

**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.)

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

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BILL: SB 1424

INTRODUCER: Senator Clemens

SUBJECT: Regulation of Summer Camps

DATE: April 7, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sanford	Hendon	CF	<b>Pre-meeting</b>
2.	_____	_____	AP	_____
3.	_____	_____	RC	_____

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**I. Summary:**

SB 1424 creates s. 402.3053, F.S., to require the Department of Children and Families (DCF or the department) to create a uniform, statewide identification badge to be worn by summer camp personnel signifying that the person has met the Level 2 screening requirements of ch. 435, F.S.

The bill provides definitions for “operator,” “personnel,” “screening,” and “summer camp.”

It requires that DCF determine the uniform cost that the summer camp may charge for the issuance of the identification badges, and that the cost of the badges be borne by the recipient of the badge.

The bill has a 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.” These definitions are similar, but not identical to the definitions provided in the bill and placed in the newly created s. 402.3053, F.S.

Current law requires that all summer camp personnel, including owners, operators, employees, and volunteers, have Level 2 background screening.<sup>1</sup> 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.

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<sup>1</sup> Section 409.175, F.S.

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.<sup>2</sup>
- **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.<sup>3</sup>
- **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.<sup>4</sup>
- **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.<sup>5</sup>

There is no requirement in current law for persons who have been screened to be issued uniform identification badges.

### III. Effect of Proposed Changes:

**Section 1** of the bill provides definitions for “operator,” “personnel,” “screening,” and “summer camp.” The definition of “summer camp” includes both “summer day camp” and “summer 24-hour camp.” The bill requires the department to create a uniform, statewide identification badge to be worn by summer camp personnel signifying that the person has met the Level 2 screening requirements of ch. 435, F.S. The badge must bear a photograph of the person, and can only be issued if the person:

- Is a resident and citizen of the United States or a permanent resident alien of the United States as determined by the United States Citizenship and Immigration Services; and
- Meets the level 2 background screening requirements of ch. 435, F.S.

The badge must be visible at all times the employee or volunteer is on summer camp grounds. It is valid for five years or until the person is no longer employed or volunteering for a summer camp. The employee or volunteer is directed to return the badge within 48 hours after leaving employment or ceasing to volunteer at the summer camp.

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<sup>2</sup> Section 435.03, F.S.

<sup>3</sup> Section 435.04, F.S.

<sup>4</sup> *Id.*

<sup>5</sup> Section 435.07, F.S.

The department is directed to determine a uniform cost that a summer camp may charge for the identification badge. This cost is to be borne by the recipient of the badge. The bill does not specify to whom the payment for the badge is to be rendered nor how the funds are to be distributed.

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

**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:

Employees of summer camps will have to pay for the identification badges. The summer camps may ensure some administrative costs related to requesting and issuing the badges.

C. Government Sector Impact

The department estimates that at least 311,300 badges will be needed and that the equipment to produce the badges will need to be placed in each Child Care office of the department. Half-time staff for 26 weeks per year at \$11.50/hour would be needed to operate the equipment to produce the badges. While the cost of the badges to the employees and volunteers might be available to offset costs after the first year, these funds will not be available at the onset of the program.

<b>Fiscal Impact</b>	<b>Fiscal Year 2014-15</b>			
	<b>FTE</b>	<b>GR</b>	<b>Trust</b>	<b>Total</b>
DCF/purchase of printers		\$82,391	\$0	\$82,391
DCF/temporary employees	5.5 (22 @ half time for 26 weeks)	\$163,134	\$0	\$163,134
DCF/computers		\$54,384		\$54,384
<b>Total</b>		\$299,909	\$0	\$299,909

**VI. Technical Deficiencies:**

Most of the provisions relating to summer camps are found in ch. 409, F.S., rather than ch. 402, F.S. Placement of these provisions in ch. 402, F.S., may be confusing.

Implementing the badge requirement on July 1, 2014, in the midst of the summer camp season, may be difficult.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates s. 402.3053 of the Florida Statutes.

**IX. Additional Information:**

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

None.

B. **Amendments:**

None.