

By Senator Book

32-01098-21

20211096__

1 A bill to be entitled
2 An act relating to the screening of summer camp
3 personnel; amending s. 402.302, F.S.; defining terms;
4 creating s. 402.3132, F.S.; providing applicability of
5 certain requirements to summer day camps and summer
6 24-hour camps; providing an exception; requiring such
7 camps to meet specified minimum requirements relating
8 to health, sanitation, and safety and specified child
9 care personnel screening requirements; providing that
10 failure of a camp to comply with such requirements
11 results in the loss of the camp's ability to operate;
12 authorizing the Department of Children and Families or
13 local licensing agency to perform specified
14 enforcement actions; requiring camps to register with
15 the department for inclusion in the department's
16 summer camp listing to be in compliance with specified
17 requirements; amending s. 409.175, F.S.; conforming
18 provisions to changes made by the act; providing an
19 effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:
22

23 Section 1. Present subsection (18) of section 402.302,
24 Florida Statutes, is redesignated as subsection (20), and new
25 subsection (18) and subsection (19) are added to that section,
26 to read:

27 402.302 Definitions.—As used in this chapter, the term:
28 (18) "Summer day camp" means recreational, educational, and
29 other enrichment programs operated during summer vacation for

32-01098-21

20211096__

30 children who are 5 years of age or older on or before September
31 1.

32 (19) "Summer 24-hour camp" means recreational, educational,
33 and other enrichment programs operated on a 24-hour basis during
34 summer vacation for children who are 5 years of age or older on
35 or before September 1 which are not exclusively educational.

36 Section 2. Section 402.3132, Florida Statutes, is created
37 to read:

38 402.3132 Summer day camps and summer 24-hour camps.-

39 (1) The provisions of ss. 402.301-402.319, with the
40 exception of the requirements regarding the screening of child
41 care personnel, do not apply to a summer day camp or a summer
42 24-hour camp. However, a summer day camp or a summer 24-hour
43 camp shall meet the minimum requirements of the local governing
44 body as to health, sanitation, and safety, if applicable, and
45 shall meet the child care personnel screening requirements in
46 ss. 402.305 and 402.3055. Failure by a summer day camp or a
47 summer 24-hour camp to comply with such screening requirements
48 shall result in the loss of the camp's ability to operate.

49 (2) The department or local licensing agency may commence
50 and maintain all proper and necessary actions and proceedings
51 for any of the following purposes:

52 (a) To protect the health, sanitation, safety, and well-
53 being of all children under care.

54 (b) To enforce its rules and regulations.

55 (c) To apply for injunction to the proper circuit court.

56 The judge of such court shall have jurisdiction upon hearing and
57 for cause shown to grant a temporary or permanent injunction
58 restraining any person or entity from violating or continuing to

32-01098-21

20211096__

59 violate any of the child care personnel screening requirements
60 in ss. 402.305 and 402.3055.

61 (d) To impose an administrative fine, not to exceed \$100
62 per violation per day, for each violation of the child care
63 personnel screening requirements in ss. 402.305 and 402.3055.

64 (3) To be in compliance with the requirements of this
65 section, all summer camps or 24-hour summer camps must register
66 with the department for inclusion in the department's summer
67 camp listing.

68 Section 3. Paragraphs (j), (l), (o), and (p) of subsection
69 (2), paragraph (d) of subsection (4), paragraphs (e) and (l) of
70 subsection (6), paragraphs (a) and (b) of subsection (10), and
71 paragraphs (b) and (c) of subsection (12) of section 409.175,
72 Florida Statutes, are amended to read:

73 409.175 Licensure of family foster homes, residential
74 child-caring agencies, and child-placing agencies; public
75 records exemption.—

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

77 (j) "Personnel" means all owners, operators, employees, and
78 volunteers working in a child-placing agency or residential
79 child-caring agency who may be employed by or do volunteer work
80 for a person, corporation, or agency that holds a license as a
81 child-placing agency or a residential child-caring agency, but
82 the term does not include those who do not work on the premises
83 where child care is furnished and have no direct contact with a
84 child or have no contact with a child outside of the presence of
85 the child's parent or guardian. For purposes of screening, the
86 term includes any member, over the age of 12 years, of the
87 family of the owner or operator or any person other than a

32-01098-21

20211096__

88 client, over the age of 12 years, residing with the owner or
89 operator if the agency is located in or adjacent to the home of
90 the owner or operator or if the family member of, or person
91 residing with, the owner or operator has any direct contact with
92 the children. Members of the family of the owner or operator, or
93 persons residing with the owner or operator, who are between the
94 ages of 12 years and 18 years are not required to be
95 fingerprinted, but must be screened for delinquency records. ~~For~~
96 ~~purposes of screening, the term also includes owners, operators,~~
97 ~~employees, and volunteers working in summer day camps, or summer~~
98 ~~24-hour camps providing care for children.~~ A volunteer who
99 assists on an intermittent basis for less than 10 hours per
100 month shall not be included in the term "personnel" for the
101 purposes of screening if a person who meets the screening
102 requirement of this section is always present and has the
103 volunteer in his or her line of sight.

104 (1) "Residential child-caring agency" means any person,
105 corporation, or agency, public or private, other than the
106 child's parent or legal guardian, that provides staffed 24-hour
107 care for children in facilities maintained for that purpose,
108 regardless of whether operated for profit or whether a fee is
109 charged. Such residential child-caring agencies include, but are
110 not limited to, maternity homes, runaway shelters, group homes
111 that are administered by an agency, emergency shelters that are
112 not in private residences, and wilderness camps. Residential
113 child-caring agencies do not include hospitals, boarding
114 schools, ~~summer or recreation camps,~~ nursing homes, or
115 facilities operated by a governmental agency for the training,
116 treatment, or secure care of delinquent youth, or facilities

32-01098-21

20211096__

117 licensed under s. 393.067 or s. 394.875 or chapter 397.

118 ~~(o) "Summer day camp" means recreational, educational, and~~
119 ~~other enrichment programs operated during summer vacations for~~
120 ~~children who are 5 years of age on or before September 1 and~~
121 ~~older.~~

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

126 (4)

127 (d) This license requirement does not apply to boarding
128 schools, ~~recreation and summer camps,~~ nursing homes, hospitals,
129 or to persons who care for children of friends or neighbors in
130 their homes for periods not to exceed 90 days or to persons who
131 have received a child for adoption from a licensed child-placing
132 agency.

133 (6)

134 (e)1. The department may pursue other remedies provided in
135 this section in addition to denial or revocation of a license
136 for failure to comply with the screening requirements. The
137 disciplinary actions determination to be made by the department
138 and the procedure for hearing for applicants and licensees shall
139 be in accordance with chapter 120.

140 2. When the department has reasonable cause to believe that
141 grounds for denial or termination of employment exist, it shall
142 notify, in writing, the applicant or, licensee, ~~or summer or~~
143 ~~recreation camp,~~ and the personnel affected, stating the
144 specific record that indicates noncompliance with the screening
145 requirements.

32-01098-21

20211096__

146 3. Procedures established for hearing under chapter 120
147 shall be available to the applicant or, licensee, ~~summer day~~
148 ~~camp, or summer 24-hour camp~~, and affected personnel, in order
149 to present evidence relating either to the accuracy of the basis
150 for exclusion or to the denial of an exemption from
151 disqualification. Such procedures may also be used to challenge
152 a decision by a community-based care lead agency's refusal to
153 issue a letter supporting an application for licensure. If the
154 challenge is to the actions of the community-based care lead
155 agency, the respondent to the challenge shall be the lead agency
156 and the department shall be notified of the proceedings.

157 4. Refusal on the part of an applicant to dismiss personnel
158 who have been found not to be in compliance with the
159 requirements for good moral character of personnel shall result
160 in automatic denial or revocation of license in addition to any
161 other remedies provided in this section which may be pursued by
162 the department.

163 ~~(1) The department may not license summer day camps or~~
164 ~~summer 24-hour camps. However, the department shall have access~~
165 ~~to the personnel records of such facilities to ensure compliance~~
166 ~~with the screening requirements. The department may adopt rules~~
167 ~~relating to the screening requirements for summer day camps and~~
168 ~~summer 24-hour camps.~~

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

171 1. Enforce the provisions of this section or any license
172 requirement, rule, or order issued or entered into pursuant
173 thereto; or

174 2. Terminate the operation of an agency in which any of the

32-01098-21

20211096__

175 following conditions exist:

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

179 b. There is a violation of any of the provisions of this
180 section, or of any licensing requirement promulgated pursuant to
181 this section, which violation threatens harm to any child or
182 which constitutes an emergency requiring immediate action.

183 ~~3. Terminate the operation of a summer day camp or summer
184 24-hour camp providing care for children when such camp has
185 willfully and knowingly refused to comply with the screening
186 requirements for personnel or has refused to terminate the
187 employment of personnel found to be in noncompliance with the
188 requirements for good moral character as determined in paragraph
189 (5)(b).~~

190 (b) If the department finds, within 30 days after written
191 notification by registered mail of the requirement for
192 licensure, that a person or agency continues to care for or to
193 place children without a license or, within 30 days after
194 written notification by registered mail of the requirement for
195 screening of personnel and compliance with paragraph (5)(b) for
196 the hiring and continued employment of personnel, ~~that a summer
197 day camp or summer 24-hour camp continues to provide care for
198 children without complying,~~ the department shall notify the
199 appropriate state attorney of the violation of law and, if
200 necessary, shall institute a civil suit to enjoin the person or
201 agency from continuing the placement or care of children ~~or to
202 enjoin the summer day camp or summer 24-hour camp from
203 continuing the care of children.~~

32-01098-21

20211096__

204 (12)

205 (b) It is unlawful for any person, agency, or family foster
206 home, ~~summer day camp, or summer 24-hour camp~~ providing care for
207 children to:

208 1. Willfully or intentionally fail to comply with the
209 requirements for the screening of personnel and family foster
210 homes or the dismissal of personnel or removal of household
211 members found not to be in compliance with the requirements for
212 good moral character as specified in paragraph (5) (b).

213 2. Use information from the criminal records obtained under
214 this section for any purpose other than screening a person for
215 employment as specified in this section or to release such
216 information to any other person for any purpose other than
217 screening for employment as specified in this section.

218 (c) It is unlawful for any person, agency, or family foster
219 home, ~~summer day camp, or summer 24-hour camp~~ providing care for
220 children to use information from the juvenile records of any
221 person obtained under this section for any purpose other than
222 screening for employment as specified in this section or to
223 release information from such records to any other person for
224 any purpose other than screening for employment as specified in
225 this section.

226 Section 4. This act shall take effect July 1, 2021.