

1 A bill to be entitled
2 An act relating to government-sponsored recreation
3 programs; amending s. 402.302, F.S.; revising and
4 providing definitions; amending s. 402.316, F.S.;
5 providing an exemption for government-sponsored
6 recreation programs from specified child care facility
7 requirements; authorizing an exempt government-
8 sponsored recreation program to waive such exemption
9 by notifying the Department of Children and Families;
10 prohibiting such a program from withdrawing its waiver
11 of the exemption; amending ss. 39.201, 402.305, and
12 1002.82, F.S.; conforming cross-references; providing
13 an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Subsections (9) through (18) of section
18 402.302, Florida Statutes, are renumbered as subsections (10)
19 through (19), respectively, paragraph (f) is added to subsection
20 (2), and a new subsection (9) is added to that section to read:
21 402.302 Definitions.—As used in this chapter, the term:
22 (2) "Child care facility" includes any child care center
23 or child care arrangement which provides child care for more
24 than five children unrelated to the operator and which receives
25 a payment, fee, or grant for any of the children receiving care,

26 | wherever operated, and whether or not operated for profit. The
 27 | following are not included:

28 | (a) Public schools and nonpublic schools and their
 29 | integral programs, except as provided in s. 402.3025;

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

31 | (c) Summer day camps;

32 | (d) Bible schools normally conducted during vacation
 33 | periods; ~~and~~

34 | (e) Operators of transient establishments, as defined in
 35 | chapter 509, which provide child care services solely for the
 36 | guests of their establishment or resort, provided that all child
 37 | care personnel of the establishment are screened according to
 38 | the level 2 screening requirements of chapter 435; and

39 | (f) Government-sponsored recreation programs.

40 | (9) "Government-sponsored recreation program" means an
 41 | after-school recreation program for school-age children which has
 42 | organized, regularly scheduled activities, including educational
 43 | or enrichment activities, and which meets all of the following
 44 | requirements:

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

50 | (b) Is operated by a county or a municipality that has

51 adopted for the program by ordinance standards of care, which
52 include, but are not limited to, meeting minimum staff-to-
53 children ratios in accordance with s. 402.305(4) and rules
54 adopted by the department thereunder; ensuring that all
55 personnel meet the requirements of ss. 402.302, 402.305, and
56 402.3055; meeting minimum facility, health, and safety
57 standards, including annual fire inspections conducted by the
58 local fire marshal; ensuring annual health inspections are
59 conducted by the Department of Health; conducting regular
60 inspection, cleaning, repair, and maintenance of buildings,
61 grounds, and equipment; ensuring at least one staff person
62 trained in cardiopulmonary resuscitation is present at all times
63 when children are present; setting standards related to the
64 provision of food; training program employees regarding working
65 with school-age children; engaging in activities designed to
66 address the ages, interests, and abilities of participants;
67 carrying out annual inspections of vehicles transporting
68 children; enforcing regulations related to the number of
69 children in vehicles in accordance with vehicle capacity and
70 searching vehicles after use to ensure no children are left in
71 the vehicle; ensuring custodial parents or guardians have
72 reasonable access to children while the children are in care;
73 developing age-appropriate policies relating to child discipline
74 practices and making such policies available to parents or
75 guardians at the time of registration.

76 (c) Has been certified by the county or municipality as
 77 compliant with such standards of care and provides annual
 78 attestation to the department of compliance with such standards
 79 of care.

80 (d) Provides notice to the parent or guardian of each
 81 child participating in the program that the program is not
 82 state-licensed or advertised as a child care facility and
 83 provides them with the county's or municipality's standards of
 84 care.

85 (e) Does not receive funding through the Child Care
 86 Development Block Grant of 2014, does not contract to provide a
 87 school readiness program pursuant to s. 1002.88, and does not
 88 have a Gold Seal Quality Care designation pursuant to s.
 89 402.281.

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

92 402.316 Exemptions.—

93 (1) The provisions of ss. 402.301-402.319, except for the
 94 requirements regarding screening of child care personnel, do
 95 ~~shall~~ not apply to a government-sponsored recreation program or
 96 to a child care facility that ~~which~~ is an integral part of
 97 church or parochial schools conducting regularly scheduled
 98 classes, courses of study, or educational programs accredited
 99 by, or by a member of, an organization that ~~which~~ publishes and
 100 requires compliance with its standards for health, safety, and

101 sanitation. However, such facilities shall meet minimum
102 requirements of the applicable local governing body as to
103 health, sanitation, and safety and shall meet the screening
104 requirements pursuant to ss. 402.305 and 402.3055. Failure by a
105 facility to comply with such screening requirements shall result
106 in the loss of the facility's exemption from licensure.

107 (3) Any government-sponsored recreation program or child
108 care facility covered by the exemption provisions of subsection
109 (1) may waive the exemption, but desiring to be included in this
110 act, is authorized to do so by submitting notification to the
111 department. Once licensed, such a program or facility may not
112 cannot withdraw from its waiver of the exemption, and except for
113 the requirements regarding screening of child care personnel,
114 must continue to comply with ss. 402.301-402.319, in order to
115 continue in operation ~~the act and continue to operate.~~

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

118 39.201 Mandatory reports of child abuse, abandonment, or
119 neglect; mandatory reports of death; central abuse hotline.—

120 (6) Information in the central abuse hotline may not be
121 used for employment screening, except as provided in s.
122 39.202(2) (a) and (h) or s. 402.302(16) ~~s. 402.302(15)~~.

123 Information in the central abuse hotline and the department's
124 automated abuse information system may be used by the
125 department, its authorized agents or contract providers, the

126 Department of Health, or county agencies as part of the
 127 licensure or registration process pursuant to ss. 402.301-
 128 402.319 and ss. 409.175-409.176. Pursuant to s. 39.202(2)(q),
 129 the information in the central abuse hotline may also be used by
 130 the Department of Education for purposes of educator
 131 certification discipline and review.

132 Section 4. Paragraph (a) of subsection (2) of section
 133 402.305, Florida Statutes, is amended to read:

134 402.305 Licensing standards; child care facilities.-

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

137 (a) Good moral character based upon screening as defined
 138 in s. 402.302 ~~s. 402.302(15)~~. This screening shall be conducted
 139 as provided in chapter 435, using the level 2 standards for
 140 screening set forth in that chapter, and include employment
 141 history checks, a search of criminal history records, sexual
 142 predator and sexual offender registries, and child abuse and
 143 neglect registry of any state in which the current or
 144 prospective child care personnel resided during the preceding 5
 145 years.

146 Section 5. Paragraph (y) of subsection (2) of section
 147 1002.82, Florida Statutes, is amended to read:

148 1002.82 Office of Early Learning; powers and duties.-

149 (2) The office shall:

150 (y) Establish staff-to-children ratios that do not exceed

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151 the requirements of s. 402.302(8) or (12) ~~s. 402.302(8) or (11)~~
152 or s. 402.305(4), as applicable, for school readiness program
153 providers.

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