

By Senator Smith

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1 A bill to be entitled
 2 An act relating to child care facilities; amending s.
 3 402.301, F.S.; revising legislative intent and policy;
 4 requiring that certain membership organizations
 5 conduct level 2 background screening for child care
 6 personnel; requiring such organizations to demonstrate
 7 compliance upon request; amending s. 402.302, F.S.;
 8 excluding certain membership organizations from the
 9 definition of the term "child care facility";
 10 providing an effective date.

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

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

16 402.301 Child care facilities; legislative intent and
 17 declaration of purpose and policy.—It is the legislative intent
 18 to protect the health, safety, and well-being of the children of
 19 the state and to promote their emotional and intellectual
 20 development and care. Toward that end:

21 (6) It is further the intent and policy of the Legislature
 22 that membership organizations affiliated with national
 23 organizations which do not provide child care as defined in s.
 24 402.302; whose primary purpose is the provision of after school
 25 programs, delinquency prevention programs, and providing
 26 activities that contribute to the development of good character;
 27 which are operated 5 days per week or more; which are facility-
 28 based or school-based; ~~or good sportsmanship or to the education~~
 29 ~~or cultural development of minors in this state,~~ which charge

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30 only a nominal annual membership fee or no fee;~~;~~ which are not
 31 for profit;~~;~~ and which are certified by their national
 32 associations as being in compliance with the association's
 33 minimum standards and procedures are ~~shall not be~~ considered
 34 child care facilities and therefore are not subject to the
 35 licensing requirements or minimum standards for child care
 36 facilities, ~~their personnel shall not be required to be~~
 37 ~~screened.~~ However, such membership organizations shall conduct
 38 background screening of child care personnel in compliance with
 39 ss. 435.04 and 435.12 and, upon request of an authorized state
 40 agency, shall demonstrate compliance with this subsection.

41 Section 2. Paragraph (f) is added to subsection (2) of
 42 section 402.302, Florida Statutes, to read:

43 402.302 Definitions.—As used in this chapter, the term:

44 (2) "Child care facility" includes any child care center or
 45 child care arrangement which provides child care for more than
 46 five children unrelated to the operator and which receives a
 47 payment, fee, or grant for any of the children receiving care,
 48 wherever operated, and whether or not operated for profit. The
 49 following are not included:

50 (a) Public schools and nonpublic schools and their integral
 51 programs, except as provided in s. 402.3025.~~;~~

52 (b) Summer camps having children in full-time residence.~~;~~

53 (c) Summer day camps.~~;~~

54 (d) Bible schools normally conducted during vacation
 55 periods.~~;~~ ~~and~~

56 (e) Operators of transient establishments, as defined in
 57 chapter 509, which provide child care services solely for the
 58 guests of their establishment or resort, provided that all child

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59 care personnel of the establishment are screened according to
60 the level 2 screening requirements of chapter 435.

61 (f) Membership organizations whose primary purpose is the
62 provision of activities that contribute to the development of
63 good character; after school programs; and delinquency
64 prevention programs, if those activities and programs are
65 operated at least 5 days a week, are facility or school based,
66 are not for profit, and are certified by their national
67 organizations as being in compliance with their minimum
68 standards and procedures.

69 Section 3. This act shall take effect July 1, 2015.