

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Human Services
2 Subcommittee

3 Representative Hunschofsky offered the following:

4
5 **Amendment (with title amendment)**

6 Remove lines 58-219 and insert:

7 (1) "Recreational enrichment program" means an organization
8 providing in-person instruction to children in dance,
9 gymnastics, or martial arts offered on an ongoing basis that
10 takes place partially or fully indoors. The term excludes any
11 organization licensed or registered to provide child care under
12 ch. 402, summer 24-hour camps, and summer day camps.

13 (m) ~~(l)~~ "Residential child-caring agency" means any person,
14 corporation, or agency, public or private, other than the
15 child's parent or legal guardian, that provides staffed 24-hour
16 care for children in facilities maintained for that purpose,

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17 regardless of whether operated for profit or whether a fee is
18 charged. Such residential child-caring agencies include, but are
19 not limited to, maternity homes, runaway shelters, group homes
20 that are administered by an agency, emergency shelters that are
21 not in private residences, and wilderness camps. Residential
22 child-caring agencies do not include hospitals, boarding
23 schools, summer or recreation camps, recreational enrichment
24 programs, nursing homes, or facilities operated by a
25 governmental agency for the training, treatment, or secure care
26 of delinquent youth, or facilities licensed under s. 393.067 or
27 s. 394.875 or chapter 397.

28 (4)

29 (d) This license requirement does not apply to boarding
30 schools, recreation and summer camps, recreational enrichment
31 programs, nursing homes, hospitals, or to persons who care for
32 children of friends or neighbors in their homes for periods not
33 to exceed 90 days or to persons who have received a child for
34 adoption from a licensed child-placing agency.

35 (6)

36 (e)1. The department may pursue other remedies provided in
37 this section in addition to denial or revocation of a license
38 for failure to comply with the screening requirements. The
39 disciplinary actions determination to be made by the department
40 and the procedure for hearing for applicants and licensees shall
41 be in accordance with chapter 120.

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42 2. When the department has reasonable cause to believe
43 that grounds for denial or termination of employment exist, it
44 shall notify, in writing, the applicant, licensee, ~~or~~ summer or
45 recreation camp, or recreational enrichment program, and the
46 personnel affected, stating the specific record that indicates
47 noncompliance with the screening requirements.

48 3. Procedures established for hearing under chapter 120
49 shall be available to the applicant, licensee, summer day camp,
50 ~~or~~ summer 24-hour camp, or recreational enrichment program, and
51 affected personnel, in order to present evidence relating either
52 to the accuracy of the basis for exclusion or to the denial of
53 an exemption from disqualification. Such procedures may also be
54 used to challenge a decision by a community-based care lead
55 agency's refusal to issue a letter supporting an application for
56 licensure. If the challenge is to the actions of the community-
57 based care lead agency, the respondent to the challenge shall be
58 the lead agency and the department shall be notified of the
59 proceedings.

60 4. Refusal on the part of an applicant to dismiss
61 personnel who have been found not to be in compliance with the
62 requirements for good moral character of personnel shall result
63 in automatic denial or revocation of license in addition to any
64 other remedies provided in this section which may be pursued by
65 the department.

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66 (1) The department may not license summer day camps, ~~or~~
67 summer 24-hour camps, or recreational enrichment programs.
68 However, the department shall have access to the personnel
69 records of such facilities to ensure compliance with the
70 screening requirements. The department may adopt rules relating
71 to the screening requirements for summer day camps, ~~and~~ summer
72 24-hour camps, and recreational enrichment programs.

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

75 1. Enforce the provisions of this section or any license
76 requirement, rule, or order issued or entered into pursuant
77 thereto; or

78 2. Terminate the operation of an agency in which any of
79 the following conditions exist:

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

83 b. There is a violation of any of the provisions of this
84 section, or of any licensing requirement promulgated pursuant to
85 this section, which violation threatens harm to any child or
86 which constitutes an emergency requiring immediate action.

87 3. Terminate the operation of a summer day camp or summer
88 24-hour camp providing care for children or a recreational
89 enrichment program when such camp or program has willfully and
90 knowingly refused to comply with the screening requirements for

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91 personnel or has refused to terminate the employment of
92 personnel found to be in noncompliance with the requirements for
93 good moral character as determined in paragraph (5) (b).

94 (b) If the department finds, within 30 days after written
95 notification by registered mail of the requirement for
96 licensure, that a person or agency continues to care for or to
97 place children without a license or, within 30 days after
98 written notification by registered mail of the requirement for
99 screening of personnel and compliance with paragraph (5) (b) for
100 the hiring and continued employment of personnel, that a summer
101 day camp, ~~or~~ summer 24-hour camp, or recreational enrichment
102 program continues to provide care for or services to children
103 without complying, the department shall notify the appropriate
104 state attorney of the violation of law and, if necessary, shall
105 institute a civil suit to enjoin the person or agency from
106 continuing the placement or care of children, or to enjoin the
107 summer day camp, ~~or~~ summer 24-hour camp, or recreational
108 enrichment program from continuing the care of, or providing
109 services to, children.

110 (c) Such injunctive relief may be temporary or permanent.

111 (12) (a) It is unlawful for any person or agency to:

112 1. Provide continuing full-time care for or to receive or
113 place a child apart from her or his parents in a residential
114 group care facility, family foster home, or adoptive home

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115 without a valid license issued by the department if such license
116 is required by subsection (5); or

117 2. Make a willful or intentional misstatement on any
118 license application or other document required to be filed in
119 connection with an application for a license.

120 (b) It is unlawful for any person, agency, family foster
121 home, summer day camp, or summer 24-hour camp providing care for
122 children to:

123 ~~1.~~ willfully or intentionally fail to comply with the
124 requirements for the screening of personnel and family foster
125 homes or the dismissal of personnel or removal of household
126 members found not to be in compliance with the requirements for
127 good moral character as specified in paragraph (5) (b).

128 (c)2. It is unlawful for any person, agency, family foster
129 home, summer day camp, summer 24-hour camp providing care for
130 children, or recreational enrichment program providing services
131 to children, to use information from the criminal records
132 obtained under this section for any purpose other than screening
133 a person for employment as specified in this section or to
134 release such information to any other person for any purpose
135 other than screening for employment as specified in this
136 section.

137 (d)(e) It is unlawful for any person, agency, family
138 foster home, summer day camp, ~~or~~ summer 24-hour camp providing
139 care for children, or recreational enrichment program providing

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140 services to children, to use information from the juvenile
141 records of any person obtained under this section for any
142 purpose other than screening for employment as specified in this
143 section or to release information from such records to any other
144 person for any purpose other than screening for employment as
145 specified in this section.

146 (e)~~(d)~~1. A first violation of paragraph (a), ~~or~~ paragraph
147 (b), or paragraph (c) is a misdemeanor of the first degree,
148 punishable as provided in s. 775.082 or s. 775.083.

149 2. A second or subsequent violation of paragraph (a), ~~or~~
150 paragraph (b), or paragraph (c) is a felony of the third degree,
151 punishable as provided in s. 775.082 or s. 775.083.

152 3. A violation of paragraph (d) ~~paragraph (c)~~ is a felony
153 of the third degree, punishable as provided in s. 775.082, s.
154 775.083, or s. 775.084.

155 **Section 2. Section 409.1751, Florida Statutes, is created**
156 **to read:**

157 409.1751 Statewide background screening public awareness
158 campaign.-Subject to legislative appropriation, the department,
159 in conjunction with the Agency for Health Care Administration
160 and the Department of Law Enforcement, must develop and maintain
161 a statewide public awareness campaign of the state's background
162 screening requirements in s. 409.175 for summer day camps,
163 summer 24-hour camps, and recreational enrichment programs. The
164 campaign communication must include, but is not limited to, the

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165 Internet, television, radio, and outdoor advertising; and public
166 service announcements.

167 **Section 3. Paragraph (b) of subsection (2) of section 409.1676,**
168 **Florida Statutes, is amended to read:**

169 409.1676 Comprehensive residential group care services to
170 children who have extraordinary needs.—

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

172 (b) "Residential group care" means a living environment
173 for children who have been adjudicated dependent and are
174 expected to be in foster care for at least 6 months with 24-
175 hour-awake staff or live-in group home parents or staff. Each
176 facility must be appropriately licensed in this state as a
177 residential child caring agency as defined in s. 409.175(2)(m)
178 ~~s. 409.175(2)(1)~~ and must be accredited by July 1, 2005. A
179 residential group care facility serving children having a
180 serious behavioral problem as defined in this section must have
181 available staff or contract personnel with the clinical
182 expertise, credentials, and training to provide services
183 identified in subsection (4).

184
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186 **T I T L E A M E N D M E N T**

187 Remove lines 14-15 and insert:
188 screening public awareness campaign; conforming a
189 cross-reference; providing an effective date.