

HB 1423

2016

1 A bill to be entitled

2 An act relating to after-school programs; amending s.
3 402.301, F.S.; deleting a legislative intent provision
4 regarding certain not-for-profit organizations and
5 background screening for such organizations; amending
6 s. 435.02, F.S.; revising the term "specified agency";
7 creating s. 1006.05, F.S.; providing legislative
8 findings; defining the term "not-for-profit
9 organization or municipal government"; providing that
10 certain provisions do not apply to not-for-profit
11 organizations and municipal governments; requiring
12 certain employees of not-for-profit organizations and
13 municipal governments to meet certain background
14 screening requirements; creating a study group;
15 providing for membership of the study group; requiring
16 that the study group make recommendations and submit a
17 report to the Governor and the Legislature by a
18 specified date; providing an effective date.

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

21
22 Section 1. Subsection (6) of section 402.301, Florida
23 Statutes, is amended to read:

24 402.301 Child care facilities; legislative intent and
25 declaration of purpose and policy.—It is the legislative intent
26 to protect the health, safety, and well-being of the children of

HB 1423

2016

27 the state and to promote their emotional and intellectual
28 development and care. Toward that end:

29 ~~(6) It is further the intent that membership organizations~~
30 ~~affiliated with national organizations which do not provide~~
31 ~~child care, whose primary purpose is providing activities that~~
32 ~~contribute to the development of good character or good~~
33 ~~sportsmanship or to the education or cultural development of~~
34 ~~minors in this state, which charge only a nominal annual~~
35 ~~membership fee, which are not for profit, and which are~~
36 ~~certified by their national associations as being in compliance~~
37 ~~with the association's minimum standards and procedures shall~~
38 ~~not be considered child care facilities. However, all personnel~~
39 ~~as defined in s. 402.302 of such membership organizations shall~~
40 ~~meet background screening requirements through the department~~
41 ~~pursuant to ss. 402.305 and 402.3055.~~

42 Section 2. Subsection (5) of section 435.02, Florida
43 Statutes, is amended to read:

44 435.02 Definitions.—For the purposes of this chapter, the
45 term:

46 (5) "Specified agency" means the Department of Health, the
47 Department of Children and Families, the Division of Vocational
48 Rehabilitation within the Department of Education, or any other
49 division within the Department of Education that conducts
50 background screenings for after-school programs operated by not-
51 for-profit organizations, the Agency for Health Care
52 Administration, the Department of Elderly Affairs, the

53 Department of Juvenile Justice, the Agency for Persons with
54 Disabilities, and local licensing agencies approved pursuant to
55 s. 402.307, when these agencies are conducting state and
56 national criminal history background screening on persons who
57 work with children or persons who are elderly or disabled.

58 Section 3. Section 1006.05, Florida Statutes, is created
59 to read:

60 1006.05 After-school programs of not-for-profit
61 organizations or municipal governments.—

62 (1) The Legislature finds that not-for-profit
63 organizations and municipal governments that conduct after-
64 school programs contribute to improved learning and the academic
65 success of the children and youth who attend the organization's
66 programs.

67 (2) As used in this section, the term "not-for-profit
68 organization or municipal government" means a not-for-profit
69 organization or municipal government that meets all of the
70 following criteria:

71 (a) Conducts school-based or facility-based after-school
72 programs only for children and youth ages 6 to 18.

73 (b) Provides assistance through such programs with
74 homework, delinquency prevention, life skills, and the
75 development of good character.

76 (c) Operates 5 days a week or more during the school year
77 and operates during school holidays and the summer months.

78 (d) Charges only a nominal fee or no fee.

79 (e) Meets the standards for quality set by the Not-for-
 80 Profit After School Program Standards Study Group if such
 81 standards are adopted by the Legislature.

82 (3) Sections 402.305-402.319 do not apply to not-for-
 83 profit organizations or municipal governments as defined in this
 84 section.

85 (4) A not-for-profit organization or municipal government
 86 that provides an after-school program licensed under s. 402.305
 87 before implementation of this section may, at the organization's
 88 or government's discretion, continue to be licensed under s.
 89 402.305 by submitting a notification to the Department of
 90 Children and Families.

91 (5) An employee of a not-for-profit organization or
 92 municipal government who works directly with children and youth
 93 participating in an after-school program must meet the
 94 background screening requirements of ss. 435.04 and 435.12.

95 Section 4. Not-for-Profit After-school Program Standards
 96 Study Group.-

97 (1) The Not-for-Profit After-school Program Standards
 98 Study Group is created to recommend reasonable and affordable
 99 minimum health, sanitation, and safety standards for after-
 100 school programs provided by not-for-profit organizations or
 101 municipal governments as defined in s. 1006.05, Florida
 102 Statutes.

103 (2) The study group consists of seven members and must
 104 include:

105 (a) A member of the Senate appointed by the President of
 106 the Senate.

107 (b) A member of the House of Representatives appointed by
 108 the Speaker of the House of Representatives.

109 (c) The Commissioner of Education or his or her designee.

110 (d) Three members appointed by the Governor representing
 111 the Florida Afterschool Network, the Florida Alliance of the
 112 Boys and Girls Clubs, and a provider of a not-for-profit after-
 113 school program, respectively.

114 (e) One member appointed by the Governor as a consumer
 115 representative whose child is attending or has attended an
 116 after-school program provided by a not-for-profit organization.

117 (3) The study group shall submit a report to the Governor,
 118 the President of the Senate, and the Speaker of the House of
 119 Representatives by January 1, 2017.

120 Section 5. This act shall take effect upon becoming a law.