



Hillsborough County Florida

CHILDREN'S SERVICES/CHILD CARE LICENSING

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MEMORANDUM

DATE: August 9, 2017

TO: All Interested Parties

FROM: Angela Chowning, Manager, Child Care Licensing

SUBJECT: Adoption of Chapter 65C -22.008, Florida Administrative Code - School Age Child Care into Hillsborough County Child Care Facilities Ordinance 14-39

This memo serves to provide notice to all interested parties of the language change to 65C-22.008 of the Florida Administrative Code which outlines the potential licensure exemptions for school age child care. When these changes occur, the local licensing agencies automatically adopt the regulations into their applicable local Ordinance.

Effective immediately, the current language outlined in Ordinance 14-39, Section 8, After School Programs Serving Only, numbers 1-4, is stricken and is replaced with:

- (1) Licensing: A school-aged child care program must be licensed prior to operation and for continued operation, unless the program demonstrates that it is exempt pursuant the one of the exemptions listed below.
- (2) Exemptions: A school-aged child care program is not required to be licensed as long as the program complies with the minimum background screening requirements provided in Sections 402.305 and 402.3055, F.S. and if the program demonstrates that conditions of one of the following criterial outlined in paragraphs (a)- (e) below are met. A school-aged program exempted under subsections (a), (c), or (d) below, may become licensed if it chooses to meet all of the applicable licensing standards.

(a) Programs located on School Sites. The program is located on a public/nonpublic school site and:

- 1. Is operated and staffed directly by that school or through a formal agreement, such as a contract, between the school (or school district, when the latter reserves authority for such agreements) and a provider which names the school/school district as the responsible party for the operation of the program. A lease for space or user agreement; with or without the

endorsement of the program by the school/school district, does not meet the formal agreement requirement.

2. Serves only the school-age children attending the school during the school day. The program may provide services during any out-of-school time, including before school, after school, on teacher planning days, holidays, and intercessions that occur during the school district's academic calendar year.
3. Follows the standards set forth by the Florida Building Code State Requirements for Public Educational Facilities pursuant to Section 402.305(5), F.S., programs operated in public school facilities, regardless of the operator.

(b) Instruction/Tutorial programs. The program is not designated as a Gold Seal Quality Care provider and has a single instructional/tutorial purpose and that purpose is the only service that the program provides. Some examples of these programs include, but are not limited to, tutoring; a computer class; a ballet class; a karate class; baseball instruction or other sport; the program cannot provide any service beyond the instructional and tutorial/academic activity; and:

- (1) Does not cater, serve or prepare meals. The program may choose to provide drinks and ready-to-eat snacks that are individually pre-packaged and do not require refrigeration.
- (2) Does not advertise or otherwise represent that the program has attributes of child care, as defined in Section 402.302(1), F.S.
- (3) Enrollment information shall clearly define the duration of the instructional sessions. Session time may not exceed two hours. If tutoring is provided in multiple academic areas, the total combine session times cannot exceed three hours per day.
- (4) Does not contract to deliver a school readiness program pursuant to Section 1002.88, F.S.

(c) Open Access Programs. The program is not designated as a Gold Seal Quality Care provider and meets all of the following criteria:

- (1) Operates/Serves children for less than four hours per day; however, the program may provide services during any out-of-school time, including before school, after school, on teacher planning days, holidays, and intercessions that occur during the school district's official academic calendar year.

- (2) Does not advertise or otherwise represent that the program is an afterschool child care program or that the program offers supervision.
 - (3) Allows children to enter and leave the program at any time without permission, prior arrangements, or supervision, and the program does not assume responsibility for supervision.
 - (4) Does not provide transportation, directly or through a contract or agreement with an outside entity, during the hours of operation for the purposes of field trips; and,
 - (5) Does not serve or prepare any meals, except those provided through the USDA Afterschool Meal Program (AMP) administered by the Florida Department of Health, pursuant to Section 402.305(1)(c), F.S. Programs not participating in the AMP may choose to provide drinks and ready-to-eat snacks that are individually pre-packaged and do not require refrigeration.
 - (6) Does not contract to deliver a school readiness program pursuant to Section 1002.88, F.S.
- (d) Any program that is not designated as a Gold Seal Quality Care provider and is providing care for school aged children that is operated by, or in affiliation with a national membership non-profit or not for profit organization that certifies membership organizations, as of February 1, 2017, in at least ten states, that was created for the purpose of providing activities that contribute to the development of good character or good sportsmanship or to the education or cultural development of minor in this state, that charges a membership fee for children and may receive grant funding for services. Such is certified by its national association as complying with the association's purposes, procedures, minimum standards and mandatory requirements for all of its before school, after school or out-of-school time programs. The program must notify the Department prior to operating and annually, thereafter, of any operation of before school, after school or out-of-school time programs, provide verification of certification and good standing by its national association for all of its before school, after school or out of school time programs, and complete an annual attestation for compliance with background screening requirements. Failure by a program to comply with such reporting, providing required verifications, and screening requirements shall result in the loss of the program's exemption from licensure.
- (e) The program is not designated as a Gold Seal Quality Care provider and provides child care exclusively for children in grades six and above.
- (3) After School Programs serving only school- aged children that choose to expand their program beyond the parameters listed above must be assessed to determine if licensure is

required. Any after school program accepting children under the age of a School Aged Child as defined in Ordinance 14-39 must be licensed.