dust, dirt,
516 food particles and grease deposits. Employees, volunteers and
517 substitutes, while working in the food preparation area, must
518 wear proper head covering, such as a hair net or hat. To prevent
519 contact with ready-to-eat foods, staff must use clean disposable
520 gloves, utensils, or similar items in the food preparation area.

521 10. For safety, children must not be present in the food
522 preparation area when meals and snacks are prepared unless while
523 being supervised or participating in a cooking activity.

524 (k) Food storage:

525 1. Food containers, such as cans, plastic containers,
526 boxes, and bags, must be stored above the floor on clean
527 surfaces protected from splash and other contamination.

528 2. Food must be consumed or discarded on or before the
529 expiration dates listed by the manufacturer.

530 3. Poisonous/toxic chemicals or cleaning products must be
531 stored separately from food.

532 4. Opened packages of perishable or leftover food items



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533 must be properly covered or sealed in containers or bags,
534 labeled with the date, and properly stored and discarded within
535 seven calendar days.

536 5. Opened packages of dried goods must be properly
537 covered/sealed, properly stored, and discarded according to the
538 manufacturer's recommended date or if the quality of the goods
539 has been compromised.

540 6. An accurate alcohol thermometer designed to measure
541 cold storage temperature must be placed inside each
542 refrigeration and freezer unit. Thermometers in refrigerators
543 must show a reading of 41 degrees Fahrenheit or below, and
544 thermometers in freezers must show a reading of 0 degrees
545 Fahrenheit or below. The thermometer must be located in the
546 center of the unit and be readily accessible. Thermometer
547 temperature readings higher than specified above require further
548 temperature testing of food samples stored in the unit using a
549 probe type thermometer; and adjustments to the unit setting to
550 reach and maintain the required readings.

551 7. Food may be frozen prior to the expiration date, but
552 when thawed, it must be labeled with the date it was removed
553 from the freezer and discarded within seven calendar days.

554 (1) Food safety:

555 1. If an after-school program provides food to children in
556 care, it must provide nutritious meals and snacks of a quantity
557 and quality to help meet the daily nutritional needs of the
558 children. The USDA My Plate, is to be used to determine which
559 food groups to serve at each meal or snack and the serving size
560 of the selected foods for children ages 2 and older. Copies of
561 the USDA My Plate dieting guidelines, incorporated by reference



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562 in 65C-22.008(6)(c), F.A.C., may be obtained from the USDA
563 website at <http://www.choosemyplate.gov>.

564 2. If a program chooses to provide food to children
565 directly or by contract with an outside source such as a
566 caterer, the food must be free from spoilage and contamination
567 and safe for human consumption, and must be stored and handled
568 in a sanitary manner at all times. The program must have
569 adequate equipment available to maintain food safety.

570 3. Meat, poultry, fish, dairy products, and processed foods
571 must have been inspected under the United States Department of
572 Agriculture requirements.

573 4. No raw milk or unpasteurized juice may be served without
574 the written consent of the parent or legal guardian.

575 5. No home-canned food may be served.

576 6. No homegrown eggs may be served.

577 7. No recalled food products may be served.

578 8. All raw fruits and vegetables must be washed thoroughly
579 before being served or cooked.

580 9. To prevent food from becoming potentially hazardous, hot
581 foods must be maintained at a temperature of 135 degrees
582 Fahrenheit or above, and cold foods must be maintained.

583 10. Foods that comprise meals included on a program's menu
584 may not be prepared or partially prepared outside of the program
585 facility unless prepared by a caterer or an after-school program
586 under the same ownership that includes a food preparation area
587 that meets licensing standards.

588 11. If a program chooses to provide or make available food
589 to children in care from an outside source, such as a caterer,
590 or as the result of a learning activity provided by an after-



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591 school program, such as a garden, it is the responsibility of
592 the provider to ensure all food intended for consumption by a
593 child in care is free from spoilage and contamination and safe
594 for human consumption.

595 12. A log must be maintained for all prepared meals being
596 transported into the program facility. The log must be retained
597 for a minimum of 12 months. The log must include the date, time
598 of arrival, quantity and types of food, verification by the
599 recipient of condition of the food, verification by the
600 recipient of adequate temperatures of food, and the name and
601 signature of the recipient.

602 13. Parents and legal guardians must be advised in advance
603 of each food-related activity, such as special occasions and
604 learning activities that include food consumption. Written
605 parental permission may be obtained in the form of a general or
606 specific permission slip. Documentation of parent permission for
607 food activities must be maintained for a minimum of 12 months
608 from the date of each activity.

609 14. If an after-school program chooses not to provide meals
610 and snacks, arrangements must be made with the custodial parent
611 or legal guardian to provide nutritional food for the child. In
612 the event that a child's parent fails to provide nutritious
613 meals/snacks, the program must provide supplemental food items
614 to complete the child's meal.

615 15. If a special diet is required for a child by a
616 physician, a copy of the physician's order, a copy of the diet,
617 and a sample meal plan for the special diet must be maintained
618 in the child's file and followed. If the custodial parent or
619 legal guardian notifies the program of any known food allergies,



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620 written documentation must be maintained in the child's file for
621 as long as the child is in care. Special food restrictions must
622 be shared with staff and must be posted in an easily seen
623 location that is not readily visible by parents or non-staff.

624 16. Meal and snack menus must be planned, written, dated,
625 and posted at the beginning of each week in an easily seen place
626 accessible to parents. Any menu substitution must be noted on
627 the menu. A generalized menu of possible snack choices for
628 programs that receive food donations is acceptable. All meals
629 and snacks prepared outside of the facility's kitchen or
630 designated food preparation area, such as catered food, must be
631 listed along with the source. Daily meal and snack menus must be
632 maintained for a minimum of 12 months for registration purposes.
633 Operators who participate in the USDA Food Program must keep
634 menus in accordance with the Department of Health and USDA
635 requirements.

636 (m) Dishwashing and sanitization: For programs that prepare
637 food, non-disposable food equipment, tableware, and utensils
638 utilized for food preparation and food consumption must be
639 properly cleaned by pre-rinsing or scraping, washing, rinsing,
640 sanitizing, and air drying. If the after-school program lacks
641 adequate dishwashing and sanitation described in this section
642 for dishes, equipment, and utensils, only disposable single-use
643 items may be used. All single service items must be discarded
644 after each use. Food equipment, tableware and utensils used to
645 prepare food must be washed and sanitized on-site, except when a
646 caterer is used and the caterer is responsible for dishwashing
647 as evidenced by a written agreement. Dishwashing and
648 sanitization must be accomplished by using either a dishwasher



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649 with a sanitization cycle, an installed three-compartment sink
650 or an installed two-compartment sink with a non-stationary or
651 portable compartment receptacle, chemical sanitization, or hot
652 water sanitization.

653 1. The dishwasher must use heat or chemical injection for
654 sanitization.

655 2. If chemical sanitization is used, the wash water
656 temperature must be set at a minimum of 120 degrees Fahrenheit,
657 and the rinse water must be a minimum of 75 degrees Fahrenheit.
658 If the dishwasher does not have a built-in thermometer to
659 display the temperature of each cycle, a thermometer or
660 thermometer test strips must be available to determine the rinse
661 cycle temperature.

662 3. Automatic sanitizing dispenser must be properly
663 installed and maintained.

664 4. A test kit or other device that accurately measures the
665 concentration of the sanitizing solution must be available and
666 used to confirm appropriate concentration of solution during one
667 full cycle per day.

668 5. If hot water is used for sanitization, the dishwasher
669 must achieve a temperature of 160 degrees Fahrenheit on the
670 surface of equipment/dishes/utensils being washed. If the
671 dishwasher does not have a built-in thermometer to display the
672 temperature of each cycle, a thermometer or thermometer test
673 strips must be available to determine the rinse cycle
674 temperature.

675 6. The program facility must have a means for measuring the
676 required temperature either by an irreversible registering
677 temperature indicator (heat strip) or an external temperature



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678 display built into the machine.

679 7. Installed compartment sinks may be used to wash produce
680 and to fill cooking pots and pans with water when not in use for
681 dishwashing.

682 8. Sinks must be sanitized before and after each use.

683 9. The first compartment must be used for washing; the
684 second compartment must be used for rinsing; and the third
685 compartment must be used for sanitizing.

686 10. If only an installed two-compartment sink is available,
687 the second compartment must be used for rinsing and a non-
688 stationary or portable compartment receptacle must be available
689 and used to sanitize.

690 11. If chemical sanitization is used, an exposure time of
691 at least 7 seconds is required for a chlorine solution of 50
692 mg/L that has a pH of 10 or less and a temperature of at least
693 75 degrees Fahrenheit.

694 12. If other sanitizers are used, the manufacturer
695 instructions must be strictly followed.

696 13. A test kit or other device that accurately measures the
697 concentration of the sanitizing solution must be available and
698 used to confirm appropriate concentration of solution during
699 each use.

700 14. If hot water is used for sanitizing,
701 equipment/dishes/utensils must be immersed for a period of at
702 least one-half minute in hot water at a temperature of 170
703 degrees Fahrenheit or above. A probe type thermometer must be
704 available for staff to measure water temperature.

705 (n) Food handling:

706 1. Milk (including cow, soy and other forms) and food that



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707 is normally maintained under refrigeration must not sit out of
708 refrigeration for longer than 15 minutes prior to the beginning
709 of the meal.

710 2. Employees, volunteers and substitutes, while
711 distributing snacks or serving food, must use clean disposable
712 gloves, utensils and similar items to prevent skin contact with
713 food.

714 3. Food provided by parents must be stored and handled in a
715 sanitary manner at all times. If food is supposed to be kept
716 cold, the food must be stored until eaten, or parents must
717 include ice packs to keep food they provide cold.

718 4. Hot food served to the children must be kept at the
719 appropriate temperature until plated and served to the children.
720 Excessively hot food must have a cool down period within a 15-
721 minute timeframe to avoid danger of scalding.

722 (o) Sanitation - hand-washing: employees, volunteers,
723 substitutes, and children must wash their hands with soap and
724 running water, dry thoroughly and follow personal hygiene
725 procedures for themselves and while assisting others. Examples
726 of activities when hand washing is required include, but are not
727 limited to: before and after eating, immediately following
728 outdoor play, after toileting, following the use of any cleaners
729 or toxic chemicals, before and after administering medication,
730 and during food preparation and snack distribution.

731 1. Employees, volunteers, substitutes and children must
732 follow the Centers for Disease Control guidelines for hand
733 washing incorporated by reference in 65C-22.008(6)(d), F.A.C.

734 2. The use of hand sanitizers does not substitute for hand
735 washing. However, in areas away from the facility where no



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736 running water is available, hand sanitizers may be used.
737 Examples of such places are field trips, nature trails or picnic
738 areas where running water is not readily available.

739 3. Employees, volunteers, and substitutes with open wounds
740 and/or any injury that inhibits hand washing, such as casts,
741 bandages, or braces, must not prepare food.

742 (p) Sanitation - drinking water: safe drinking water must
743 be available to all children. If disposable cups are used, they
744 must be discarded after each use.

745 (q) Indoor equipment: equipment, materials, furnishings and
746 play areas should be sturdy, safe and in good repair. Walls,
747 ceilings, floors, furnishings, equipment, toys, and other
748 surfaces should be suitable to the location and the users. They
749 should be maintained in good repair, free from visible soil and
750 clean. Equipment and furnishings should be placed to help
751 prevent collisions and injuries, ensure proper supervision while
752 meeting the objectives of the curriculum and permit freedom of
753 movement by children. Televisions should be anchored or mounted
754 to prevent tipping over. Chairs and other furnishings that
755 children can easily climb should be kept away from cabinets and
756 shelves to discourage children from climbing to a dangerous
757 height or reaching something hazardous. The program should make
758 reasonable accommodations to the program environment and
759 schedule so that children with special needs may participate.

760 1. An after-school program must make available enough toys,
761 equipment and furnishings suitable to each child's age and
762 development for each child to be involved in activities. These
763 items must be accessible and in good working order.

764 2. Toys, equipment, and furnishings must be safe and



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765 maintained in a sanitary condition, and must be cleaned and
766 sanitized or disinfected immediately if exposed to bodily
767 fluids, such as saliva.

768 3. Program facilities must provide age-appropriate seating
769 at meal and snack time for all children.

770 (r) Outdoor equipment: an after-school program must provide
771 and maintain enough usable equipment and offer play activities
772 suitable to the age and development of each child.

773 1. All playground equipment must be securely anchored,
774 unless portable or stationary by design, in good repair,
775 maintained in safe condition, and placed to ensure safe use by
776 the children. Maintenance must include inspections conducted
777 every month of all supports above and below the ground and of
778 all connectors and moving parts. Documentation of maintenance
779 inspections must be maintained for two years.

780 2. Permanent or stationary playground equipment must have a
781 ground cover or other protective surface under the equipment and
782 within the fall zone that provides resilience, and is maintained
783 to reduce the incidence of injuries to children in the event of
784 falls. Equipment used for climbing should not be placed over, or
785 immediately next to, hard surfaces such as asphalt, concrete,
786 dirt, grass, or flooring covered by carpet or gym mats not
787 intended for use as surfacing for climbing equipment. All pieces
788 of playground equipment should be placed over and surrounded by
789 a shock-absorbing surface.

790 3. All equipment, fences and objects on the program's
791 premises must be free from sharp, broken and jagged edges, and
792 must be properly placed to prevent overcrowding or safety
793 hazards in any one area.



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794 4. All equipment used in the outdoor play area must be
795 constructed and maintained to allow for water drainage, and must
796 be maintained in a safe and sanitary condition.

797 5. Sandboxes must be covered at the end of each day. The
798 covering used must prevent access to the sandbox by animals.

799 (s) First aid, cardiopulmonary resuscitation and emergency
800 procedures:

801 1. Each after-school program must have at least one staff
802 member with a current and valid certificate(s) of course
803 completion for first aid training and child cardiopulmonary
804 resuscitation (CPR) procedures.

805 2. One staff member satisfying these training requirements
806 must be present at all times that children are in care, both on-
807 site and on field trips.

808 3. A field trip includes all activities away from the
809 program, excluding regular transportation to and from the
810 program (i.e., pick-up and drop-off).

811 4. Certificates of course completion are valid based on the
812 time frames established by each first aid and CPR training
813 program, not to exceed three years.

814 5. CPR courses must include on-site, instructor-based skill
815 assessments by a certified CPR instructor. Documentation of
816 completion of the online course and on-site assessment must be
817 maintained at the facility and available for review by the
818 licensing authority.

819 6. Documentation identifying which staff members have met
820 the first aid and child CPR training requirement must be kept on
821 file.

822 7. At least one first aid kit must be maintained on the



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823 premises at all times.

824 8. A first aid kit must also accompany child care staff
825 when children are participating on fieldtrips.

826 9. Each kit must be in a closed container and labeled
827 "First Aid." The kits must be accessible to the child care staff
828 at all times and kept out of the reach of children.

829 10. If the first aid kit is stored in the food preparation
830 area, it must be stored in a manner to prevent contamination of
831 food, food contact surfaces, or first aid supplies.

832 (t) First-aid kit minimum requirements - Each kit must
833 include, at a minimum, the following:

834 1. Liquid soap and/or hand sanitizer (to be used with
835 supervision if hands are not visibly soiled and if no water is
836 present)

837 2. Adhesive bandages

838 3. Disposable non-porous gloves

839 4. Cotton balls or applicators

840 5. Sterile gauze pads or rolls

841 6. Adhesive tape

842 7. Digital Thermometer

843 8. Tweezers

844 9. Pre-moistened wipes

845 10. Scissors

846 11. Bottled water (for cleaning wombs or eyes

847 12. A current resource guide on first aid and CPR

848 procedures.

849 (u) Emergency telephone numbers:

850 1. Emergency telephone numbers must be posted on or near
851 all telephones, including 911, ambulance, fire, police, poison



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852 control center, Florida Abuse Hotline, and the county public
853 health department. Additionally, the address and directions to
854 the facility must be posted with descriptions of major
855 intersections and local landmarks.

856 2. For serious injuries, the provider shall call 911 and
857 then notify the parent.

858 3. Custodial parents or legal guardians must be notified
859 immediately in the event of any serious illness, accident,
860 injury or emergency to their child, and their specific
861 instructions regarding action to be taken under such
862 circumstances must be obtained and followed.

863 4. If the custodial parent or legal guardian cannot be
864 reached, the after-school program operator or owner will contact
865 those persons designated by the custodial parent or legal
866 guardian to be contacted under such circumstances, and must
867 follow any written instructions provided by the custodial parent
868 or legal guardian on the enrollment form.

869 (v) Accident/incident notification:

870 1. All accidents and incidents that occur while a child is
871 in the care of program staff must be documented on the same day
872 they occur.

873 2. This documentation must be shared with the custodial
874 parent or legal guardian on the date of occurrence.

875 3. Documentation must include the name of the affected
876 party, date and time of the occurrence, description of the
877 occurrence, actions taken and by whom, and appropriate
878 signatures of program staff and the custodial parent or legal
879 guardian.

880 4. The documentation must be maintained for one year. If



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881 the parent or legal guardian does not pick up the child on the
882 date of occurrence of the accident or incident, the individual
883 authorized to pick up the child must sign and be provided a copy
884 of the accident/incident form.

885 (w) Access: an after-school program must provide the
886 custodial parent or legal guardian access, in person and by
887 telephone, to the program during normal hours of operation or
888 during the time the child is in care.

889 (x) Child safety: acts or omissions that meet the
890 definition of child abuse or neglect provided in Chapter 39,
891 F.S., constitute a violation of the standards in s. 402.301-
892 .319, F.S., and will support imposition of a sanction, as
893 provided in s. 402.310, F.S.

894 Section 5. Section 402.315, Florida Statutes, is amended to
895 read:

896 402.315 Funding; License fees.-

897 (3) The department shall collect a fee for any license it
898 issues for a child care facility, family day care home, or large
899 family child care home pursuant to ss. 402.305, 402.313, and
900 402.3131.

901 (e) For an after-school program registered pursuant to s.
902 402.3132, such fee shall be \$100.

903 Section 6. The department is granted rule making authority
904 to implement this act.

905 Section 7. This act shall take effect October 1, 2018.

907 ===== T I T L E A M E N D M E N T =====

908 And the title is amended as follows:

909 Delete everything before the enacting clause



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910 and insert:

911 A bill to be entitled
912 An act relating to licensure of child care programs;
913 amending s. 402.302, F.S.; defining the term "after-
914 school program"; creating s. 402.3132; requiring
915 after-school programs to register with the Department
916 of Children and Families; requiring certain
917 information be provided to the department; requiring
918 proof of completion of a training program; requiring
919 annual inspections; amending s. 402.310, F.S.;
920 providing for disciplinary action under certain
921 conditions for registered after-school programs;
922 amending s. 402.311, F.S.; providing for inspections
923 of registered after-school programs; amending
924 s.402.315, F.S.; requiring a fee for registration of
925 after-school programs; providing an effective date.