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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(8)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: March 17, 2015

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution urging the Florida Legislature to enact legislation, and the Department of Children and Families to amend the applicable rules, to exempt from licensure required under Chapter 402, Florida Statutes, not-for-profit community organizations not in the business of providing child care but which administer after-school programs, and after-school programs administered by a local government at its parks, serving school-age children by providing activities focused on fitness, nutrition and wellness, academic enrichment, the appreciation for nature, science or the cultural arts, or the development of good character or sportsmanship

Resolution No. R-264-15

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.

R. A. Cuevas, Jr.
County Attorney

RAC/lmp

MEMORANDUM
(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

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Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Mayor's report for public hearing**

✓ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(8)
3-17-15

RESOLUTION NO. R-264-15

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION, AND THE DEPARTMENT OF CHILDREN AND FAMILIES TO AMEND THE APPLICABLE RULES, TO EXEMPT FROM LICENSURE REQUIRED UNDER CHAPTER 402, FLORIDA STATUTES, NOT-FOR-PROFIT COMMUNITY ORGANIZATIONS NOT IN THE BUSINESS OF PROVIDING CHILD CARE BUT WHICH ADMINISTER AFTER-SCHOOL PROGRAMS, AND AFTER-SCHOOL PROGRAMS ADMINISTERED BY A LOCAL GOVERNMENT AT ITS PARKS, SERVING SCHOOL-AGE CHILDREN BY PROVIDING ACTIVITIES FOCUSED ON FITNESS, NUTRITION AND WELLNESS, ACADEMIC ENRICHMENT, THE APPRECIATION FOR NATURE, SCIENCE OR THE CULTURAL ARTS, OR THE DEVELOPMENT OF GOOD CHARACTER OR SPORTSMANSHIP

WHEREAS, section 402.308, Florida Statutes, requires that every child care facility in the state be licensed and that such license be renewed annually; and

WHEREAS, section 402.302(2), Florida Statutes, excludes the following from the definition of a child care facility:

(a) public schools and nonpublic schools and their integral programs, except as provided in section 402.3025, Florida Statutes;

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

(c) summer day camps;

(d) bible schools normally conducted during vacation periods; and

(e) transient establishments which provide child care services solely for the guests of their establishment or resort; and

WHEREAS, sections 402.301(6) and 402.316, Florida Statutes, exempt from licensure required under section 402.308, Florida Statutes, child care programs operated by membership

organizations affiliated with national organizations which do not provide child care and whose primary purpose is providing activities that encourage good character and academic or cultural development, and child care facilities that are an integral part of church or parochial schools; and

WHEREAS, section 402.305(1)(c), Florida Statutes, gives the Department of Children and Families the authority to adopt by rule a definition for child care which distinguishes between child care programs that require child care licensure and after-school programs that do not require licensure; and

WHEREAS, Rule 65C-22.008, Florida Administrative Code, provides that an after-school program serving school-age children is not required to be licensed if the program meets one of the following criteria and complies with the minimum background screening requirements provided in sections 402.305 and 402.3055, Florida Statutes:

(1) the program is located on public or nonpublic school sites, operated and staffed directly by that school, or through a written or formal agreement between the school and a provider, to serve school-age children attending the school;

(2) the program provides only activities that are strictly instructional, tutorial, or academic in nature;

(3) the program: (a) operates for a period not to exceed a total of four hours in any one day, except for on teacher planning days, holidays, and intercessions that occur during the school district's official calendar year; (b) allows children to enter and leave the program at any time, without adult supervision; (c) does not provide any transportation, directly or through a contract or agreement with an outside entity, for the purpose of field trips; and (d) does not serve or prepare any meals, except those provided through the United States Department of Agriculture Afterschool Meal Program administered by the Florida Department of Health; or

(4) the program provides after-school care exclusively for children in grades six and above; and

WHEREAS, low-income children are more likely to head home alone after the school day ends and not participate in after-school programs, usually because of financial roadblocks or a lack of access to those programs in the child's immediate community; and

WHEREAS, low-income children who are not enrolled in an after-school program could benefit from safe, protected spaces to play, an extra measure of adult attention, additional help with homework, and greater opportunities to participate in art and sports activities; and

WHEREAS, providing an exemption from licensure required under Chapter 402, Florida Statutes, for after-school programs administered by local governments at their parks and by not-for-profit community organizations which are not in the business of providing child care would likely reduce the financial and logistical burdens of providing those programs and result in having more accessible after-school programs for low-income children,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to enact legislation that exempts from licensure required under Chapter 402, Florida Statutes: (1) not-for-profit community organizations which are not in the business of providing child care, but which administer after-school programs serving school-age children by providing activities that focus on fitness, nutrition and wellness, academic enrichment, the appreciation for nature, science or the cultural arts, or the development of good character or good sportsmanship, and which operate for a maximum of four hours a day, except for on teacher planning days, holidays, and intercessions that occur during the school district's official calendar year; and (2) after-school programs

administered by a local government at its parks serving school-age children by providing activities that focus on fitness, nutrition and wellness, academic enrichment, the appreciation for nature, science or the cultural arts, or the development of good character or good sportsmanship.

Section 2. Urges the Department of Children and Families to amend the applicable rules to exempt from licensure required under Chapter 402, Florida Statutes: (1) not-for-profit community organizations which are not in the business of providing child care, but which administer after-school programs serving school-age children by providing activities that focus on fitness, nutrition and wellness, academic enrichment, the appreciation for nature, science or the cultural arts, or the development of good character or good sportsmanship, and which operate for a maximum of four hours a day, except for on teacher planning days, holidays, and intercessions that occur during the school district's official calendar year; and (2) after-school programs administered by a local government at its parks serving school-age children by providing activities that focus on fitness, nutrition and wellness, academic enrichment, the appreciation for nature, science or the cultural arts, or the development of good character or good sportsmanship.

Section 3. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation, and the Secretary of the Department of Children and Families.

Section 4. Directs the County's state lobbyists to advocate for the legislation and rule amendment as set forth in Sections 1 and 2 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2015 State Legislative Package to include this item and to include this item in the 2016 State Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Dennis C. Moss. It was offered by Commissioner **Dennis C. Moss**, who moved its adoption. The motion was seconded by Commissioner **Jean Monestime** and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman			**aye**
Esteban L. Bovo, Jr., Vice Chairman			**absent**
Bruno A. Barreiro	**aye**	Daniella Levine Cava	**aye**
Jose "Pepe" Diaz	**absent**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Dennis C. Moss	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**	Xavier L. Suarez	**absent**
Juan C. Zapata	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of March, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Annery Pulgar Alfonso