

By the Committee on Children, Families, and Elder Affairs; and
Senators Smith, Margolis, Hays, Stargel, Simpson, and Soto

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1 A bill to be entitled
2 An act relating to membership organizations; amending
3 s. 402.301, F.S.; revising legislative intent and
4 policy; requiring all personnel of membership
5 organizations to meet specified background screening;
6 amending s. 402.302, F.S.; adding certain membership
7 organizations that are excluded from the definition of
8 the term "child care facility"; requiring all
9 personnel of membership organizations to meet
10 specified background screening; amending s. 402.316,
11 F.S.; providing that certain membership organizations
12 are exempt from specified provisions; requiring all
13 personnel of membership organizations to meet
14 specified background screening; creating s. 402.3201,
15 F.S.; providing legislative intent; creating a study
16 group; providing for membership; requiring the study
17 group to make recommendations and submit a report to
18 the Governor and the Legislature by a certain date;
19 providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:
22

23 Section 1. Subsection (6) of section 402.301, Florida
24 Statutes, is amended to read:

25 402.301 Child care facilities; legislative intent and
26 declaration of purpose and policy.—It is the legislative intent
27 to protect the health, safety, and well-being of the children of
28 the state and to promote their emotional and intellectual
29 development and care. Toward that end:

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30 (6) It is further the intent and policy of the Legislature
31 that membership organizations affiliated with national
32 organizations which serve only youth 6 to 18 years of age and
33 ~~which do not provide child care,~~ whose primary purpose is the
34 provision of after-school programs, delinquency prevention
35 programs, and providing activities that contribute to the
36 development of good character; which operate at least 5 days per
37 week; which are facility-based or school-based; ~~or good~~
38 ~~sportsmanship or to the education or cultural development of~~
39 ~~minors in this state,~~ which charge only a nominal annual
40 membership fee or no fee; ~~and which are not for profit;~~ and which
41 are certified by their national associations as being in
42 compliance with the association's minimum standards and
43 procedures are shall not be considered child care facilities and
44 therefore are not subject to the licensure requirements or the
45 minimum standards for child care facilities, ~~their personnel~~
46 ~~shall not be required to be screened.~~ However, all child care
47 personnel as defined in s. 402.302 of such membership
48 organizations shall meet background screening requirements
49 through the department pursuant to ss. 402.305 and 402.3055.

50 Section 2. Subsection (2) of section 402.302, Florida
51 Statutes, to read:

52 402.302 Definitions.—As used in this chapter, the term:

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

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

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

62 (c) Summer day camps;

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

65 (e) Operators of transient establishments, as defined in
66 chapter 509, which provide child care services solely for the
67 guests of their establishment or resort, provided that all child
68 care personnel of the establishment are screened according to
69 the level 2 screening requirements of chapter 435; ~~and-~~

70 (f) Membership organizations affiliated with national
71 organizations which serve only youth 6 to 18 years of age and
72 whose primary purpose is the provision of after-school programs,
73 delinquency prevention programs, and activities that contribute
74 to the development of good character; which operate at least 5
75 days per week; which are facility-based or school-based; which
76 charge only a nominal annual membership fee or no fee; which are
77 not for profit; and which are certified by their national
78 associations as being in compliance with the association's
79 minimum standards and procedures. However, all child care
80 personnel as defined in s. 402.302 of such membership
81 organizations shall meet background screening requirements
82 through the department pursuant to ss. 402.305 and 402.3055.

83 Section 3. Section 402.316, Florida Statutes, is amended to
84 read:

85 402.316 Exemptions.—

86 (1) The provisions of ss. 402.301-402.319, except for the
87 requirements regarding screening of child care personnel, do

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88 ~~shall~~ not apply to a child care facility which is an integral
89 part of church or parochial schools conducting regularly
90 scheduled classes, courses of study, or educational programs
91 accredited by, or by a member of, an organization which
92 publishes and requires compliance with its standards for health,
93 safety, and sanitation. However, such facilities shall meet
94 minimum requirements of the applicable local governing body as
95 to health, sanitation, and safety and shall meet the screening
96 requirements pursuant to ss. 402.305 and 402.3055. Failure by a
97 facility to comply with such screening requirements shall result
98 in the loss of the facility's exemption from licensure.

99 (2) The provisions of ss. 402.305-402.319, except for the
100 requirements regarding background screening of personnel, do not
101 apply to membership organizations affiliated with national
102 organizations which serve youth 6 to 18 years of age and whose
103 primary purpose is the provision of after-school programs,
104 delinquency prevention programs, and activities that contribute
105 to the development of good character; which operate at least 5
106 days per week; which are facility-based or school-based; which
107 charge only a nominal annual membership fee or no fee; which are
108 not for profit; and which are certified by their national
109 associations as being in compliance with the association's
110 minimum standards and procedures. However, all child care
111 personnel as defined in s. 402.302 of such membership
112 organizations shall meet background screening requirements
113 through the department pursuant to ss. 402.305 and 402.3055.

114 (3)~~(2)~~ Any county or city with state or local child care
115 licensing programs in existence on July 1, 1974, will continue
116 to license the child care facilities as covered by such

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117 programs, notwithstanding the provisions of subsection (1),
118 until and unless the licensing agency makes a determination to
119 exempt them.

120 (4)~~(3)~~ Any child care facility covered by the exemption
121 provisions of subsection (1), but desiring to be included in
122 this act, is authorized to do so by submitting notification to
123 the department. Once licensed, such facility cannot withdraw
124 from the act and continue to operate.

125 Section 4. Section 402.3201, Florida Statutes, is created
126 to read:

127 402.3201 Not-for-Profit Standards Study Group.-

128 (1) The Legislature recognizes that not-for-profit after-
129 school programs provide important and much needed programs and
130 services to youth who are 6 to 18 years of age at little or no
131 cost to the youth.

132 (2) It is the intent of the Legislature to study the need
133 for minimum standards related to the health, sanitation, and
134 safety of youth who attend not-for-profit after-school programs.

135 (3) The Legislature hereby establishes a Not-for-Profit
136 Standards Study Group for the purpose of reviewing and making
137 recommendations related to the establishment of minimum
138 standards for not-for-profit after-school programs that are not
139 required to be licensed.

140 (4) The study group shall consist of 4 members who shall be
141 appointed by the Governor. Membership must include a
142 representative from the Florida Alliance of the Boys and Girls
143 Clubs, a representative from the Florida Afterschool Network, a
144 representative from the Florida After School Alliance, and a
145 representative from a not-for-profit after-school program

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146 provider.

147 (5) The study group shall make recommendations for
148 establishing reasonable and affordable minimum standards for
149 not-for-profit after-school programs that are not required to be
150 licensed.

151 (6) The study group shall submit a report to the Governor,
152 the President of the Senate, and the Speaker of the House of
153 Representatives by November 1, 2015.

154 Section 5. This act shall take effect July 1, 2015.