

By Senator Smith

31-00561-16

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1 A bill to be entitled
2 An act relating to after-school child care programs;
3 amending s. 402.305, F.S.; requiring the Department of
4 Children and Families to create a tiered after-school
5 licensure program; requiring the department to adopt
6 rules to implement the tiered after-school program;
7 requiring the department to initiate rulemaking to
8 implement the program by a certain date; requiring the
9 department to submit a report to the Governor and
10 Legislature by a certain date; reenacting s.
11 1002.88(1)(a), F.S., relating to school readiness
12 program provider standards, to incorporate the
13 amendment made to s. 402.305, F.S., in a reference
14 thereto; providing an effective date.

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16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Paragraph (c) of subsection (1) of section
19 402.305, Florida Statutes, is amended to read:

20 402.305 Licensing standards; child care facilities.—

21 (1) LICENSING STANDARDS.—The department shall establish
22 licensing standards that each licensed child care facility must
23 meet regardless of the origin or source of the fees used to
24 operate the facility or the type of children served by the
25 facility.

26 (c) The minimum standards for child care facilities shall
27 be adopted in the rules of the department and shall address the
28 areas delineated in this section. The department, in adopting
29 rules to establish minimum standards for child care facilities,

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30 shall recognize that different age groups of children may
31 require different standards. The department may adopt different
32 minimum standards for facilities that serve children in
33 different age groups, including school-age children. The
34 department shall also adopt by rule a definition for child care
35 which distinguishes between child care programs that require
36 child care licensure and after-school programs that do not
37 require licensure. Notwithstanding any other ~~provision of law to~~
38 the contrary, minimum child care licensing standards shall be
39 developed to provide for reasonable, affordable, and safe
40 before-school and after-school care. The department shall
41 develop a tiered after-school child care licensure program that
42 applies licensing criteria based on the risk levels of the
43 activities offered in a program and the populations served by
44 that program. The department shall adopt rules to implement the
45 tiered after-school licensure program required by this
46 paragraph. After-school programs that otherwise meet the
47 criteria for exclusion from licensure may provide snacks and
48 meals through the federal Afterschool Meal Program (AMP)
49 administered by the Department of Health in accordance with
50 federal regulations and standards. The Department of Health
51 shall consider meals to be provided through the AMP only if the
52 program is actively participating in the AMP, is in good
53 standing with the department, and the meals meet AMP
54 requirements. Standards, at a minimum, shall allow for a
55 credentialed director to supervise multiple before-school and
56 after-school sites.

57 Section 2. The Department of Children and Families shall
58 initiate rulemaking to implement the tiered after-school child

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59 care licensure program required by s. 402.305(1)(c), Florida
60 Statutes, by September 30, 2016. The department shall submit a
61 report, including a description of the licensure program and
62 implementation activities, any public comment received regarding
63 the development of the program, and any recommendations for
64 statutory changes, to the Governor, the President of the Senate,
65 and the Speaker of the House of Representatives by November 30,
66 2016.

67 Section 3. For the purpose of incorporating the amendment
68 made by this act to section 402.305, Florida Statutes, in a
69 reference thereto, paragraph (a) of subsection (1) of section
70 1002.88, Florida Statutes, is reenacted to read:

71 1002.88 School readiness program provider standards;
72 eligibility to deliver the school readiness program.—

73 (1) To be eligible to deliver the school readiness program,
74 a school readiness program provider must:

75 (a) Be a child care facility licensed under s. 402.305, a
76 family day care home licensed or registered under s. 402.313, a
77 large family child care home licensed under s. 402.3131, a
78 public school or nonpublic school exempt from licensure under s.
79 402.3025, a faith-based child care provider exempt from
80 licensure under s. 402.316, a before-school or after-school
81 program described in s. 402.305(1)(c), or an informal child care
82 provider to the extent authorized in the state's Child Care and
83 Development Fund Plan as approved by the United States
84 Department of Health and Human Services pursuant to 45 C.F.R. s.
85 98.18.

86 Section 4. This act shall take effect July 1, 2016.