

By the Committee on Children, Families, and Elder Affairs; and
Senator Book

586-02041-20

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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
8 1002.82, F.S.; conforming cross-references; providing
9 an 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, a new subsection (9) is added to
16 that section, and subsection (2) of that section is amended, to
17 read:

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

19 (2) "Child care facility" includes any child care center or
20 child care arrangement that ~~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 integral
26 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

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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 an
38 afterschool recreation program for school-age children which has
39 organized, regularly scheduled activities, including educational
40 or enrichment activities, and which meets all of the following
41 requirements:

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

47 (b) Is operated by a county, a municipality, or a school
48 district that has adopted by ordinance or policy standards of
49 care for the program which include, but are not limited to:

50 1. Meeting minimum staff-to-children ratios in accordance
51 with s. 402.305(4) and rules adopted by the department
52 thereunder;

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

55 3. Meeting minimum facility, health, and safety standards,
56 including annual fire inspections conducted by the city or
57 county Fire Marshal;

58 4. Ensuring annual health inspections are conducted by the

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59 Department of Health;

60 5. Conducting regular inspection, cleaning, repair, and
61 maintenance of buildings, grounds, and equipment;

62 6. Ensuring at least one staff person trained in
63 cardiopulmonary resuscitation is present at all times when
64 children are present;

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

66 8. Training program employees regarding working with
67 school-age children;

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

70 10. Carrying out annual inspections of vehicles
71 transporting children;

72 11. Enforcing regulations related to the number of children
73 in vehicles in accordance with vehicle capacity and searching
74 vehicles after use to ensure no children are left in the
75 vehicle;

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

78 13. Developing age-appropriate policies relating to child
79 discipline practices and making such policies available to
80 parents or guardians at the time of registration.

81 (c) Has been certified by the county, municipality, or
82 school district as compliant with such standards of care and
83 provides annual attestation to the department of compliance with
84 such standards of care.

85 (d) Provides notice to the parent or guardian of each child
86 participating in the program that the program is not state-
87 licensed or advertised as a child care facility and provides the

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88 parent or guardian with the county's, municipality's, or school
89 district's standards of care.

90 (e) Does not receive funding through the Child Care
91 Development Block Grant of 2014, does not contract to provide a
92 school readiness program pursuant to s. 1002.88, and does not
93 have a Gold Seal Quality Care designation pursuant to s.
94 402.281.

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

97 39.201 Mandatory reports of child abuse, abandonment, or
98 neglect; mandatory reports of death; central abuse hotline.—

99 (6) Information in the central abuse hotline may not be
100 used for employment screening, except as provided in s.
101 39.202(2)(a) and (h) or s. 402.302(16) ~~s. 402.302(15)~~.
102 Information in the central abuse hotline and the department's
103 automated abuse information system may be used by the
104 department, its authorized agents or contract providers, the
105 Department of Health, or county agencies as part of the
106 licensure or registration process pursuant to ss. 402.301-
107 402.319 and ss. 409.175-409.176. Pursuant to s. 39.202(2)(q),
108 the information in the central abuse hotline may also be used by
109 the Department of Education for purposes of educator
110 certification discipline and review.

111 Section 3. Paragraph (a) of subsection (2) of section
112 402.305, Florida Statutes, is amended to read:

113 402.305 Licensing standards; child care facilities.—

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

116 (a) Good moral character based upon screening as defined in

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117 s. 402.302(16) ~~s. 402.302(15)~~. This screening shall be conducted
118 as provided in chapter 435, using the level 2 standards for
119 screening set forth in that chapter, and include employment
120 history checks, and a search of criminal history records, sexual
121 predator and sexual offender registries, and child abuse and
122 neglect registries ~~registry~~ of any state in which the current or
123 prospective child care personnel resided during the preceding 5
124 years.

125 Section 4. Paragraph (y) of subsection (2) of section
126 1002.82, Florida Statutes, is amended to read:

127 1002.82 Office of Early Learning; powers and duties.—

128 (2) The office shall:

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

133 Section 5. This act shall take effect July 1, 2020.