

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Pafford offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Effective September 1, 2015, present subsections (13) and (18) of section 402.302, Florida Statutes, are amended, and new subsections (18), (19), and (20) are added to that section, to read:

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

(13) "Operator" means any onsite person ultimately responsible for the overall operation of a child care facility, summer day camp, or summer 24-hour camp, regardless of whether ~~or not~~ he or she is the owner or administrator of such facility.

(18) "Summer camp personnel" means owners, operators, employees, and volunteers working in summer day camps or summer 24-hour camps providing care for children.

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17       (19) "Summer day camp" means recreational, educational,  
18 and other enrichment programs operated during summer vacations  
19 for children who are 5 years of age or older on or before  
20 September 1.

21       (20) "Summer 24-hour camp" means recreational,  
22 educational, and other enrichment programs that are not  
23 exclusively educational and that are operated on a 24-hour basis  
24 during summer vacations for children who are 5 years of age or  
25 older on or before September 1.

26       (21)-(18) "Weekend child care" means child care provided  
27 between the hours of 6 p.m. on Friday and 6 a.m. on Monday.

28       Section 2. Effective September 1, 2015, section 402.31315,  
29 Florida Statutes, is created to read:

30       402.31315 Registration of summer camps.-

31       (1) The purpose of this section is to protect all children  
32 in the state who attend summer day camps or summer 24-hour camps  
33 by establishing registration and screening requirements for such  
34 camps and providing procedures to determine adherence to these  
35 requirements.

36       (a) All owners, operators, employees, and volunteers who  
37 have any contact with children in a summer day camp or summer  
38 24-hour camp are "summer camp personnel" as defined in s.  
39 402.302. All such persons must be screened using the level 2  
40 screening standards in chapter 435. A volunteer who assists on  
41 an intermittent basis for less than 10 hours per month does not  
42 require screening if a person who meets the screening  
43 requirement of this section is always present and has the  
44 volunteer in his or her line of sight.

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45 (b) "Registration" means a document issued by the  
46 department certifying that an applicant meets the requirements  
47 of this section to operate a summer day camp or summer 24-hour  
48 camp. A registration under this section is issued to a summer  
49 day camp or summer 24-hour camp and is not a professional  
50 license of any person. Issuance of a registration under this  
51 section does not grant a property right to the registrant. A  
52 registration under this section is a public trust and a  
53 privilege and is not an entitlement. In an administrative  
54 proceeding, the department must produce competent substantial  
55 evidence to support its stated reasons for denying a  
56 registration or for sanctioning an existing registration.

57 (2) An application for registration shall be made on forms  
58 provided, and in the manner prescribed, by the department. The  
59 department shall determine the good moral character of the  
60 applicant based on the screening requirements provided in s.  
61 402.302(15).

62 (3) (a) Failure on the part of an owner or operator of a  
63 summer day camp or summer 24-hour camp, after written  
64 notification, to dismiss personnel who have been found not to be  
65 in compliance with the requirements for good moral character  
66 results in automatic denial and revocation of registration in  
67 addition to any other remedies provided in this section which  
68 may be pursued by the department. Such failure, after written  
69 notification, also constitutes an immediate serious danger to  
70 the public health, safety, or welfare and supports an emergency  
71 suspension, restriction, or limitation of an existing  
72 registration under s. 120.60(6).

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73       (b) The department may adopt rules relating to the  
74 registration and screening requirements for summer day camps and  
75 summer 24-hour camps.

76       (c) The department shall have access to the personnel  
77 records of summer day camps and summer 24-hour camps to ensure  
78 compliance with registration and screening requirements.

79       (d) The department shall establish a protocol to avoid  
80 duplication of background screening requests.

81       (4) If the department finds that a person or entity, after  
82 written notification of the registration requirement, continues  
83 to operate a summer day camp or summer 24-hour camp without a  
84 registration, the department shall notify the appropriate state  
85 attorney of the violation of s. 402.319.

86       (5) Sections 402.311, 402.312, and 402.3125 apply to  
87 summer day camps and summer 24-hour camps.

88       Section 3. Effective September 1, 2015, section 402.318,  
89 Florida Statutes, is amended to read:

90       402.318 Advertisement.—A person, as defined in s. 1.01(3),  
91 may not advertise a child care facility, family day care home,  
92 ~~or~~ large family child care home, summer day camp, or summer 24-  
93 hour camp without including within such advertisement the state  
94 or local agency license number or registration number of such  
95 facility, ~~or~~ home, summer day camp, or summer 24-hour camp.  
96 Violation of this section is a misdemeanor of the first degree,  
97 punishable as provided in s. 775.082 or s. 775.083.

98       Section 4. Effective September 1, 2015, section 402.319,  
99 Florida Statutes, is amended to read:

100       402.319 Penalties.—

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101 (1) It is a misdemeanor of the first degree, punishable as  
102 provided in s. 775.082 or s. 775.083, for any person knowingly  
103 to:

104 (a) Fail, by false statement, misrepresentation,  
105 impersonation, or other fraudulent means, to disclose in any  
106 application for voluntary or paid employment or licensure  
107 regulated under ss. 402.301-402.318 all information required  
108 under those sections or a material fact used in making a  
109 determination as to such person's qualifications to be child  
110 care personnel, as defined in s. 402.302, in a child care  
111 facility, family day care home, summer day camp, summer 24-hour  
112 camp, or other child care program.

113 (b) Operate or attempt to operate a child care facility  
114 without having procured a license as required by this act.

115 (c) Operate or attempt to operate a family day care home  
116 without a license or without registering with the department,  
117 whichever is applicable.

118 (d) Operate or attempt to operate a summer day camp or  
119 summer 24-hour camp without registering with the department.

120 (e)-(d) Operate or attempt to operate a child care  
121 facility, ~~or~~ family day care home, summer day camp, or summer  
122 24-hour camp under a license or registration that is suspended,  
123 revoked, or terminated.

124 (f)-(e) Misrepresent, by act or omission, a child care  
125 facility, ~~or~~ family day care home, summer day camp, or summer  
126 24-hour camp to be duly licensed or registered pursuant to this  
127 act without being so licensed or registered.

128 (g)-(f) Make any other misrepresentation, by act or

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129 omission, regarding the licensure, registration, or operation of  
130 a child care facility, ~~or~~ family day care home, summer day camp,  
131 or summer 24-hour camp to a parent or guardian who has a child  
132 placed in the facility or is inquiring as to placing a child in  
133 the facility, or to a representative of the licensing authority,  
134 or to a representative of a law enforcement agency, including,  
135 but not limited to, any misrepresentation as to:

136 1. The number of children at the child care facility, ~~or~~  
137 ~~the~~ family day care home, summer day camp, or summer 24-hour  
138 camp;

139 2. The part of the child care facility, ~~or~~ family day care  
140 home, summer day camp, or summer 24-hour camp designated for  
141 child care or camp;

142 3. The qualifications or credentials of child care  
143 personnel;

144 4. Whether a family day care home, ~~or~~ child care facility,  
145 summer day camp, or summer 24-hour camp complies with the  
146 screening requirements of s. 402.305; or

147 5. Whether child care personnel have the training as  
148 required by s. 402.305.

149 (2) If any child care personnel makes any  
150 misrepresentation in violation of this section to a parent or  
151 guardian who has placed a child in the child care facility, ~~or~~  
152 family day care home, summer day camp, or summer 24-hour camp  
153 and the parent or guardian relied upon the misrepresentation,  
154 and the child suffers great bodily harm, permanent  
155 disfigurement, permanent disability, or death as a result of an  
156 intentional act or negligence by the child care personnel, then

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157 the child care personnel commits a felony of the second degree,  
158 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

159 Section 5. Effective September 1, 2015, paragraphs (i),  
160 (j), (l), and (m) of subsection (2), paragraph (d) of subsection  
161 (4), paragraph (a) of subsection (5), paragraphs (d) and (k) of  
162 subsection (6), paragraphs (a) through (c) of subsection (10),  
163 and subsection (12) of section 409.175, Florida Statutes, are  
164 amended to read:

165 409.175 Licensure of family foster homes, residential  
166 child-caring agencies, and child-placing agencies; public  
167 records exemption.—

168 (2) As used in this section, the term:

169 (i) "Personnel" means all owners, operators, employees,  
170 and volunteers working in a child-placing agency, family foster  
171 home, or residential child-caring agency who may be employed by  
172 or do volunteer work for a person, corporation, or agency that  
173 holds a license as a child-placing agency or a residential  
174 child-caring agency, but the term does not include those who do  
175 not work on the premises where child care is furnished and have  
176 no direct contact with a child or have no contact with a child  
177 outside of the presence of the child's parent or guardian. For  
178 purposes of screening, the term includes any member, over the  
179 age of 12 years, of the family of the owner or operator or any  
180 person other than a client, over the age of 12 years, residing  
181 with the owner or operator if the agency or family foster home  
182 is located in or adjacent to the home of the owner or operator  
183 or if the family member of, or person residing with, the owner  
184 or operator has any direct contact with the children. Members of

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185 the family of the owner or operator, or persons residing with  
186 the owner or operator, who are between the ages of 12 years and  
187 18 years are not required to be fingerprinted, but must be  
188 screened for delinquency records. ~~For purposes of screening, the~~  
189 ~~term also includes owners, operators, employees, and volunteers~~  
190 ~~working in summer day camps, or summer 24-hour camps providing~~  
191 ~~care for children.~~ A volunteer who assists on an intermittent  
192 basis for less than 10 hours per month shall not be included in  
193 the term "personnel" for the purposes of screening if a person  
194 who meets the screening requirement of this section is always  
195 present and has the volunteer in his or her line of sight.

196 (j) "Residential child-caring agency" means any person,  
197 corporation, or agency, public or private, other than the  
198 child's parent or legal guardian, that provides staffed 24-hour  
199 care for children in facilities maintained for that purpose,  
200 regardless of whether operated for profit or whether a fee is  
201 charged. Such residential child-caring agencies include, but are  
202 not limited to, maternity homes, runaway shelters, group homes  
203 that are administered by an agency, emergency shelters that are  
204 not in private residences, and wilderness camps. Residential  
205 child-caring agencies do not include hospitals, boarding  
206 schools, ~~summer or recreation camps,~~ nursing homes, or  
207 facilities operated by a governmental agency for the training,  
208 treatment, or secure care of delinquent youth, or facilities  
209 licensed under s. 393.067 or s. 394.875 or chapter 397.

210 ~~(l) "Summer day camp" means recreational, educational, and~~  
211 ~~other enrichment programs operated during summer vacations for~~  
212 ~~children who are 5 years of age on or before September 1 and~~

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213 ~~elder.~~

214 ~~(m) "Summer 24-hour camp" means recreational, educational,~~  
215 ~~and other enrichment programs operated on a 24-hour basis during~~  
216 ~~summer vacation for children who are 5 years of age on or before~~  
217 ~~September 1 and older, that are not exclusively educational.~~

218 (4)

219 (d) This license requirement does not apply to boarding  
220 schools, ~~recreation and summer camps,~~ nursing homes, or  
221 hospitals, ~~or~~ to persons who care for children of friends or  
222 neighbors in their homes for periods not to exceed 90 days, or  
223 to persons who have received a child for adoption from a  
224 licensed child-placing agency.

225 (5) (a) The department shall adopt and amend licensing  
226 rules for family foster homes, residential child-caring  
227 agencies, and child-placing agencies. The department may grant  
228 exemptions from disqualification from working with children or  
229 the developmentally disabled as provided in s. 435.07. ~~The~~  
230 ~~department may also adopt rules relating to the screening~~  
231 ~~requirements for summer day camps and summer 24-hour camps.~~ The  
232 requirements for licensure and operation of family foster homes,  
233 residential child-caring agencies, and child-placing agencies  
234 shall include:

235 1. The operation, conduct, and maintenance of these homes  
236 and agencies and the responsibility which they assume for  
237 children served and the evidence of need for that service.

238 2. The provision of food, clothing, educational  
239 opportunities, services, equipment, and individual supplies to  
240 assure the healthy physical, emotional, and mental development

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241 of the children served.

242 3. The appropriateness, safety, cleanliness, and general  
243 adequacy of the premises, including fire prevention and health  
244 standards, to provide for the physical comfort, care, and well-  
245 being of the children served.

246 4. The ratio of staff to children required to provide  
247 adequate care and supervision of the children served and, in the  
248 case of foster homes, the maximum number of children in the  
249 home.

250 5. The good moral character based upon screening,  
251 education, training, and experience requirements for personnel.

252 ~~6. The department may grant exemptions from~~  
253 ~~disqualification from working with children or the~~  
254 ~~developmentally disabled as provided in s. 435.07.~~

255 ~~6.7.~~ The provision of preservice and inservice training  
256 for all foster parents and agency staff.

257 ~~7.8.~~ Satisfactory evidence of financial ability to provide  
258 care for the children in compliance with licensing requirements.

259 ~~8.9.~~ The maintenance by the agency of records pertaining  
260 to admission, progress, health, and discharge of children  
261 served, including written case plans and reports to the  
262 department.

263 ~~9.10.~~ The provision for parental involvement to encourage  
264 preservation and strengthening of a child's relationship with  
265 the family.

266 ~~10.11.~~ The transportation safety of children served.

267 ~~11.12.~~ The provisions for safeguarding the cultural,  
268 religious, and ethnic values of a child.

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269 ~~12.13.~~ Provisions to safeguard the legal rights of  
270 children served.

271 (6)

272 (d)1. The department may pursue other remedies provided in  
273 this section in addition to denial or revocation of a license  
274 for failure to comply with the screening requirements. The  
275 disciplinary actions determination to be made by the department  
276 and the procedure for hearing for applicants and licensees shall  
277 be in accordance with chapter 120.

278 2. When the department has reasonable cause to believe  
279 that grounds for denial or termination of employment exist, it  
280 shall notify, in writing, the applicant, or licensee, ~~or summer~~  
281 ~~or recreation camp,~~ and the personnel affected, stating the  
282 specific record which indicates noncompliance with the screening  
283 requirements.

284 3. Procedures established for hearing under chapter 120  
285 shall be available to the applicant, licensee, ~~summer day camp,~~  
286 ~~or summer 24-hour camp,~~ and affected personnel, in order to  
287 present evidence relating either to the accuracy of the basis  
288 for exclusion or to the denial of an exemption from  
289 disqualification.

290 4. Refusal on the part of an applicant to dismiss  
291 personnel who have been found not to be in compliance with the  
292 requirements for good moral character results ~~of personnel shall~~  
293 ~~result~~ in automatic denial or revocation of a license in  
294 addition to any other remedies provided in this section which  
295 may be pursued by the department.

296 ~~(k) The department may not license summer day camps or~~

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297 ~~summer 24-hour camps. However, the department shall have access~~  
298 ~~to the personnel records of such facilities to ensure compliance~~  
299 ~~with the screening requirements.~~

300 (10) (a) The department may institute injunctive  
301 proceedings in a court of competent jurisdiction to:

302 1. Enforce the provisions of this section or any license  
303 requirement, rule, or order issued or entered into pursuant  
304 thereto; or

305 2. Terminate the operation of an agency in which any of  
306 the following conditions exist:

307 a. The licensee has failed to take preventive or  
308 corrective measures in accordance with any order of the  
309 department to maintain conformity with licensing requirements.

310 b. There is a violation of any of the provisions of this  
311 section, or of any licensing requirement promulgated pursuant to  
312 this section, which violation threatens harm to any child or  
313 which constitutes an emergency requiring immediate action.

314 ~~3. Terminate the operation of a summer day camp or summer~~  
315 ~~24-hour camp providing care for children when such camp has~~  
316 ~~willfully and knowingly refused to comply with the screening~~  
317 ~~requirements for personnel or has refused to terminate the~~  
318 ~~employment of personnel found to be in noncompliance with the~~  
319 ~~requirements for good moral character as determined in paragraph~~  
320 ~~(5)(a).~~

321 ~~(b) If the department finds, within 30 days after written~~  
322 ~~notification by registered mail of the requirement for~~  
323 ~~licensure, that a person or agency continues to care for or to~~  
324 ~~place children without a license or, within 30 days after~~

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325 ~~written notification by registered mail of the requirement for~~  
326 ~~screening of personnel and compliance with paragraph (5) (a) for~~  
327 ~~the hiring and continued employment of personnel, that a summer~~  
328 ~~day camp or summer 24-hour camp continues to provide care for~~  
329 ~~children without complying, the department shall notify the~~  
330 ~~appropriate state attorney of the violation of law and, if~~  
331 ~~necessary, shall institute a civil suit to enjoin the person or~~  
332 ~~agency from continuing the placement or care of children or to~~  
333 ~~enjoin the summer day camp or summer 24-hour camp from~~  
334 ~~continuing the care of children.~~

335 ~~(b) (e)~~ Such injunctive relief may be temporary or  
336 permanent.

337 (12) (a) It is unlawful for a ~~any~~ person or agency to:

338 1. Provide continuing full-time care for or to receive or  
339 place a child apart from her or his parents in a residential  
340 group care facility, family foster home, or adoptive home  
341 without a valid license issued by the department if such license  
342 is required by subsection (5); or

343 2. Make a willful or intentional misstatement on any  
344 license application or other document required to be filed in  
345 connection with an application for a license.

346 (b) It is unlawful for a ~~any~~ person, or ~~or~~ agency, ~~summer day~~  
347 ~~camp, or summer 24-hour camp~~ providing care for children to:

348 1. Willfully or intentionally fail to comply with the  
349 requirements for the screening of personnel or the dismissal of  
350 personnel found not to be in compliance with the requirements  
351 for good moral character as specified in paragraph (5) (a).

352 2. Use information from the criminal records obtained

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353 under this section for any purpose other than screening a person  
354 for employment as specified in this section or to release such  
355 information to any other person for any purpose other than  
356 screening for employment as specified in this section.

357 (c) It is unlawful for a ~~any person,~~ or ~~agency,~~ ~~summer day~~  
358 ~~camp, or summer 24-hour camp~~ providing care for children to use  
359 information from the juvenile records of any person obtained  
360 under this section for any purpose other than screening for  
361 employment as specified in this section or to release  
362 information from such records to any other person for any  
363 purpose other than screening for employment as specified in this  
364 section.

365 (d)1. A first violation of paragraph (a) or paragraph (b)  
366 is a misdemeanor of the first degree, punishable as provided in  
367 s. 775.082 or s. 775.083.

368 2. A second or subsequent violation of paragraph (a) or  
369 paragraph (b) is a felony of the third degree, punishable as  
370 provided in s. 775.082 or s. 775.083.

371 3. A violation of paragraph (c) is a felony of the third  
372 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
373 775.084.

374 Section 6. Subsection (8) is added to section 1012.467,  
375 Florida Statutes, to read:

376 1012.467 Noninstructional contractors who are permitted  
377 access to school grounds when students are present; background  
378 screening requirements.—

379 (8) (a) The Department of Education shall create a uniform,  
380 statewide identification badge to be worn by noninstructional

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381 contractors signifying that a contractor has met the  
382 requirements of this section. The school district shall issue an  
383 identification badge to the contractor, which must bear a  
384 photograph of the contractor. An identification badge shall be  
385 issued if the contractor:

386 1. Is a resident and citizen of the United States or a  
387 permanent resident alien of the United States as determined by  
388 the United States Citizenship and Immigration Services;

389 2. Is 18 years of age or older; and

390 3. Meets the background screening requirements under this  
391 section.

392 (b) The uniform, statewide identification badge shall be  
393 recognized by all school districts and must be visible at all  
394 times that a noninstructional contractor is on school grounds.

395 (c) The identification badge shall be valid for 5 years.  
396 If a noninstructional contractor provides notification pursuant  
397 to subsection (6), the contractor shall, within 48 hours, return  
398 the identification badge to the school district that issued the  
399 badge.

400 (d) The Department of Education shall determine a uniform  
401 cost that a school district may charge a noninstructional  
402 contractor for receipt of the identification badge, which shall  
403 be borne by the recipient of the badge.

404 (e) This subsection does not apply to noninstructional  
405 contractors who are exempt from background screening  
406 requirements pursuant to s. 1012.468.

407 Section 7. Except as otherwise expressly provided in this  
408 act, this act shall take effect July 1, 2013.

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**T I T L E   A M E N D M E N T**

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to youth safety; amending s. 402.302, F.S.; revising and providing definitions; creating s. 402.31315, F.S.; providing conditions for the Department of Children and Families to sanction or deny registration for a summer day camp or summer 24-hour camp; providing procedure for registration of such camps; requiring specified persons coming into contact with children to undergo background screening; authorizing the department to adopt rules; providing for department access to camp personnel records; providing applicability; amending s. 402.318, F.S.; providing applicability of certain advertising requirements to summer day camps and summer 24-hour camps; amending s. 402.319, F.S.; providing criminal penalties for operating a summer day camp or summer 24-hour camp without registering with the department; amending s. 409.175, F.S.; revising definitions; revising conditions under which the department may institute injunctive proceedings; amending s. 1012.467, F.S.; requiring the Department of Education to create a uniform, statewide identification badge to be worn by noninstructional contractors signifying that a contractor has met specified requirements;



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437 requiring school district issuance and recognition of  
438 the identification badge; providing for validity  
439 period of the identification badge; providing for a  
440 uniform cost for receipt of the identification badge  
441 to be borne by the contractor; providing an exception  
442 for certain contractors; providing effective dates.