

By the Committee on Children, Families, and Elder Affairs; and
Senator Clemens

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1 A bill to be entitled
2 An act relating to regulation of summer camps;
3 amending s. 409.175, F.S.; providing that Department
4 of Children and Families license requirements apply to
5 summer day camps and summer 24-hour camps; providing
6 duties of the department; providing legislative intent
7 for children in the state who attend summer day camps
8 or summer 24-hour camps; requiring specified persons
9 coming into contact with children to be screened;
10 requiring summer day camps and summer 24-hour camps to
11 register with the department; providing registration
12 and screening requirements for summer camp personal;
13 requiring a camp to dismiss personnel who are not of
14 good moral character; authorizing the department to
15 adopt rules relating to registration and screening;
16 requiring the department to notify the appropriate
17 state attorney of a violation of the registration
18 requirement; requiring camps to allow the department
19 access to personnel and facilities; providing for the
20 necessity of a warrant in certain circumstances;
21 authorizing the department to institute disciplinary
22 proceedings; requiring the camp to display its
23 registration on any advertisement; providing criminal
24 penalties; providing for termination of employment of
25 summer camp personnel; providing for termination of
26 the operation of a summer day camp or summer 24-hour
27 camp; providing for civil relief and criminal
28 penalties; providing an effective date.
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30 Be It Enacted by the Legislature of the State of Florida:

31
32 Section 1. Paragraph (d) of subsection (4), paragraph (a)
33 of subsection (5), and paragraphs (d) and (k) of subsection (6)
34 of section 409.175, Florida Statutes, are amended to read:

35 409.175 Licensure of family foster homes, residential
36 child-caring agencies, ~~and~~ child-placing agencies, summer 24-
37 hour camps, and summer day camps; public records exemption.-

38 (4)

39 (d) This license requirement does not apply to boarding
40 schools, ~~recreation and summer camps~~, nursing homes, or
41 hospitals, ~~or~~ to persons who care for children of friends or
42 neighbors in their homes for periods not to exceed 90 days, or
43 to persons who have received a child for adoption from a
44 licensed child-placing agency.

45 (5) (a) The department shall adopt and amend licensing rules
46 for family foster homes, residential child-caring agencies, ~~and~~
47 child-placing agencies, and. ~~The department may also adopt rules~~
48 ~~relating to the screening requirements for~~ summer day camps and
49 summer 24-hour camps. The requirements for licensure and
50 operation of family foster homes, residential child-caring
51 agencies, ~~and~~ child-placing agencies, summer day camps, and
52 summer 24-hour camps shall include:

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

56 2. The provision of food, clothing, educational
57 opportunities, services, equipment, and individual supplies to
58 assure the healthy physical, emotional, and mental development

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59 of the children served.

60 3. The appropriateness, safety, cleanliness, and general
61 adequacy of the premises, including fire prevention and health
62 standards, to provide for the physical comfort, care, and well-
63 being of the children served.

64 4. The ratio of staff to children required to provide
65 adequate care and supervision of the children served and, in the
66 case of foster homes, the maximum number of children in the
67 home.

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

70 6. The department may grant exemptions from
71 disqualification from working with children or the
72 developmentally disabled as provided in s. 435.07.

73 7. The provision of preservice and inservice training for
74 all foster parents and agency staff.

75 8. Satisfactory evidence of financial ability to provide
76 care for the children in compliance with licensing requirements.

77 9. The maintenance by the agency of records pertaining to
78 admission, progress, health, and discharge of children served,
79 including written case plans and reports to the department.

80 10. The provision for parental involvement to encourage
81 preservation and strengthening of a child's relationship with
82 the family.

83 11. The transportation safety of children served.

84 12. The provisions for safeguarding the cultural,
85 religious, and ethnic values of a child.

86 13. Provisions to safeguard the legal rights of children
87 served.

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88 (6)

89 (d)1. The department may pursue other remedies provided in
90 this section in addition to denial or revocation of a license
91 for failure to comply with the screening requirements. The
92 disciplinary actions determination to be made by the department
93 and the procedure for hearing for applicants and licensees shall
94 be in accordance with chapter 120.

95 2. When the department has reasonable cause to believe that
96 grounds for denial or termination of employment exist, it shall
97 notify, in writing, the applicant or licensee, ~~or summer or~~
98 ~~recreation camp~~, and the personnel affected, stating the
99 specific record which indicates noncompliance with the screening
100 requirements.

101 3. Procedures established for hearing under chapter 120
102 shall be available to the applicant or licensee, ~~summer day~~
103 ~~camp, or summer 24-hour camp~~, and affected personnel, in order
104 to present evidence relating either to the accuracy of the basis
105 for exclusion or to the denial of an exemption from
106 disqualification.

107 4. Refusal on the part of an applicant to dismiss personnel
108 who have been found not to be in compliance with the
109 requirements for good moral character of personnel shall result
110 in automatic denial or revocation of license in addition to any
111 other remedies provided in this section which may be pursued by
112 the department.

113 (k) The department shall ~~may not~~ license summer day camps
114 and ~~or~~ summer 24-hour camps and. ~~However, the department~~ shall
115 have access to the personnel records of such camps ~~facilities~~ to
116 ensure compliance with the screening requirements.

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117 Section 2. Registration of summer camps.—

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

123 (a) All owners, operators, employees, and volunteers who
124 have any contact with children in a summer day camp or summer
125 24-hour camp are considered "summer camp personnel" as defined
126 in s. 402.302, Florida Statutes. All such persons must be
127 screened using the level 2 standards in chapter 435, Florida
128 Statutes.

129 (b) Registration means a document issued by the Department
130 of Children and Families certifying an applicant meets the
131 requirements in statute and rule to operate a summer day camp or
132 summer 24-hour camp. A registration under this section is issued
133 to a summer day camp or summer 24-hour camp and is not a
134 professional license of any person. Receipt of a registration
135 under this section does not create a property right in the
136 recipient. A registration under this section is a public trust
137 and a privilege and is not an entitlement. In an administrative
138 proceeding, the department must produce competent substantial
139 evidence to support its stated reasons for denying a
140 registration or for sanctioning an existing registration.

141 (2) An application for registration shall be made on forms
142 provided and in the manner prescribed by the department. The
143 department shall determine the good moral character of the
144 applicant based on the screening requirements provided in s.
145 402.302, Florida Statutes.

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146 (3) (a) Failure on the part of an owner or operator of a
147 summer day camp or summer 24-hour camp, after written
148 notification, to dismiss personnel who have been found not to be
149 in compliance with the requirements for good moral character of
150 personnel shall constitute an immediate serious danger to the
151 public health, safety, or welfare to support an emergency
152 suspension, restriction, or limitation of an existing
153 registration under s. 120.60, Florida Statutes.

154 (b) The department may adopt rules relating to the
155 registration and screening requirements for summer day camps and
156 summer 24-hour camps.

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

160 (4) If the department finds that a person or entity, after
161 written notification of the registration requirement, continues
162 to operate a summer day camp or summer 24-hour camp without a
163 registration, the department shall notify the appropriate state
164 attorney of the violation of 420.319, Florida Statutes.

165 (5) A summer day camp or summer 24-hour camp shall accord
166 to the department the privilege of inspection, including access
167 to facilities and personnel and to those records required
168 pursuant to s. 402.305, Florida Statutes, at reasonable times
169 during regular business hours. The right of entry and inspection
170 shall also extend to any premises that the department has reason
171 to believe are being operated or maintained as part of the
172 summer day camp or summer 24-hour camp, but no such entry or
173 inspection of any premises shall be made without the permission
174 of the person in charge thereof unless a warrant is first

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175 obtained from the circuit court authorizing same. Any
176 application for registration or renewal of registration made
177 pursuant to this act or the advertisement to the public for
178 provision of a summer day camp or a summer 24-hour camp
179 constitutes permission for any entry or inspection of the summer
180 day camp or summer 24-hour camp for which the registration is
181 sought in order to facilitate verification of the information
182 submitted on or in connection with the registration application.
183 In the event a summer day camp or summer 24-hour camp refuses
184 permission for entry or inspection to the department, a warrant
185 shall be obtained from the circuit court authorizing the same
186 prior to such entry or inspection. The department may institute
187 disciplinary proceedings pursuant to s. 402.310, Florida
188 Statutes, for such refusal.

189 (6) A summer day camp or summer 24-hour camp may not
190 advertise without including within such advertisement the
191 registration number of such summer day camp or summer 24-hour
192 camp.

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

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

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

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

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204 (d) Make any other misrepresentation, by act or omission,
205 regarding the registration or operation of a summer day camp or
206 summer 24-hour camp to a parent or guardian who has a child
207 placed in the summer day camp or summer 24-hour camp or is
208 inquiring as to placing a child in the summer day camp or summer
209 24-hour camp, to a representative of the department, or to a
210 representative of a law enforcement agency, including, but not
211 limited to, any misrepresentation as to whether the summer day
212 camp or summer 24-hour camp complies with the screening
213 requirements of s. 402.302, Florida Statutes.

214 (8) If any summer camp personnel makes any
215 misrepresentation in violation of this section to a parent or
216 guardian who has placed a children in the summer day camp or
217 summer 24-hour camp and the parent or guardian relied upon the
218 misrepresentation, and the child suffers great bodily harm,
219 permanent disfigurement, permanent disability, or death as a
220 result of an intentional act or negligence by the summer camp
221 personnel, the summer camp personnel commits a felony of the
222 second degree, punishable as provided in s. 775.082, s. 775.083,
223 or s. 775.084, Florida Statutes.

224 (9) When the department has reasonable cause to believe
225 that grounds for denial or termination of employment exist, it
226 shall notify, in writing, the applicant, or owner and operator
227 of the summer day camp or summer 24-hour camp, and the personnel
228 affected, stating the specific record which indicates
229 noncompliance with the screening requirements. Procedures
230 established for hearing under chapter 120, Florida Statutes,
231 shall be available to the applicant, owner and operator, and
232 affected personnel, in order to present evidence relating either

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233 to the accuracy of the basis for exclusion or to the denial of
234 an exemption from disqualification.

235 (10) (a) If a summer day camp or summer 24-hour camp has
236 failed to take preventive or corrective measures in accordance
237 with any order of the department to maintain conformity with the
238 registration requirements, or if there is a violation of any of
239 the provisions of any registration requirement pursuant to this
240 act, which violation threatens harm to any child or which
241 constitutes an emergency requiring immediate action, the
242 department may institute injunctive proceedings in a court of
243 competent jurisdiction to terminate the operation of the summer
244 day camp or summer 24-hour camp providing care for children when
245 such camp has willfully and knowingly refused to comply with the
246 screening requirements for personnel or has refused to terminate
247 the employment of personnel found to be in noncompliance with
248 the registration requirements.

249 (b) If the department finds, within 30 days after written
250 notification by registered mail of the requirement for
251 registration or of the violation of screening requirements, that
252 a summer day camp or summer 24-hour camp continues to provide
253 care for children without complying, the department shall notify
254 the appropriate state attorney of the violation of law and, if
255 necessary shall institute a civil suit to enjoin the summer day
256 camp or summer 24-hour camp from continuing the care of
257 children.

258 (11) (a) It is unlawful for any summer day camp or summer
259 24-hour camp providing care for children to:

260 1. Willfully or intentionally fail to comply with the
261 requirements for the screening of personnel or the dismissal of

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262 personnel found to not be in compliance with chapter 435,
263 Florida Statutes.

264 2. Use information from the criminal records obtained under
265 this section for any purpose other than screening a person for
266 employment as specified in this section or to release such
267 information to any other person for any purpose other than
268 screening for employment as specified in this section.

269 3. Use information from the juvenile records of any person
270 obtained under this section for any purpose other than screening
271 for employment as specified in this section or to release
272 information from such records to any other person for any
273 purpose other than screening for employment as specified in this
274 section.

275 (b)1. A first violation of subparagraph (a)1., subparagraph
276 (a)2., or subparagraph (a)3. is a misdemeanor of the first
277 degree, punishable as provided in s. 775.082 or s. 775.083,
278 Florida Statutes.

279 2. A second violation of subparagraph (a)1., subparagraph
280 (a)2., or subparagraph (a)3., is a felony of the third degree,
281 punishable as provided in s. 775.082 or s. 775.083, Florida
282 Statutes.

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

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