

1 A bill to be entitled
2 An act relating to government-sponsored recreation
3 programs; amending s. 402.302, F.S.; revising the
4 definition of the term "child care facility" to
5 exclude government-sponsored recreation programs;
6 defining the term "government-sponsored recreation
7 program"; amending ss. 39.201, 402.305, and 1002.82,
8 F.S.; conforming cross-references; providing an
9 effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Present subsections (9) through (18) of section
14 402.302, Florida Statutes, are redesignated as subsections (10)
15 through (19), respectively, subsection (2) of that section is
16 amended, and a new subsection (9) is added to that section, to
17 read:

18 402.302 Definitions.—As used in this chapter, the term:

19 (2) "Child care facility" includes any child care center
20 or child care arrangement which provides child care for more
21 than five children unrelated to the operator and which receives
22 a payment, fee, or grant for any of the children receiving care,
23 wherever operated, and whether or not operated for profit. The
24 following are not included:

25 (a) Public schools and nonpublic schools and their

26 | integral programs, except as provided in s. 402.3025;
 27 | (b) Summer camps having children in full-time residence;
 28 | (c) Summer day camps;
 29 | (d) Bible schools normally conducted during vacation
 30 | periods; ~~and~~
 31 | (e) Operators of transient establishments, as defined in
 32 | chapter 509, which provide child care services solely for the
 33 | guests of their establishment or resort, provided that all child
 34 | care personnel of the establishment are screened according to
 35 | the level 2 screening requirements of chapter 435; and
 36 | (f) Government-sponsored recreation programs.
 37 | (9) "Government-sponsored recreation program" means a
 38 | recreation program for school-age children which meets all of
 39 | the following requirements:
 40 | (a) Offers no more than 3 hours of programming per day.
 41 | (b) Is operated by a county or municipality that has
 42 | adopted standards of care by ordinance for the program, which
 43 | include, but are not limited to, staffing ratios, minimum staff
 44 | qualifications, level 2 background screening for all staff and
 45 | volunteers, and minimum facility, health, and safety standards.
 46 | (c) Has been certified by the county or municipality for
 47 | compliance with such standards of care.
 48 | (d) Provides notice to the parents of each child
 49 | participating in the program that the program is not state-
 50 | licensed or advertised as a child care facility and provides

51 them with the county's or municipality's standards of care.

52 Section 2. Subsection (6) of section 39.201, Florida
53 Statutes, is amended to read:

54 39.201 Mandatory reports of child abuse, abandonment, or
55 neglect; mandatory reports of death; central abuse hotline.—

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

58 39.202(2) (a) and (h) or s. 402.302(16) ~~s. 402.302(15)~~.

59 Information in the central abuse hotline and the department's
60 automated abuse information system may be used by the
61 department, its authorized agents or contract providers, the
62 Department of Health, or county agencies as part of the
63 licensure or registration process pursuant to ss. 402.301-
64 402.319 and ss. 409.175-409.176. Pursuant to s. 39.202(2) (q),
65 the information in the central abuse hotline may also be used by
66 the Department of Education for purposes of educator
67 certification discipline and review.

68 Section 3. Paragraph (a) of subsection (2) of section
69 402.305, Florida Statutes, is amended to read:

70 402.305 Licensing standards; child care facilities.—

71 (2) PERSONNEL.—Minimum standards for child care personnel
72 shall include minimum requirements as to:

73 (a) Good moral character based upon screening as defined
74 in s. 402.302(16) ~~s. 402.302(15)~~. This screening shall be
75 conducted as provided in chapter 435, using the level 2

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76 standards for screening set forth in that chapter, and include
77 employment history checks, a search of criminal history records,
78 sexual predator and sexual offender registries, and child abuse
79 and neglect registry of any state in which the current or
80 prospective child care personnel resided during the preceding 5
81 years.

82 Section 4. Paragraph (y) of subsection (2) of section
83 1002.82, Florida Statutes, is amended to read:

84 1002.82 Office of Early Learning; powers and duties.—

85 (2) The office shall:

86 (y) Establish staff-to-children ratios that do not exceed
87 the requirements of s. 402.302(8) or (12) ~~s. 402.302(8) or (11)~~
88 or s. 402.305(4), as applicable, for school readiness program
89 providers.

90 Section 5. This act shall take effect July 1, 2019.