

By Senator Book

32-00746A-20

2020668__

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 s. 402.316, F.S.; providing an
8 exemption for government-sponsored recreation programs
9 from specified child care facility requirements;
10 providing that an otherwise exempt government-
11 sponsored recreation program may waive the exemption
12 by notifying the Department of Children and Families;
13 providing that such a program may not withdraw its
14 waiver of the exemption and continue to operate;
15 amending ss. 39.201, 402.305, and 1002.82, F.S.;
16 conforming cross-references; providing an effective
17 date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Present subsections (9) through (18) of section
22 402.302, Florida Statutes, are redesignated as subsections (10)
23 through (19), respectively, a new subsection (9) is added to
24 that section, and subsection (2) of that section is amended, to
25 read:

26 402.302 Definitions.—As used in this chapter, the term:

27 (2) "Child care facility" includes any child care center or
28 child care arrangement that ~~which~~ provides child care for more
29 than five children unrelated to the operator and which receives

32-00746A-20

2020668__

30 a payment, fee, or grant for any of the children receiving care,
31 wherever operated, and whether or not operated for profit. The
32 following are not included:

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

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

36 (c) Summer day camps;

37 (d) Bible schools normally conducted during vacation
38 periods; ~~and~~

39 (e) Operators of transient establishments, as defined in
40 chapter 509, which provide child care services solely for the
41 guests of their establishment or resort, provided that all child
42 care personnel of the establishment are screened according to
43 the level 2 screening requirements of chapter 435; and

44 (f) Government-sponsored recreation programs.

45 (9) "Government-sponsored recreation program" means an
46 afterschool recreation program for school-age children which has
47 organized, regularly scheduled activities, including educational
48 or enrichment activities, and which meets all of the following
49 requirements:

50 (a) Offers not more than 4 hours of programming per day.
51 However, the program may extend its hours in order to provide
52 services before school and on teacher planning days, holidays,
53 and intercessions that occur during the school district's
54 official calendar year.

55 (b) Is operated by a county or a municipality that has
56 adopted for the program by ordinance standards of care that
57 include, but are not limited to:

58 1. Meeting minimum staff-to-children ratios in accordance

32-00746A-20

2020668__

59 with s. 402.305(4) and rules adopted by the department
60 thereunder;

61 2. Ensuring that all personnel meet the requirements of
62 this section and ss. 402.305 and 402.3055;

63 3. Meeting minimum facility, health, and safety standards,
64 including annual fire inspections conducted by the city or
65 county Fire Marshal;

66 4. Ensuring annual health inspections are conducted by the
67 Department of Health;

68 5. Conducting regular inspection, cleaning, repair, and
69 maintenance of buildings, grounds, and equipment;

70 6. Ensuring at least one staff person trained in
71 cardiopulmonary resuscitation is present at all times when
72 children are present;

73 7. Setting standards related to the provision of food;

74 8. Training program employees regarding working with
75 school-age children;

76 9. Engaging in activities designed to address the ages,
77 interests, and abilities of participants;

78 10. Carrying out annual inspections of vehicles
79 transporting children;

80 11. Enforcing regulations related to the number of children
81 in vehicles in accordance with vehicle capacity and searching
82 vehicles after use to ensure no children are left in the
83 vehicle;

84 12. Ensuring custodial parents or guardians have reasonable
85 access to children while the children are in care; and

86 13. Developing age-appropriate policies relating to child
87 discipline practices and making such policies available to

32-00746A-20

2020668__

88 parents or guardians at the time of registration.

89 (c) Has been certified by the county or municipality as
90 compliant with such standards of care and provides annual
91 attestation to the department of compliance with such standards
92 of care.

93 (d) Provides notice to the parent or guardian of each child
94 participating in the program that the program is not state-
95 licensed or advertised as a child care facility and provides the
96 parent or guardian with the county's or municipality's standards
97 of care.

98 (e) Does not receive funding through the Child Care
99 Development Block Grant of 2014, does not contract to provide a
100 school readiness program pursuant to s. 1002.88, and does not
101 have a Gold Seal Quality Care designation pursuant to s.
102 402.281.

103 Section 2. Subsections (1) and (3) of section 402.316,
104 Florida Statutes, are amended to read:

105 402.316 Exemptions.—

106 (1) The provisions of ss. 402.301-402.319, except for the
107 requirements regarding screening of child care personnel, do
108 ~~shall~~ not apply to a government-sponsored recreation program or
109 to a child care facility that ~~which~~ is an integral part of
110 church or parochial schools conducting regularly scheduled
111 classes, courses of study, or educational programs accredited
112 by, or by a member of, an organization that ~~which~~ publishes and
113 requires compliance with its standards for health, safety, and
114 sanitation. However, such facilities shall meet minimum
115 requirements of the applicable local governing body as to
116 health, sanitation, and safety and shall meet the screening

32-00746A-20

2020668__

117 requirements pursuant to ss. 402.305 and 402.3055. Failure by a
118 facility to comply with such screening requirements shall result
119 in the loss of the facility's exemption from licensure.

120 (3) Any government-sponsored recreation program or child
121 care facility covered by the exemption provisions of subsection
122 (1) may waive the exemption, but desiring to be included in this
123 act, is authorized to do so by submitting notification to the
124 department. Once licensed, such a program or facility may not
125 cannot withdraw from its waiver of the exemption and, except for
126 the requirements regarding screening of child care personnel,
127 must continue to comply with ss. 402.301-402.319 in order to
128 continue operating the act and continue to operate.

129 Section 3. Subsection (6) of section 39.201, Florida
130 Statutes, is amended to read:

131 39.201 Mandatory reports of child abuse, abandonment, or
132 neglect; mandatory reports of death; central abuse hotline.—

133 (6) Information in the central abuse hotline may not be
134 used for employment screening, except as provided in s.
135 39.202(2) (a) and (h) or s. 402.302(16) ~~s. 402.302(15)~~.
136 Information in the central abuse hotline and the department's
137 automated abuse information system may be used by the
138 department, its authorized agents or contract providers, the
139 Department of Health, or county agencies as part of the
140 licensure or registration process pursuant to ss. 402.301-
141 402.319 and ss. 409.175-409.176. Pursuant to s. 39.202(2) (q),
142 the information in the central abuse hotline may also be used by
143 the Department of Education for purposes of educator
144 certification discipline and review.

145 Section 4. Paragraph (a) of subsection (2) of section

32-00746A-20

2020668__

146 402.305, Florida Statutes, is amended to read:

147 402.305 Licensing standards; child care facilities.—

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

150 (a) Good moral character based upon screening as defined in
151 s. 402.302(16) ~~s. 402.302(15)~~. This screening shall be conducted
152 as provided in chapter 435, using the level 2 standards for
153 screening set forth in that chapter, and include employment
154 history checks, and a search of criminal history records, sexual
155 predator and sexual offender registries, and child abuse and
156 neglect registries ~~registry~~ of any state in which the current or
157 prospective child care personnel resided during the preceding 5
158 years.

159 Section 5. Paragraph (y) of subsection (2) of section
160 1002.82, Florida Statutes, is amended to read:

161 1002.82 Office of Early Learning; powers and duties.—

162 (2) The office shall:

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

167 Section 6. This act shall take effect July 1, 2020.