



582010

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/26/2010	.	
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	.	
	.	

The Committee on Criminal Justice (Dean) recommended the following:

Senate Amendment (with title amendment)

Delete lines 988 - 1005
and insert:

Section 21. Subsection (3) of section 402.302, Florida Statutes, is amended to read:

402.302 Definitions.—

(3) "Child care personnel" means all owners, operators, employees, and volunteers working in a child care facility. The term does not include persons who work in a child care facility after hours when children are not present or parents of children in Head Start. For purposes of screening, the term includes any



582010

13 member, over the age of 12 years, of a child care facility
14 operator's family, or person, over the age of 12 years, residing
15 with a child care facility operator if the child care facility
16 is located in or adjacent to the home of the operator or if the
17 family member of, or person residing with, the child care
18 facility operator has any direct contact with the children in
19 the facility during its hours of operation. Members of the
20 operator's family or persons residing with the operator who are
21 between the ages of 12 years and 18 years shall not be required
22 to be fingerprinted but shall be screened for delinquency
23 records. For purposes of screening, the term shall also include
24 persons who work in child care programs which provide care for
25 children 15 hours or more each week in public or nonpublic
26 schools, ~~summer day camps~~, family day care homes, or those
27 programs otherwise exempted under s. 402.316. The term does not
28 include public or nonpublic school personnel who are providing
29 care during regular school hours, or after hours for activities
30 related to a school's program for grades kindergarten through
31 12. A volunteer who assists on an intermittent basis for less
32 than 10 ~~40~~ hours per month is not included in the term
33 "personnel" for the purposes of screening and training, provided
34 a person who meets the screening requirement of s. 402.305(2) is
35 always present and has the volunteer in his or her line of sight
36 ~~that the volunteer is under direct and constant supervision by~~
37 ~~persons who meet the personnel requirements of s. 402.305(2).~~
38 Students who observe and participate in a child care facility as
39 a part of their required coursework shall not be considered
40 child care personnel, provided such observation and
41 participation are on an intermittent basis and a person who



582010

42 meets the screening requirement of s. 402.305(2) is always
43 present and has the student in his or her line of sight ~~the~~
44 ~~students are under direct and constant supervision of child care~~
45 ~~personnel.~~

46 Section 22. Paragraphs (i) and (k) of subsection (2) of
47 section 409.175, Florida Statutes, are amended, present
48 paragraphs (b) and (c) of subsection (5) of that section are
49 redesignated as paragraphs (c) and (d), respectively, and a new
50 paragraph (b) is added to that section to read:

51 409.175 Licensure of family foster homes, residential
52 child-caring agencies, and child-placing agencies; public
53 records exemption.—

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

55 (i) "Personnel" means all owners, operators, employees, and
56 volunteers working in a child-placing agency, family foster
57 home, or residential child-caring agency who may be employed by
58 or do volunteer work for a person, corporation, or agency which
59 holds a license as a child-placing agency or a residential
60 child-caring agency, but the term does not include those who do
61 not work on the premises where child care is furnished and
62 either have no direct contact with a child or have no contact
63 with a child outside of the presence of the child's parent or
64 guardian. For purposes of screening, the term shall include any
65 member, over the age of 12 years, of the family of the owner or
66 operator or any person other than a client, over the age of 12
67 years, residing with the owner or operator if the agency or
68 family foster home is located in or adjacent to the home of the
69 owner or operator or if the family member of, or person residing
70 with, the owner or operator has any direct contact with the



582010

71 children. Members of the family of the owner or operator, or
72 persons residing with the owner or operator, who are between the
73 ages of 12 years and 18 years shall not be required to be
74 fingerprinted, but shall be screened for delinquency records.
75 For purposes of screening, the term "personnel" shall also
76 include owners, operators, employees, and volunteers working in
77 summer day camps, or summer 24-hour camps providing care for
78 children. A volunteer who assists on an intermittent basis for
79 less than 10 ~~40~~ hours per month shall not be included in the
80 term "personnel" for the purposes of screening, provided a
81 person who meets the screening requirement of this section is
82 always present and has the volunteer in his or her line of sight
83 ~~that the volunteer is under direct and constant supervision by~~
84 ~~persons who meet the personnel requirements of this section.~~

85 (k) "Screening" means the act of assessing the background of
86 personnel and includes, but is not limited to, employment
87 history checks as provided in chapter 435, using the level 2
88 standards for screening set forth in that chapter. ~~Screening for~~
89 ~~employees and volunteers in summer day camps and summer 24-hour~~
90 ~~camps and screening for all volunteers included under the~~
91 ~~definition of "personnel" shall be conducted as provided in~~
92 ~~chapter 435, using the level 1 standards set forth in that~~
93 ~~chapter.~~

94
95 ===== T I T L E A M E N D M E N T =====

96 And the title is amended as follows:

97 Delete line 50

98 and insert:

99 submission of fingerprints; amending s.402.302, F.S.;



582010

100 revising exemptions from screening requirements for
101 volunteers and students; amending s.409.175, F.S.;
102 revising an exemption from screening requirements for
103 volunteers;