

1 A bill to be entitled
 2 An act relating to regulation of summer camps;
 3 amending s. 409.175, F.S.; providing that Department
 4 of Children and Families license requirements apply to
 5 summer day camps and summer 24-hour camps; creating s.
 6 409.1756, F.S.; providing purpose; prohibiting a
 7 governmental agency from regulating the religious
 8 curriculum of a summer day camp or summer 24-hour
 9 camp; providing an exception; providing definitions;
 10 providing procedure for application for a license to
 11 operate a summer day camp or summer 24-hour camp;
 12 providing screening requirements for camp personnel;
 13 providing duties of the department; providing an
 14 effective date.

15
 16 Be It Enacted by the Legislature of the State of Florida:

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 18 Section 1. Paragraph (d) of subsection (4), paragraph (a)
 19 of subsection (5), and paragraphs (d) and (k) of subsection (6)
 20 of section 409.175, Florida Statutes, are amended to read:

21 409.175 Licensure of family foster homes, residential
 22 child-caring agencies, ~~and~~ child-placing agencies, summer 24-
 23 hour camps, and summer day camps; public records exemption.—

24 (4)

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

29 | to persons who have received a child for adoption from a
30 | licensed child-placing agency.

31 | (5) (a) The department shall adopt and amend licensing
32 | rules for family foster homes, residential child-caring
33 | agencies, ~~and child-placing agencies, and.~~ The department may
34 | ~~also adopt rules relating to the screening requirements for~~
35 | summer day camps and summer 24-hour camps. The requirements for
36 | licensure and operation of family foster homes, residential
37 | child-caring agencies, ~~and child-placing agencies,~~ summer day
38 | camps, and summer 24-hour camps shall include:

39 | 1. The operation, conduct, and maintenance of these homes
40 | and agencies and the responsibility which they assume for
41 | children served and the evidence of need for that service.

42 | 2. The provision of food, clothing, educational
43 | opportunities, services, equipment, and individual supplies to
44 | assure the healthy physical, emotional, and mental development
45 | of the children served.

46 | 3. The appropriateness, safety, cleanliness, and general
47 | adequacy of the premises, including fire prevention and health
48 | standards, to provide for the physical comfort, care, and well-
49 | being of the children served.

50 | 4. The ratio of staff to children required to provide
51 | adequate care and supervision of the children served and, in the
52 | case of foster homes, the maximum number of children in the
53 | home.

54 | 5. The good moral character based upon screening,
55 | education, training, and experience requirements for personnel.

56 | 6. The department may grant exemptions from

57 | disqualification from working with children or the
 58 | developmentally disabled as provided in s. 435.07.

59 | 7. The provision of preservice and inservice training for
 60 | all foster parents and agency staff.

61 | 8. Satisfactory evidence of financial ability to provide
 62 | care for the children in compliance with licensing requirements.

63 | 9. The maintenance by the agency of records pertaining to
 64 | admission, progress, health, and discharge of children served,
 65 | including written case plans and reports to the department.

66 | 10. The provision for parental involvement to encourage
 67 | preservation and strengthening of a child's relationship with
 68 | the family.

69 | 11. The transportation safety of children served.

70 | 12. The provisions for safeguarding the cultural,
 71 | religious, and ethnic values of a child.

72 | 13. Provisions to safeguard the legal rights of children
 73 | served.

74 | (6)

75 | (d)1. The department may pursue other remedies provided in
 76 | this section in addition to denial or revocation of a license
 77 | for failure to comply with the screening requirements. The
 78 | disciplinary actions determination to be made by the department
 79 | and the procedure for hearing for applicants and licensees shall
 80 | be in accordance with chapter 120.

81 | 2. When the department has reasonable cause to believe
 82 | that grounds for denial or termination of employment exist, it
 83 | shall notify, in writing, the applicant or licensee, ~~or summer~~
 84 | ~~or recreation camp,~~ and the personnel affected, stating the

85 specific record which indicates noncompliance with the screening
86 requirements.

87 3. Procedures established for hearing under chapter 120
88 shall be available to the applicant or, licensee, ~~summer day~~
89 ~~camp, or summer 24-hour camp,~~ and affected personnel, in order
90 to present evidence relating either to the accuracy of the basis
91 for exclusion or to the denial of an exemption from
92 disqualification.

93 4. Refusal on the part of an applicant to dismiss
94 personnel who have been found not to be in compliance with the
95 requirements for good moral character of personnel shall result
96 in automatic denial or revocation of license in addition to any
97 other remedies provided in this section which may be pursued by
98 the department.

99 (k) The department shall ~~may not~~ license summer day camps
100 and ~~or~~ summer 24-hour camps and. ~~However, the department shall~~
101 have access to the personnel records of such camps ~~facilities~~ to
102 ensure compliance with the screening requirements.

103 Section 2. Section 409.1756, Florida Statutes, is created
104 to read:

105 409.1756 Licensure of summer camps.-

106 (1) (a) The purpose of this section is to protect the
107 health, safety, and well-being of all children in the state who
108 attend summer day camps or summer 24-hour camps by providing for
109 the establishment of licensing and screening requirements for
110 such camps and providing procedures to determine adherence to
111 these requirements.

112 (b) This section does not authorize any governmental

113 agency jurisdiction or authority to regulate, control, or
114 supervise the form, manner, or content of any religious
115 curriculum or teachings of a summer day camp or summer 24-hour
116 camp unless the health, safety, or well-being of the child is
117 adversely affected.

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

119 (a) "License" means a license as defined in s. 120.52(10).

120 A license under this section is issued to a summer day camp or
121 summer 24-hour camp and is not a professional license of any
122 individual. Receipt of a license under this section does not
123 create a property right in the recipient. A license under this
124 section is a public trust and a privilege and is not an
125 entitlement. This privilege must guide the finder of fact or
126 trier of law at any administrative proceeding or court action
127 initiated by the department.

128 (b) "Operator" means any onsite person ultimately
129 responsible for the overall operation of a summer day camp or
130 summer 24-hour camp, regardless of whether the operator is the
131 owner or administrator of such a camp.

132 (c) "Owner" means the person who is licensed to operate
133 the summer day camp or summer 24-hour camp.

134 (d) "Personnel" means all owners, operators, employees,
135 and volunteers working in a summer day camp or summer 24-hour
136 camp who may be employed by or do volunteer work for a person,
137 corporation, or agency that holds a license to operate a summer
138 day camp or summer 24-hour camp. For purposes of screening, the
139 term does not include a volunteer who assists on an intermittent
140 basis for less than 10 hours per month, if a person who meets

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141 the screening requirement of this section is always present and
142 has the volunteer in his or her line of sight.

143 (e) "Screening" means the act of assessing the background
144 of personnel and includes, but is not limited to, employment
145 history checks as provided in chapter 435 using the level 2
146 standards for screening set forth in that chapter.

147 (f) "Summer day camp" means recreational, educational, and
148 other enrichment programs operated during summer vacations for
149 children who are 5 years of age or older on or before September
150 1.

151 (g) "Summer 24-hour camp" means recreational, educational,
152 and other enrichment programs that are not exclusively
153 educational that are operated on a 24-hour basis during summer
154 vacation for children who are 5 years of age or older on or
155 before September 1.

156 (3) An application for a license shall be made on forms
157 provided, and in the manner prescribed, by the department. The
158 department shall determine the good moral character of the
159 applicant based upon the screening requirements provided in s.
160 409.175(5)(a).

161 Section 3. This act shall take effect July 1, 2013.