

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: CS/SB 1424

INTRODUCER: Children, Families, and Elder Affairs Committee and Senator Clemens

SUBJECT: Regulation of Summer Camps

DATE: April 8, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sanford	Hendon	CF	Fav/CS
2.			AP	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1424 amends s. 409.175, F.S., to clarify the existing requirement that owners, operators, employees, and volunteers working in summer day camps or summer 24-hour camps providing care for children must pass a background screening, using the level 2 standards for screening set forth in ch. 435, F.S.

The bill requires the Department of Children and Families (DCF or the department) to create an online registry of persons who have met the background screening requirements, using information supplied by owners and operators of the camps. The registry is to be placed on the department's internet website and to be available to the public.

The bill authorizes the department to adopt rules to implement its provisions.

The bill has an insignificant fiscal impact on the state and has an effective date of July 1, 2014.

II. Present Situation:

Section 409.175, F.S., currently provides definitions for "operator," "personnel," "screening," and "summer day camp."

Current law requires that all summer camp personnel, including owners, operators, employees, and volunteers, have Level 2 background screening, but this requirement is difficult to find, as it

is reached through reading two paragraphs of the definitions section of the law.¹ The department is not authorized to license summer camp programs, but must enforce background screening compliance to ensure that all summer camp staff is properly background screened. Summer camp personnel must be rescreened annually if there is a 90-day break in employment.

Chapter 435, F.S., governs background screening standards and requirements for employment:

- **Level 1 screening standards** – Employees required by law to be screened pursuant to Level 1 standards must undergo background screening which includes, but need not be limited to, employment history checks and statewide criminal correspondence checks through the Florida Department of Law Enforcement (FDLE), and a check of the Dru Sjodin National Sex Offender Public Website, and may include local criminal records checks through local law enforcement agencies.²
- **Level 2 screening standards** – Employees required by law to be screened pursuant to Level 2 standards must undergo a security background investigation which includes, but need not be limited to, fingerprinting for statewide criminal history records checks through the Department of Law Enforcement, and national criminal history records checks through the Federal Bureau of Investigation, and may include local criminal records checks through local law enforcement agencies.³
- **Disqualifying offenses** – Level 1 and Level 2 screenings must ensure that no person has been arrested for and is awaiting final disposition of, has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or has been adjudicated delinquent and the record has not been sealed or expunged for, any of an expansive list of specified offenses.⁴
- **Exemptions from disqualification** – The head of the appropriate agency may grant to any employee otherwise disqualified from employment an exemption from disqualification under a number of specified circumstances.⁵

III. Effect of Proposed Changes:

Section 1 amends s. 409.175, F.S., to add a new subsection (18), explicitly stating the current requirement that owners, operators, employees, and volunteers working in summer day camps or summer 24-hour camps providing care for children must pass a background screening, using the level 2 standards for screening set forth in chapter 435, F.S. It requires DCF to create an online registry of persons who have met screening requirements, using information supplied by the owners and operators of the camps. The registry is to be placed on the department's internet website and is to be available to the public.

The bill also authorizes DCF to adopt rules to implement this new subsection.

Section 2 sets an effective date of July 1, 2014.

¹ Section 409.175(2)(i) and (k), F.S.

² Section 435.03, F.S.

³ Section 435.04, F.S.

⁴ *Id.*

⁵ Section 435.07, F.S.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Owners and operators of summer day camps and summer 24-hour camps can choose to provide information to DCF for inclusion on the registry. If they do so, they may incur some slight administrative expense. The existence of the registry may speed up hiring decisions in some cases, resulting in savings to the owners and operators.

C. Government Sector Impact

Developing the registry and placing it on the department's internet website will likely have an insignificant fiscal impact.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends s. 409.175 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Children, Families, and Elder Affairs on April 8, 2014:

The Committee Substitute:

- Removes provisions relating to the development and distribution of badges to persons who have passed background screening requirements for employment in summer day camps and summer 24-hour camps.
- Adds a new subsection to s. 409.175, F.S., clarifying the existing requirement that the owners, operators, employees, and volunteers working in summer day camps or summer 24-hour camps providing care for children successfully complete level 2 background screening.
- Requires DCF to create an online registry of persons who have met the background screening requirements and to make this information public through the use of its departmental internet website.
- Authorizes DCS to adopt rules to implement the provisions of the bill.

- B. **Amendments:**

None.