

1 A bill to be entitled

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

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

22
23 Section 1. Subsection (18) of section 402.302, Florida
24 Statutes, is renumbered as subsection (20), and new subsections
25 (18) and (19) are added to that section, to read:

26 | 402.302 Definitions.—As used in this chapter, the term:
 27 | (18) "Summer day camp" means recreational, educational,
 28 | and other enrichment programs operated during summer vacations
 29 | for children who are 5 years of age on or before September 1 and
 30 | older.

31 | (19) "Summer 24-hour camp" means recreational,
 32 | educational, and other enrichment programs operated on a 24-hour
 33 | basis during summer vacation for children who are 5 years of age
 34 | on or before September 1 and older which are not exclusively
 35 | 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 or all 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 make application for injunction to the proper
56 circuit court. The judge of such court shall have jurisdiction
57 upon hearing and for cause shown to grant a temporary or
58 permanent injunction, or both, restraining any person or entity
59 from violating or continuing to violate any of the child care
60 personnel screening requirements 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) All summer camps or 24-hour summer camps must register
65 with the department for inclusion in the department's Summer
66 Camp Listing to be in compliance with the requirements of this
67 section.

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,
 78 and 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
 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 (l) "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
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
 141 that grounds for denial or termination of employment exist, it
 142 shall notify, in writing, the applicant or, licensee, ~~or summer~~
 143 ~~or recreation camp,~~ and the personnel affected, stating the
 144 specific record that indicates noncompliance with the screening
 145 requirements.

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
158 personnel 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
170 proceedings 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
175 the following conditions exist:

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

204 (12)

205 (b) It is unlawful for any person, agency, or family
 206 foster home, ~~summer day camp, or summer 24-hour camp~~ providing
 207 care for 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
 214 under this section for any purpose other than screening a person
 215 for 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
 219 foster home, ~~summer day camp, or summer 24-hour camp~~ providing
 220 care for children to use information from the juvenile records
 221 of any person obtained under this section for any purpose other
 222 than 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. |