

1 A bill to be entitled
2 An act relating to child care facility and program
3 background screening requirements; amending s.
4 409.175, F.S.; revising definitions; defining the term
5 "recreational enrichment program"; provides such
6 programs are not required to obtain a license from the
7 department; revising the remedies that the department
8 may pursue for failure to comply with screening
9 requirements; revising penalty provisions; creating s.
10 409.1751, F.S.; requiring the department, in
11 conjunction with the Agency for Health Care
12 Administration and the Department of Law Enforcement,
13 to develop and maintain a statewide background
14 screening public awareness campaign; providing an
15 effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:
18

19 **Section 1. Paragraphs (l) through (p) of subsection (2) of**
20 **section 409.175, Florida Statutes, are redesignated paragraphs**
21 **(m) through (q), respectively, paragraph (j) and present**
22 **paragraph (l) of subsection (2), paragraph (d) of subsection**
23 **(4), paragraphs (e) and (1) of subsection (6), and subsections**
24 **(10) and (12) are amended, and a new paragraph (l) is added to**
25 **subsection (2) of that section, to read:**

26 409.175 Licensure of family foster homes, residential
27 child-caring agencies, and child-placing agencies; public
28 records exemption.—

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

30 (j) "Personnel" means all owners, operators, employees,
31 and volunteers working in a child-placing agency or residential
32 child-caring agency who may be employed by or do volunteer work
33 for a person, corporation, or agency that holds a license as a
34 child-placing agency or a residential child-caring agency, but
35 the term does not include those who do not work on the premises
36 at which ~~where~~ child care is furnished and have no direct
37 contact with a child or have no contact with a child outside of
38 the presence of the child's parent or guardian. For purposes of
39 screening, the term includes any member, over the age of 12
40 years, of the family of the owner or operator or any person
41 other than a client, over the age of 12 years, residing with the
42 owner or operator if the agency is located in or adjacent to the
43 home of the owner or operator or if the family member of, or
44 person residing with, the owner or operator has any direct
45 contact with the children. Members of the family of the owner or
46 operator, or persons residing with the owner or operator, who
47 are between the ages of 12 years and 18 years are not required
48 to be fingerprinted, but must be screened for delinquency
49 records. For purposes of screening, the term also includes
50 owners, operators, employees, and volunteers working in summer

51 day camps, ~~or~~ summer 24-hour camps, or recreational enrichment
52 programs providing care for children. A volunteer who assists on
53 an intermittent basis for less than 10 hours per month shall not
54 be included in the term "personnel" for the purposes of
55 screening if a person who meets the screening requirement of
56 this section is always present and has the volunteer in his or
57 her line of sight.

58 (1) "Recreational enrichment program" means an
59 organization that provides enrichment activities to children,
60 such as dance instruction, music instruction, gymnastics
61 instruction, or martial arts instruction, offered on an ongoing
62 basis, which takes place partially or fully indoors. The term
63 does not include an organization licensed or registered to
64 provide child care under chapter 402, summer 24-hour camps, and
65 summer day camps.

66 (m) ~~(1)~~ "Residential child-caring agency" means any person,
67 corporation, or agency, public or private, other than the
68 child's parent or legal guardian, that provides staffed 24-hour
69 care for children in facilities maintained for that purpose,
70 regardless of whether operated for profit or whether a fee is
71 charged. Such residential child-caring agencies include, but are
72 not limited to, maternity homes, runaway shelters, group homes
73 that are administered by an agency, emergency shelters that are
74 not in private residences, and wilderness camps. Residential
75 child-caring agencies do not include hospitals, boarding

76 schools, summer or recreation camps, recreational enrichment
77 programs, nursing homes, or facilities operated by a
78 governmental agency for the training, treatment, or secure care
79 of delinquent youth, or facilities licensed under s. 393.067 or
80 s. 394.875 or chapter 397.

81 (4)

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

88 (6)

89 (e)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
96 that grounds for denial or termination of employment exist, it
97 shall notify, in writing, the applicant, licensee, ~~or~~ summer or
98 recreation camp, or recreational enrichment program, and the
99 personnel affected, stating the specific record that indicates
100 noncompliance with the screening requirements.

101 3. Procedures established for hearing under chapter 120
102 shall be available to the applicant, licensee, summer day camp,
103 ~~or~~ summer 24-hour camp, or recreational enrichment program, and
104 affected personnel, in order to present evidence relating either
105 to the accuracy of the basis for exclusion or to the denial of
106 an exemption from disqualification. Such procedures may also be
107 used to challenge a decision by a community-based care lead
108 agency's refusal to issue a letter supporting an application for
109 licensure. If the challenge is to the actions of the community-
110 based care lead agency, the respondent to the challenge shall be
111 the lead agency and the department shall be notified of the
112 proceedings.

113 4. Refusal on the part of an applicant to dismiss
114 personnel who have been found not to be in compliance with the
115 requirements for good moral character of personnel shall result
116 in automatic denial or revocation of license in addition to any
117 other remedies provided in this section which may be pursued by
118 the department.

119 (1) The department may not license summer day camps, ~~or~~
120 summer 24-hour camps, or recreational enrichment programs.
121 However, the department shall have access to the personnel
122 records of such facilities to ensure compliance with the
123 screening requirements. The department may adopt rules relating
124 to the screening requirements for summer day camps, ~~and~~ summer
125 24-hour camps, and recreational enrichment programs.

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

128 1. Enforce the provisions of this section or any license
129 requirement, rule, or order issued or entered into pursuant
130 thereto; or

131 2. Terminate the operation of an agency in which any of
132 the following conditions exist:

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

136 b. There is a violation of any of the provisions of this
137 section, or of any licensing requirement promulgated pursuant to
138 this section, which violation threatens harm to any child or
139 which constitutes an emergency requiring immediate action.

140 3. Terminate the operation of a summer day camp or summer
141 24-hour camp providing care for children or a recreational
142 enrichment program when such camp or program has willfully and
143 knowingly refused to comply with the screening requirements for
144 personnel or has refused to terminate the employment of
145 personnel found to be in noncompliance with the requirements for
146 good moral character as determined in paragraph (5) (b).

147 (b) If the department finds, within 30 days after written
148 notification by registered mail of the requirement for
149 licensure, that a person or agency continues to care for or to
150 place children without a license or, within 30 days after

151 written notification by registered mail of the requirement for
152 screening of personnel and compliance with paragraph (5)(b) for
153 the hiring and continued employment of personnel, that a summer
154 day camp, ~~or~~ summer 24-hour camp, or recreational enrichment
155 program continues to provide care for or services to children
156 without complying, the department shall notify the appropriate
157 state attorney of the violation of law and, if necessary, shall
158 institute a civil suit to enjoin the person or agency from
159 continuing the placement or care of children, or to enjoin the
160 summer day camp, ~~or~~ summer 24-hour camp, or recreational
161 enrichment program from continuing the care of, or providing
162 services to, children.

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

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

165 1. Provide continuing full-time care for or to receive or
166 place a child apart from her or his parents in a residential
167 group care facility, family foster home, or adoptive home
168 without a valid license issued by the department if such license
169 is required by subsection (5); or

170 2. Make a willful or intentional misstatement on any
171 license application or other document required to be filed in
172 connection with an application for a license.

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

176 ~~1.~~ willfully or intentionally fail to comply with the
177 requirements for the screening of personnel and family foster
178 homes or the dismissal of personnel or removal of household
179 members found not to be in compliance with the requirements for
180 good moral character as specified in paragraph (5) (b).

181 ~~(c)2.~~ It is unlawful for any person, agency, family foster
182 home, summer day camp, summer 24-hour camp providing care for
183 children, or recreational enrichment program providing services
184 to children, to use information from the criminal records
185 obtained under this section for any purpose other than screening
186 a person for employment as specified in this section or to
187 release such information to any other person for any purpose
188 other than screening for employment as specified in this
189 section.

190 ~~(d)(e)~~ It is unlawful for any person, agency, family
191 foster home, summer day camp, ~~or~~ summer 24-hour camp providing
192 care for children, or recreational enrichment program providing
193 services to children, to use information from the juvenile
194 records of any person obtained under this section for any
195 purpose other than screening for employment as specified in this
196 section or to release information from such records to any other
197 person for any purpose other than screening for employment as
198 specified in this section.

199 ~~(e)(d)~~1. A first violation of paragraph (a), ~~or~~ paragraph
200 (b), or paragraph (c) is a misdemeanor of the first degree,

201 punishable as provided in s. 775.082 or s. 775.083.

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

205 3. A violation of paragraph (d) ~~paragraph (e)~~ is a felony
 206 of the third degree, punishable as provided in s. 775.082, s.
 207 775.083, or s. 775.084.

208 **Section 2. Section 409.1751, Florida Statutes, is created**
 209 **to read:**

210 409.1751 Statewide background screening public awareness
 211 campaign.-The department, in conjunction with the Agency for
 212 Health Care Administration and the Department of Law
 213 Enforcement, must develop and maintain a statewide public
 214 awareness campaign of the state's background screening
 215 requirements in s. 409.175 for summer day camps, summer 24-hour
 216 camps, and recreational enrichment programs. The campaign
 217 communication must include, but is not limited to, the Internet,
 218 television, radio, and outdoor advertising; and public service
 219 announcements.

220 **Section 3.** This act shall take effect July 1, 2025.