

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

586-02623-21

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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 the child care
11 personnel screening requirements results in the loss
12 of the camp's ability to operate; prohibiting the
13 Department of Children and Families from licensing
14 summer day camps and summer 24-hour camps; authorizing
15 the department to access personnel records of such
16 camps for a specified purpose; authorizing the
17 department to adopt rules; authorizing the department
18 or local licensing agency to perform specified
19 enforcement actions; requiring camps to register with
20 the department for inclusion in the department's
21 summer camp listing to be in compliance with specified
22 requirements; amending s. 409.175, F.S.; conforming
23 provisions to changes made by the act; providing an
24 effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:
27

28 Section 1. Present subsection (18) of section 402.302,
29 Florida Statutes, is redesignated as subsection (20), and new

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30 subsection (18) and subsection (19) are added to that section,
31 to read:

32 402.302 Definitions.—As used in this chapter, the term:

33 (18) "Summer day camp" means recreational, educational, and
34 other enrichment programs operated during summer vacation for
35 children who are 5 years of age or older on or before September
36 1.

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

41 Section 2. Section 402.3132, Florida Statutes, is created
42 to read:

43 402.3132 Summer day camps and summer 24-hour camps.—

44 (1) The provisions of ss. 402.301-402.319, with the
45 exception of the requirements regarding the screening of child
46 care personnel, do not apply to a summer day camp or a summer
47 24-hour camp. However, a summer day camp or a summer 24-hour
48 camp shall meet the minimum requirements of the local governing
49 body as to health, sanitation, and safety, if applicable, and
50 shall meet the child care personnel screening requirements in
51 ss. 402.305 and 402.3055.

52 (2) Failure by a summer day camp or a summer 24-hour camp
53 to comply with the child care personnel screening requirements
54 in ss. 402.305 and 402.3055 shall result in the loss of the
55 camp's ability to operate.

56 (3) The department may not license summer day camps or
57 summer 24-hour camps. However, the department must be provided
58 access to the personnel records of such facilities to ensure

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59 compliance with the child care personnel screening requirements
60 in ss. 402.305 and 402.3055. The department may adopt rules
61 relating to the personnel screening requirements for summer day
62 camps and summer 24-hour camps.

63 (4) The department or local licensing agency may commence
64 and maintain all proper and necessary actions and proceedings
65 for any of the following purposes:

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

68 (b) To enforce its rules and regulations.

69 (c) To apply to the proper circuit court for injunctions.

70 The court shall have jurisdiction, upon hearing and for cause
71 shown, to grant a temporary or permanent injunction restraining
72 any person or entity from violating or continuing to violate any
73 of the child care personnel screening requirements in ss.
74 402.305 and 402.3055, including refusal to terminate the
75 employment of personnel found to be in noncompliance.

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

79 (5) To be in compliance with the requirements of this
80 section, all summer day camps or 24-hour summer camps must
81 register with the department for inclusion in the department's
82 summer camp listing.

83 Section 3. Paragraphs (j), (l), (o), and (p) of subsection
84 (2), paragraph (d) of subsection (4), paragraphs (e) and (l) of
85 subsection (6), paragraphs (a) and (b) of subsection (10), and
86 paragraphs (b) and (c) of subsection (12) of section 409.175,
87 Florida Statutes, are amended to read:

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88 409.175 Licensure of family foster homes, residential
89 child-caring agencies, and child-placing agencies; public
90 records exemption.—

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

92 (j) "Personnel" means all owners, operators, employees, and
93 volunteers working in a child-placing agency or residential
94 child-caring agency who may be employed by or do volunteer work
95 for a person, corporation, or agency that holds a license as a
96 child-placing agency or a residential child-caring agency, but
97 the term does not include those who do not work on the premises
98 where child care is furnished and have no direct contact with a
99 child or have no contact with a child outside of the presence of
100 the child's parent or guardian. For purposes of screening, the
101 term includes any member, over the age of 12 years, of the
102 family of the owner or operator or any person other than a
103 client, over the age of 12 years, residing with the owner or
104 operator if the agency is located in or adjacent to the home of
105 the owner or operator or if the family member of, or person
106 residing with, the owner or operator has any direct contact with
107 the children. Members of the family of the owner or operator, or
108 persons residing with the owner or operator, who are between the
109 ages of 12 years and 18 years are not required to be
110 fingerprinted, but must be screened for delinquency records. ~~For~~
111 ~~purposes of screening, the term also includes owners, operators,~~
112 ~~employees, and volunteers working in summer day camps, or summer~~
113 ~~24-hour camps providing care for children.~~ A volunteer who
114 assists on an intermittent basis for less than 10 hours per
115 month is ~~shall~~ not ~~be~~ included in the term "personnel" for the
116 purposes of screening if a person who meets the screening

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117 requirement of this section is always present and has the
118 volunteer in his or her line of sight.

119 (1) "Residential child-caring agency" means any person,
120 corporation, or agency, public or private, other than the
121 child's parent or legal guardian, that provides staffed 24-hour
122 care for children in facilities maintained for that purpose,
123 regardless of whether operated for profit or whether a fee is
124 charged. Such residential child-caring agencies include, but are
125 not limited to, maternity homes, runaway shelters, group homes
126 that are administered by an agency, emergency shelters that are
127 not in private residences, and wilderness camps. Residential
128 child-caring agencies do not include hospitals, boarding
129 schools, ~~summer or recreation camps~~, nursing homes, or
130 facilities operated by a governmental agency for the training,
131 treatment, or secure care of delinquent youth, or facilities
132 licensed under s. 393.067 or s. 394.875 or chapter 397.

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

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

141 (4)

142 (d) This license requirement does not apply to boarding
143 schools, ~~recreation and summer camps~~, nursing homes, hospitals,
144 or to persons who care for children of friends or neighbors in
145 their homes for periods not to exceed 90 days or to persons who

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146 have received a child for adoption from a licensed child-placing
147 agency.

148 (6)

149 (e)1. The department may pursue other remedies provided in
150 this section in addition to denial or revocation of a license
151 for failure to comply with the screening requirements. The
152 disciplinary actions determination to be made by the department
153 and the procedure for hearing for applicants and licensees shall
154 be in accordance with chapter 120.

155 2. When the department has reasonable cause to believe that
156 grounds for denial or termination of employment exist, it shall
157 notify, in writing, the applicant or, licensee, ~~or summer or~~
158 ~~recreation camp~~, and the personnel affected, stating the
159 specific record that indicates noncompliance with the screening
160 requirements.

161 3. Procedures established for hearing under chapter 120
162 shall be available to the applicant or, licensee, ~~summer day~~
163 ~~camp, or summer 24-hour camp~~, and affected personnel, in order
164 to present evidence relating either to the accuracy of the basis
165 for exclusion or to the denial of an exemption from
166 disqualification. Such procedures may also be used to challenge
167 a decision by a community-based care lead agency's refusal to
168 issue a letter supporting an application for licensure. If the
169 challenge is to the actions of the community-based care lead
170 agency, the respondent to the challenge shall be the lead agency
171 and the department shall be notified of the proceedings.

172 4. Refusal on the part of an applicant to dismiss personnel
173 who have been found not to be in compliance with the
174 requirements for good moral character of personnel shall result

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175 in automatic denial or revocation of license in addition to any
176 other remedies provided in this section which may be pursued by
177 the department.

178 ~~(1) The department may not license summer day camps or~~
179 ~~summer 24-hour camps. However, the department shall have access~~
180 ~~to the personnel records of such facilities to ensure compliance~~
181 ~~with the screening requirements. The department may adopt rules~~
182 ~~relating to the screening requirements for summer day camps and~~
183 ~~summer 24-hour camps.~~

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

186 1. Enforce the provisions of this section or any license
187 requirement, rule, or order issued or entered into pursuant
188 thereto; or

189 2. Terminate the operation of an agency in which any of the
190 following conditions exist:

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

194 b. There is a violation of any of the provisions of this
195 section, or of any licensing requirement promulgated pursuant to
196 this section, which violation threatens harm to any child or
197 which constitutes an emergency requiring immediate action.

198 ~~3. Terminate the operation of a summer day camp or summer~~
199 ~~24-hour camp providing care for children when such camp has~~
200 ~~willfully and knowingly refused to comply with the screening~~
201 ~~requirements for personnel or has refused to terminate the~~
202 ~~employment of personnel found to be in noncompliance with the~~
203 ~~requirements for good moral character as determined in paragraph~~

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204 ~~(5)(b).~~

205 (b) If the department finds, within 30 days after written
206 notification by registered mail of the requirement for
207 licensure, that a person or agency continues to care for or to
208 place children without a license or, within 30 days after
209 written notification by registered mail of the requirement for
210 screening of personnel and compliance with paragraph (5)(b) for
211 the hiring and continued employment of personnel, ~~that a summer~~
212 ~~day camp or summer 24-hour camp continues to provide care for~~
213 ~~children without complying,~~ the department shall notify the
214 appropriate state attorney of the violation of law and, if
215 necessary, shall institute a civil suit to enjoin the person or
216 agency from continuing the placement or care of children ~~or to~~
217 ~~enjoin the summer day camp or summer 24-hour camp from~~
218 ~~continuing the care of children.~~

219 (12)

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

223 1. Willfully or intentionally fail to comply with the
224 requirements for the screening of personnel and family foster
225 homes or the dismissal of personnel or removal of household
226 members found not to be in compliance with the requirements for
227 good moral character as specified in paragraph (5)(b).

228 2. Use information from the criminal records obtained under
229 this section for any purpose other than screening a person for
230 employment as specified in this section or to release such
231 information to any other person for any purpose other than
232 screening for employment as specified in this section.

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233 (c) It is unlawful for any person, agency, or family foster
234 home, ~~summer day camp, or summer 24-hour camp~~ providing care for
235 children to use information from the juvenile records of any
236 person obtained under this section for any purpose other than
237 screening for employment as specified in this section or to
238 release information from such records to any other person for
239 any purpose other than screening for employment as specified in
240 this section.

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