

By Senator Clemens

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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

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30 licensed child-placing agency.

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

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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 that  
82 grounds for denial or termination of employment exist, it shall  
83 notify, in writing, the applicant or, licensee, ~~or summer or~~  
84 ~~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

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

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117 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 the  
133 summer day camp or summer 24-hour camp.

134 (d) "Personnel" means all owners, operators, employees, and  
135 volunteers working in a summer day camp or summer 24-hour camp  
136 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  
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

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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.