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A bill to be entitled
 An act relating to child care facility and program
 background screening requirements; amending s.
 409.175, F.S.; revising definitions; defining the term
 "recreational enrichment program"; provides such
 programs are not required to obtain a license from the
 department; revising the remedies that the department
 may pursue for failure to comply with screening
 requirements; revising penalty provisions; creating s.
 409.1751, F.S.; requiring the department, in
 conjunction with the Agency for Health Care
 Administration and the Department of Law Enforcement,
 to develop and maintain a statewide background
 screening public awareness campaign; amending s.
 409.1676, F.S.; conforming a cross-reference;
 providing an effective date.

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

**Section 1. Paragraphs (l) through (p) of subsection (2) of
 section 409.175, Florida Statutes, are redesignated as
 paragraphs (m) through (q), respectively, paragraph (j) and
 present paragraph (l) of subsection (2), paragraph (d) of
 subsection (4), paragraphs (e) and (l) of subsection (6), and
 subsections (10) and (12) are amended, and a new paragraph (l)**

26 **is added to subsection (2) of that section, to read:**

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

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

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

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

59 (l) "Recreational enrichment program" means an
60 organization providing in-person instruction to children in
61 dance, gymnastics, or martial arts offered on an ongoing basis
62 which takes place partially or fully indoors. The term does not
63 include any organization licensed or registered to provide child
64 care under chapter 402, summer 24-hour camps, or summer day
65 camps.

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

220 **Section 3. Paragraph (b) of subsection (2) of section**
221 **409.1676, Florida Statutes, is amended to read:**

222 409.1676 Comprehensive residential group care services to
223 children who have extraordinary needs.—

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

225 (b) "Residential group care" means a living environment

226 | for children who have been adjudicated dependent and are
227 | expected to be in foster care for at least 6 months with 24-
228 | hour-awake staff or live-in group home parents or staff. Each
229 | facility must be appropriately licensed in this state as a
230 | residential child caring agency as defined in s. 409.175(2) ~~s.~~
231 | ~~409.175(2)(1)~~ and must be accredited by July 1, 2005. A
232 | residential group care facility serving children having a
233 | serious behavioral problem as defined in this section must have
234 | available staff or contract personnel with the clinical
235 | expertise, credentials, and training to provide services
236 | identified in subsection (4).

237 | **Section 4.** This act shall take effect July 1, 2025.