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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/13/2013	.	
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The Committee on Children, Families, and Elder Affairs (Clemens) recommended the following:

Senate Amendment (with title amendment)

Delete lines 103 - 160
and insert:

Section 2. Registration of summer camps.—

(1) The intent and purpose of this section is to protect all children attending summer day camps or summer 24-hour camps by establishing registration and screening requirements for such camps and providing procedures to determine adherence to these requirements.

(a) All owners, operators, employees, and volunteers who have any contact with children in a summer day camp or summer



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13 24-hour camp are considered "summer camp personnel" as defined
14 in s. 402.302, Florida Statutes. All such persons must be
15 screened using the level 2 standards in chapter 435, Florida
16 Statutes.

17 (b) Registration means a document issued by the Department
18 of Children and Families certifying an applicant meets the
19 requirements in statute and rule to operate a summer day camp or
20 summer 24-hour camp. A registration under this section is issued
21 to a summer day camp or summer 24-hour camp and is not a
22 professional license of any person. Receipt of a registration
23 under this section does not create a property right in the
24 recipient. A registration under this section is a public trust
25 and a privilege and is not an entitlement. In an administrative
26 proceeding, the department must produce competent substantial
27 evidence to support its stated reasons for denying a
28 registration or for sanctioning an existing registration.

29 (2) An application for registration shall be made on forms
30 provided and in the manner prescribed by the department. The
31 department shall determine the good moral character of the
32 applicant based on the screening requirements provided in s.
33 402.302, Florida Statutes.

34 (3) (a) Failure on the part of an owner or operator of a
35 summer day camp or summer 24-hour camp, after written
36 notification, to dismiss personnel who have been found not to be
37 in compliance with the requirements for good moral character of
38 personnel shall constitute an immediate serious danger to the
39 public health, safety, or welfare to support an emergency
40 suspension, restriction, or limitation of an existing
41 registration under s. 120.60, Florida Statutes.



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42 (b) The department may adopt rules relating to the
43 registration and screening requirements for summer day camps and
44 summer 24-hour camps.

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

48 (4) If the department finds that a person or entity, after
49 written notification of the registration requirement, continues
50 to operate a summer day camp or summer 24-hour camp without a
51 registration, the department shall notify the appropriate state
52 attorney of the violation of 420.319, Florida Statutes.

53 (5) A summer day camp or summer 24-hour camp shall accord
54 to the department the privilege of inspection, including access
55 to facilities and personnel and to those records required
56 pursuant to s. 402.305, Florida Statutes, at reasonable times
57 during regular business hours. The right of entry and inspection
58 shall also extend to any premises that the department has reason
59 to believe are being operated or maintained as part of the
60 summer day camp or summer 24-hour camp, but no such entry or
61 inspection of any premises shall be made without the permission
62 of the person in charge thereof unless a warrant is first
63 obtained from the circuit court authorizing same. Any
64 application for registration or renewal of registration made
65 pursuant to this act or the advertisement to the public for
66 provision of a summer day camp or a summer 24-hour camp
67 constitutes permission for any entry or inspection of the summer
68 day camp or summer 24-hour camp for which the registration is
69 sought in order to facilitate verification of the information
70 submitted on or in connection with the registration application.



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71 In the event a summer day camp or summer 24-hour camp refuses
72 permission for entry or inspection to the department, a warrant
73 shall be obtained from the circuit court authorizing the same
74 prior to such entry or inspection. The department may institute
75 disciplinary proceedings pursuant to s. 402.310, Florida
76 Statutes, for such refusal.

77 (6) A summer day camp or summer 24-hour camp may not
78 advertise without including within such advertisement the
79 registration number of such summer day camp or summer 24-hour
80 camp.

81 (7) It is a misdemeanor of the first degree, punishable as
82 provided in s. 775.082 or s. 775.083, Florida Statutes, for any
83 person to knowingly:

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

86 (b) Operate or attempt to operate a summer day camp or
87 summer 24-hour camp under a registration that is suspended,
88 revoked, or terminated.

89 (c) Misrepresent, by act or omission, a summer day camp or
90 summer 24 hour camp, to be duly registered pursuant to this
91 section without being so registered.

92 (d) Make any other misrepresentation, by act or omission,
93 regarding the registration or operation of a summer day camp or
94 summer 24-hour camp to a parent or guardian who has a child
95 placed in the summer day camp or summer 24-hour camp or is
96 inquiring as to placing a child in the summer day camp or summer
97 24-hour camp, to a representative of the department, or to a
98 representative of a law enforcement agency, including, but not
99 limited to, any misrepresentation as to whether the summer day



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100 camp or summer 24-hour camp complies with the screening
101 requirements of s. 402.302, Florida Statutes.

102 (8) If any summer camp personnel makes any
103 misrepresentation in violation of this section to a parent or
104 guardian who has placed a children in the summer day camp or
105 summer 24-hour camp and the parent or guardian relied upon the
106 misrepresentation, and the child suffers great bodily harm,
107 permanent disfigurement, permanent disability, or death as a
108 result of an intentional act or negligence by the summer camp
109 personnel, the summer camp personnel commits a felony of the
110 second degree, punishable as provided in s. 775.082, s. 775.083,
111 or s. 775.084, Florida Statutes.

112 (9) When the department has reasonable cause to believe
113 that grounds for denial or termination of employment exist, it
114 shall notify, in writing, the applicant, or owner and operator
115 of the summer day camp or summer 24-hour camp, and the personnel
116 affected, stating the specific record which indicates
117 noncompliance with the screening requirements. Procedures
118 established for hearing under chapter 120, Florida Statutes,
119 shall be available to the applicant, owner and operator, and
120 affected personnel, in order to present evidence relating either
121 to the accuracy of the basis for exclusion or to the denial of
122 an exemption from disqualification.

123 (10) (a) If a summer day camp or summer 24-hour camp has
124 failed to take preventive or corrective measures in accordance
125 with any order of the department to maintain conformity with the
126 registration requirements, or if there is a violation of any of
127 the provisions of any registration requirement pursuant to this
128 act, which violation threatens harm to any child or which



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129 constitutes an emergency requiring immediate action, the
130 department may institute injunctive proceedings in a court of
131 competent jurisdiction to terminate the operation of the summer
132 day camp or summer 24-hour camp providing care for children when
133 such camp has willfully and knowingly refused to comply with the
134 screening requirements for personnel or has refused to terminate
135 the employment of personnel found to be in noncompliance with
136 the registration requirements.

137 (b) If the department finds, within 30 days after written
138 notification by registered mail of the requirement for
139 registration or of the violation of screening requirements, that
140 a summer day camp or summer 24-hour camp continues to provide
141 care for children without complying, the department shall notify
142 the appropriate state attorney of the violation of law and, if
143 necessary shall institute a civil suit to enjoin the summer day
144 camp or summer 24-hour camp from continuing the care of
145 children.

146 (11) (a) It is unlawful for any summer day camp or summer
147 24-hour camp providing care for children to:

148 1. Willfully or intentionally fail to comply with the
149 requirements for the screening of personnel or the dismissal of
150 personnel found to not be in compliance with chapter 435,
151 Florida Statutes.

152 2. Use information from the criminal records obtained under
153 this section for any purpose other than screening a person for
154 employment as specified in this section or to release such
155 information to any other person for any purpose other than
156 screening for employment as specified in this section.

157 3. Use information from the juvenile records of any person



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158 obtained under this section for any purpose other than screening
159 for employment as specified in this section or to release
160 information from such records to any other person for any
161 purpose other than screening for employment as specified in this
162 section.

163 (b)1. A first violation of subparagraph (a)1., subparagraph
164 (a)2., or subparagraph (a)3. is a misdemeanor of the first
165 degree, punishable as provided in s. 775.082 or s. 775.083,
166 Florida Statutes.

167 2. A second violation of subparagraph (a)1., subparagraph
168 (a)2., or subparagraph (a)3., is a felony of the third degree,
169 punishable as provided in s. 775.082 or s. 775.083, Florida
170 Statutes.

171 3. A violation of subparagraph (a)3. is a felony of the
172 third degree, punishable as provided in s. 775.082, s. 775.083,
173 or s. 775.084, Florida Statutes.

174 Section 3. This act shall take effect July 1, 2013.

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176 ===== T I T L E A M E N D M E N T =====

177 And the title is amended as follows:

178 Delete lines 5 - 13

179 and insert:

180
181 providing duties of the department; providing
182 legislative intent for children in the state who
183 attend summer day camps or summer 24-hour camps;
184 requiring specified persons coming into contact with
185 children to be screened; requiring summer day camps
186 and summer 24-hour camps to register with the



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187 department; providing registration and screening
188 requirements for summer camp personal; requiring a
189 camp to dismiss personnel who are not of good moral
190 character; authorizing the department to adopt rules
191 relating to registration and screening; requiring the
192 department to notify the appropriate state attorney of
193 a violation of the registration requirement; requiring
194 camps to allow the department access to personnel and
195 facilities; providing for the necessity of a warrant
196 in certain circumstances; authorizing the department
197 to institute disciplinary proceedings; requiring the
198 camp to display its registration on any advertisement;
199 providing criminal penalties; providing for
200 termination of employment of summer camp personnel;
201 providing for termination of the operation of a summer
202 day camp or summer 24-hour camp; providing for civil
203 relief and criminal penalties; providing an