

1 A bill to be entitled
 2 An act relating to protection of children; amending s.
 3 402.302, F.S.; revising the definition of the term "child
 4 care personnel" for screening purposes; amending s.
 5 409.175, F.S.; revising purpose; revising definitions;
 6 requiring summer day camps and summer 24-hour camps to be
 7 licensed by the Department of Children and Family
 8 Services; requiring employees of summer day camps and
 9 summer 24-hour camps to undergo level 2 screening;
 10 conforming provisions; repealing s. 409.1758, F.S.,
 11 relating to exemption from fingerprint requirements for
 12 screening purposes for summer camp personnel; providing an
 13 effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Subsection (3) of section 402.302, Florida
 18 Statutes, is amended to read:

19 402.302 Definitions.--

20 (3) "Child care personnel" means all owners, operators,
 21 employees, and volunteers working in a child care facility. The
 22 term does not include persons who work in a child care facility
 23 after hours when children are not present or parents of children
 24 in Head Start. For purposes of screening, the term includes any
 25 member, over the age of 12 years, of a child care facility
 26 operator's family, or person, over the age of 12 years, residing
 27 with a child care facility operator if the child care facility
 28 is located in or adjacent to the home of the operator or if the

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29 family member of, or person residing with, the child care
30 facility operator has any direct contact with the children in
31 the facility during its hours of operation. Members of the
32 operator's family or persons residing with the operator who are
33 between the ages of 12 years and 18 years shall not be required
34 to be fingerprinted but shall be screened for delinquency
35 records. For purposes of screening, the term shall also include
36 persons who work in child care programs which provide care for
37 children 15 hours or more each week in public or nonpublic
38 schools, summer day camps, summer 24-hour camps, family day care
39 homes, or those programs otherwise exempted under s. 402.316.
40 The term does not include public or nonpublic school personnel
41 who are providing care during regular school hours, or after
42 hours for activities related to a school's program for grades
43 kindergarten through 12. A volunteer who assists on an
44 intermittent basis for less than 40 hours per month is not
45 included in the term "personnel" for the purposes of screening
46 and training, provided that the volunteer is under direct and
47 constant supervision by persons who meet the personnel
48 requirements of s. 402.305(2). Students who observe and
49 participate in a child care facility as a part of their required
50 coursework shall not be considered child care personnel,
51 provided such observation and participation are on an
52 intermittent basis and the students are under direct and
53 constant supervision of child care personnel.

54 Section 2. Subsections (1) and (2) and subsections (4)
55 through (12) of section 409.175, Florida Statutes, are amended
56 to read:

57 | 409.175 Licensure of family foster homes, residential
 58 | child-caring agencies, ~~and~~ child-placing agencies, summer day
 59 | camps, and summer 24-hour camps; public records exemption.--

60 | (1) (a) The purpose of this section is to protect the
 61 | health, safety, and well-being of all children in the state who
 62 | are cared for by family foster homes, residential child-caring
 63 | agencies, ~~and~~ child-placing agencies, summer day camps, and
 64 | summer 24-hour camps by providing for the establishment of
 65 | licensing requirements for such homes, ~~and~~ agencies, and camps
 66 | and providing procedures to determine adherence to these
 67 | requirements.

68 | (b) Nothing in this section gives any governmental agency
 69 | jurisdiction or authority to regulate, control, or supervise the
 70 | form, manner, or content of any religious curriculum or
 71 | teachings of a family foster home, ~~or of a~~ child-caring or
 72 | child-placing agency, summer day camp, or summer 24-hour camp,
 73 | provided the health, safety, or well-being of the child is not
 74 | adversely affected.

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

76 | (a) "Agency" means a residential child-caring agency or a
 77 | child-placing agency.

78 | (b) "Boarding school" means a school which is accredited
 79 | by the Florida Council of Independent Schools or the Southern
 80 | Association of Colleges and Schools; which is accredited by the
 81 | Council on Accreditation, the Commission on Accreditation of
 82 | Rehabilitation Facilities, or the Coalition for Residential
 83 | Education; and which is registered with the Department of
 84 | Education as a school. Its program must follow established

85 school schedules, with holiday breaks and summer recesses in
86 accordance with other public and private school programs. The
87 children in residence must customarily return to their family
88 homes or legal guardians during school breaks and must not be in
89 residence year-round, except that this provision does not apply
90 to foreign students. The parents of these children retain
91 custody and planning and financial responsibility. A boarding
92 school currently in existence and a boarding school opening and
93 seeking accreditation have 3 years to comply with the
94 requirements of this paragraph. A boarding school must provide
95 proof of accreditation or documentation of the accreditation
96 process upon request. A boarding school that cannot produce the
97 required documentation or that has not registered with the
98 Department of Education shall be considered to be providing
99 residential group care without a license. The department may
100 impose administrative sanctions or seek civil remedies as
101 provided under paragraph (11) (a).

102 (c) "Child" means any unmarried person under the age of 18
103 years.

104 (d) "Child-placing agency" means any person, corporation,
105 or agency, public or private, other than the parent or legal
106 guardian of the child or an intermediary acting pursuant to
107 chapter 63, that receives a child for placement and places or
108 arranges for the placement of a child in a family foster home,
109 residential child-caring agency, or adoptive home.

110 (e) "Family foster home" means a private residence in
111 which children who are unattended by a parent or legal guardian
112 are provided 24-hour care. Such homes include emergency shelter

113 family homes and specialized foster homes for children with
 114 special needs. A person who cares for a child of a friend for a
 115 period not to exceed 90 days, a relative who cares for a child
 116 and does not receive reimbursement for such care from the state
 117 or federal government, or an adoptive home which has been
 118 approved by the department or by a licensed child-placing agency
 119 for children placed for adoption is not considered a family
 120 foster home.

121 (f) "License" means "license" as defined in s. 120.52(10).
 122 A license under this section is issued to a family foster home,
 123 summer day camp, summer 24-hour camp, or other facility and is
 124 not a professional license of any individual. Receipt of a
 125 license under this section shall not create a property right in
 126 the recipient. A license under this act is a public trust and a
 127 privilege, and is not an entitlement. This privilege must guide
 128 the finder of fact or trier of law at any administrative
 129 proceeding or court action initiated by the department.

130 (g) "Operator" means any onsite person ultimately
 131 responsible for the overall operation of a child-placing agency,
 132 family foster home, ~~or~~ residential child-caring agency, summer
 133 day camp, or summer 24-hour camp, whether or not she or he is
 134 the owner or administrator of such an agency, ~~or~~ home, or camp.

135 (h) "Owner" means the person who is licensed to operate
 136 the child-placing agency, family foster home, ~~or~~ residential
 137 child-caring agency, summer day camp, or summer 24-hour camp.

138 (i) "Personnel" means all owners, operators, employees,
 139 and volunteers working in a child-placing agency, family foster
 140 home, ~~or~~ residential child-caring agency, summer day camp, or

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141 summer 24-hour camp who may be employed by or do volunteer work
142 for a person, corporation, or agency which holds a license as a
143 child-placing agency, ~~or a residential child-caring agency,~~
144 summer day camp, or summer 24-hour camp, but the term does not
145 include those who do not work on the premises where child care
146 is furnished and either have no direct contact with a child or
147 have no contact with a child outside of the presence of the
148 child's parent or guardian. For purposes of screening, the term
149 shall include any member, over the age of 12 years, of the
150 family of the owner or operator or any person other than a
151 client, over the age of 12 years, residing with the owner or
152 operator if the agency or family foster home is located in or
153 adjacent to the home of the owner or operator or if the family
154 member of, or person residing with, the owner or operator has
155 any direct contact with the children. Members of the family of
156 the owner or operator, or persons residing with the owner or
157 operator, who are between the ages of 12 years and 18 years
158 shall not be required to be fingerprinted, but shall be screened
159 for delinquency records. ~~For purposes of screening, the term~~
160 ~~"personnel" shall also include owners, operators, employees, and~~
161 ~~volunteers working in summer day camps, or summer 24-hour camps~~
162 ~~providing care for children.~~ A volunteer who assists on an
163 intermittent basis for less than 40 hours per month shall not be
164 included in the term "personnel" for the purposes of screening,
165 provided that the volunteer is under direct and constant
166 supervision by persons who meet the personnel requirements of
167 this section.

168 (j) "Residential child-caring agency" means any person,
169 corporation, or agency, public or private, other than the
170 child's parent or legal guardian, that provides staffed 24-hour
171 care for children in facilities maintained for that purpose,
172 regardless of whether operated for profit or whether a fee is
173 charged. Such residential child-caring agencies include, but are
174 not limited to, maternity homes, runaway shelters, group homes
175 that are administered by an agency, emergency shelters that are
176 not in private residences, and wilderness camps. Residential
177 child-caring agencies do not include hospitals, boarding
178 schools, summer or recreation camps, nursing homes, or
179 facilities operated by a governmental agency for the training,
180 treatment, or secure care of delinquent youth, or facilities
181 licensed under s. 393.067 or s. 394.875 or chapter 397.

182 (k) "Screening" means the act of assessing the background
183 of personnel and includes, but is not limited to, employment
184 history checks as provided in chapter 435, using the level 2
185 standards for screening set forth in that chapter. Screening for
186 ~~employees and volunteers in summer day camps and summer 24-hour~~
187 ~~camps and screening for~~ all volunteers included under the
188 definition of "personnel" shall be conducted as provided in
189 chapter 435, using the level 1 standards set forth in that
190 chapter.

191 (l) "Summer day camp" means recreational, educational, and
192 other enrichment programs operated during summer vacations for
193 children who are 5 years of age on or before September 1 and
194 older.

195 (m) "Summer 24-hour camp" means recreational, educational,
 196 and other enrichment programs operated on a 24-hour basis during
 197 summer vacation for children who are 5 years of age on or before
 198 September 1 and older, that are not exclusively educational.

199 (4) (a) A person, family foster home, ~~or~~ residential child-
 200 caring agency, summer day camp, or summer 24-hour camp may not
 201 provide continuing full-time child care or custody unless such
 202 person, home, ~~or~~ agency, or camp has first procured a license
 203 from the department to provide such care. This requirement does
 204 not apply to a person who is a relative of the child by blood,
 205 marriage, or adoption, a permanent guardian established under s.
 206 39.6221, a licensed child-placing agency, or an intermediary for
 207 the purposes of adoption pursuant to chapter 63.

208 (b) A person or agency, other than a parent or legal
 209 guardian of the child or an intermediary as defined in s.
 210 63.032, shall not place or arrange for the placement of a child
 211 in a family foster home, residential child-caring agency, or
 212 adoptive home unless such person or agency has first procured a
 213 license from the department to do so.

214 (c) A state, county, city, or political subdivision shall
 215 not operate a residential group care agency, or receive children
 216 for placement in residential group care facilities, family
 217 foster homes, or adoptive homes without a license issued
 218 pursuant to this section.

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

223 to persons who have received a child for adoption from a
 224 licensed child-placing agency.

225 (e) The department or licensed child-placing agency may
 226 place a 16-year-old child or 17-year-old child in her or his own
 227 unlicensed residence, or in the unlicensed residence of an adult
 228 who has no supervisory responsibility for the child, provided
 229 the department or licensed child-placing agency retains
 230 supervisory responsibility for the child.

231 (5) (a) The department shall adopt and amend licensing
 232 rules for family foster homes, residential child-caring
 233 agencies, ~~and child-placing agencies,~~ and child-placing agencies, ~~The department may also~~
 234 ~~adopt rules relating to the screening requirements for summer~~
 235 ~~day camps,~~ and summer 24-hour camps. The requirements for
 236 licensure and operation of family foster homes, residential
 237 child-caring agencies, ~~and child-placing agencies,~~ summer day
 238 camps, and summer 24-hour camps shall include:

239 1. The operation, conduct, and maintenance of these homes,
 240 ~~and agencies,~~ and camps and the responsibility which they assume
 241 for children served and the evidence of need for that service.

242 2. The provision of food, clothing, educational
 243 opportunities, services, equipment, and individual supplies to
 244 assure the healthy physical, emotional, and mental development
 245 of the children served.

246 3. The appropriateness, safety, cleanliness, and general
 247 adequacy of the premises, including fire prevention and health
 248 standards, to provide for the physical comfort, care, and well-
 249 being of the children served.

250 4. The ratio of staff to children required to provide
 251 adequate care and supervision of the children served and, in the
 252 case of foster homes, the maximum number of children in the
 253 home.

254 5. The good moral character based upon screening,
 255 education, training, and experience requirements for personnel.

256 ~~6. The department may grant exemptions from~~
 257 ~~disqualification from working with children or the~~
 258 ~~developmentally disabled as provided in s. 435.07.~~

259 6.7. The provision of preservice and inservice training
 260 for all foster parents and agency staff.

261 ~~7.8.~~ Satisfactory evidence of financial ability to provide
 262 care for the children in compliance with licensing requirements.

263 ~~8.9.~~ The maintenance by the agency of records pertaining
 264 to admission, progress, health, and discharge of children
 265 served, including written case plans and reports to the
 266 department.

267 ~~9.10.~~ The provision for parental involvement to encourage
 268 preservation and strengthening of a child's relationship with
 269 the family.

270 10.11. The transportation safety of children served.

271 ~~11.12.~~ The provisions for safeguarding the cultural,
 272 religious, and ethnic values of a child.

273 ~~12.13.~~ Provisions to safeguard the legal rights of
 274 children served.

275 (b) In promulgating licensing rules pursuant to this
 276 section, the department may:

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277 1. Make distinctions among types of care; numbers of
278 children served; and the physical, mental, emotional, and
279 educational needs of the children to be served by a home, ~~or~~
280 agency, or camp.

281 2. Grant exemptions from disqualification from working
282 with children or the developmentally disabled as provided in s.
283 435.07.

284 (c) The department shall not adopt rules which interfere
285 with the free exercise of religion or which regulate religious
286 instruction or teachings in any child-caring or child-placing
287 home or agency or any summer day camp or summer 24-hour camp;
288 however, nothing herein shall be construed to allow religious
289 instruction or teachings that are inconsistent with the health,
290 safety, or well-being of any child; with public morality; or
291 with the religious freedom of children, parents, or legal
292 guardians who place their children in such homes, ~~or~~ agencies,
293 or camps.

294 (6) (a) An application for a license shall be made on forms
295 provided, and in the manner prescribed, by the department. The
296 department shall make a determination as to the good moral
297 character of the applicant based upon screening.

298 (b) Upon application, the department shall conduct a
299 licensing study based on its licensing rules; shall inspect the
300 home, ~~or the agency,~~ or camp and the records, including
301 financial records, of the agency or camp; and shall interview
302 the applicant. The department may authorize a licensed child-
303 placing agency to conduct the licensing study of a family foster
304 home to be used exclusively by that agency and to verify to the

305 department that the home meets the licensing requirements
 306 established by the department. Upon certification by a licensed
 307 child-placing agency that a family foster home meets the
 308 licensing requirements, the department shall issue the license.

309 (c) A licensed family foster home, child-placing agency,
 310 ~~or~~ residential child-caring agency, summer day camp, or summer
 311 24-hour camp which applies for renewal of its license shall
 312 submit to the department a list of personnel who have worked on
 313 a continuous basis at the applicant family foster home, ~~or~~
 314 agency, or camp since submitting fingerprints to the department,
 315 identifying those for whom a written assurance of compliance was
 316 provided by the department and identifying those personnel who
 317 have recently begun working at the family foster home, ~~or~~
 318 agency, or camp and are awaiting the results of the required
 319 fingerprint check, along with the date of the submission of
 320 those fingerprints for processing. The department shall by rule
 321 determine the frequency of requests to the Department of Law
 322 Enforcement to run state criminal records checks for such
 323 personnel except for those personnel awaiting the results of
 324 initial fingerprint checks for employment at the applicant
 325 family foster home, ~~or~~ agency, or camp.

326 (d)1. The department may pursue other remedies provided in
 327 this section in addition to denial or revocation of a license
 328 for failure to comply with the screening requirements. The
 329 disciplinary actions determination to be made by the department
 330 and the procedure for hearing for applicants and licensees shall
 331 be in accordance with chapter 120.

332 2. When the department has reasonable cause to believe
333 that grounds for denial or termination of employment exist, it
334 shall notify, in writing, the applicant or licensee, ~~or summer~~
335 ~~or recreation camp~~, and the personnel affected, stating the
336 specific record which indicates noncompliance with the screening
337 requirements.

338 3. Procedures established for hearing under chapter 120
339 shall be available to the applicant or licensee, ~~summer day~~
340 ~~camp, or summer 24-hour camp~~, and affected personnel, in order
341 to present evidence relating either to the accuracy of the basis
342 for exclusion or to the denial of an exemption from
343 disqualification.

344 4. Refusal on the part of an applicant to dismiss
345 personnel who have been found not to be in compliance with the
346 requirements for good moral character of personnel shall result
347 in automatic denial or revocation of license in addition to any
348 other remedies provided in this section which may be pursued by
349 the department.

350 (e) At the request of the department, the local county
351 health department shall inspect a home, ~~or~~ agency, or camp
352 according to the licensing rules promulgated by the department.
353 Inspection reports shall be furnished to the department within
354 30 days after the date of the request. Such an inspection shall
355 only be required when called for by the licensing agency.

356 (f) All residential child-caring agencies must meet
357 firesafety standards for such agencies adopted by the Division
358 of State Fire Marshal of the Department of Financial Services
359 and must be inspected annually. At the request of the

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360 department, firesafety inspections shall be conducted by the
361 Division of State Fire Marshal or a local fire department
362 official who has been certified by the division as having
363 completed the training requirements for persons inspecting such
364 agencies. Inspection reports shall be furnished to the
365 department within 30 days after the date of a request.

366 (g) In the licensing process, the licensing staff of the
367 department shall provide consultation on request.

368 (h) Upon determination that the applicant meets the state
369 minimum licensing requirements, the department shall issue a
370 license without charge to a specific person, ~~or~~ agency, summer
371 day camp, or summer 24-hour camp at a specific location. A
372 license may be issued if all the screening materials have been
373 timely submitted; however, a license may not be issued or
374 renewed if any person at the home, ~~or~~ agency, or camp has failed
375 the required screening. The license is nontransferable. A copy
376 of the license shall be displayed in a conspicuous place. Except
377 as provided in paragraph (j), the license is valid for 1 year
378 from the date of issuance, unless the license is suspended or
379 revoked by the department or is voluntarily surrendered by the
380 licensee. The license is the property of the department.

381 (i) A license issued for the operation of a family foster
382 home, ~~or~~ agency, summer day camp, or summer 24-hour camp, unless
383 sooner suspended, revoked, or voluntarily returned, will expire
384 automatically 1 year from the date of issuance except as
385 provided in paragraph (j). Ninety days prior to the expiration
386 date, an application for renewal shall be submitted to the
387 department by a licensee who wishes to have the license renewed.

388 A license shall be renewed upon the filing of an application on
 389 forms furnished by the department if the applicant has first met
 390 the requirements established under this section and the rules
 391 promulgated hereunder.

392 (j) Except for a family foster group home having a
 393 licensed capacity for more than five children, the department
 394 may issue a license that is valid for longer than 1 year but no
 395 longer than 3 years to a family foster home that:

396 1. Has maintained a license with the department as a
 397 family foster home for at least the 3 previous consecutive
 398 years;

399 2. Remains in good standing with the department; and

400 3. Has not been the subject of a report of child abuse or
 401 neglect with any findings of maltreatment.

402
 403 A family foster home that has been issued a license valid for
 404 longer than 1 year must be monitored and visited as frequently
 405 as one that has been issued a 1-year license. The department
 406 reserves the right to reduce a licensure period to 1 year at any
 407 time.

408 ~~(k) The department may not license summer day camps or~~
 409 ~~summer 24-hour camps. However, the department shall have access~~
 410 ~~to the personnel records of such facilities to ensure compliance~~
 411 ~~with the screening requirements.~~

412 (7) (a) The department may issue a provisional license to
 413 an applicant who is unable to conform to the licensing
 414 requirements at the time of the study, but who is believed able
 415 to meet the licensing requirements within the time allowed by

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416 the provisional license. The issuance of a provisional license
417 shall be contingent upon the submission to the department of an
418 acceptable written plan to overcome the deficiency by the
419 expiration date of the provisional license.

420 (b) A provisional license may be issued when the applicant
421 fails to meet licensing requirements in matters that are not of
422 immediate danger to the children and the agency, summer day
423 camp, or summer 24-hour camp has submitted a corrective action
424 plan which is approved by the department. A provisional license
425 may be issued if the screening material has been timely
426 submitted; however, a provisional license may not be issued
427 unless the applicant is in compliance with the requirements in
428 this section for screening of personnel.

429 (c) A provisional license shall not be issued for a period
430 in excess of 1 year and shall not be subject to renewal; and it
431 may be suspended if periodic inspection by the department
432 indicates that insufficient progress has been made toward
433 compliance with the requirements.

434 (8) (a) Authorized licensing staff of the department who
435 are qualified by training may make scheduled or unannounced
436 inspections of a licensed home, ~~or~~ agency, summer day camp, or
437 summer 24-hour camp at any reasonable time to investigate and
438 evaluate the compliance of the home, ~~or~~ agency, or camp with the
439 licensing requirements. All licensed homes, ~~and~~ agencies, and
440 camps shall be inspected at least annually.

441 (b) The department shall investigate complaints to
442 determine whether a home, ~~or~~ agency, or camp is meeting the
443 licensure requirements. The department shall advise the home, ~~or~~

444 agency, or camp of the complaint and shall provide a written
 445 report of the results of the investigation to the licensee.

446 (9) (a) The department may deny, suspend, or revoke a
 447 license.

448 (b) Any of the following actions by a home, ~~or~~ agency, or
 449 camp or its personnel is a ground for denial, suspension, or
 450 revocation of a license:

451 1. An intentional or negligent act materially affecting
 452 the health or safety of children in the home, ~~or~~ agency, or
 453 camp.

454 2. A violation of the provisions of this section or of
 455 licensing rules promulgated pursuant to this section.

456 3. Noncompliance with the requirements for good moral
 457 character as specified in paragraph (5) (a).

458 4. Failure to dismiss personnel found in noncompliance
 459 with requirements for good moral character.

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

462 1. Enforce the provisions of this section or any license
 463 requirement, rule, or order issued or entered into pursuant
 464 thereto; or

465 2. Terminate the operation of an agency, summer day camp,
 466 or summer 24-hour camp in which any of the following conditions
 467 exists ~~exist~~:

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

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471 b. There is a violation of any of the provisions of this
472 section, or of any licensing requirement promulgated pursuant to
473 this section, which violation threatens harm to any child or
474 which constitutes an emergency requiring immediate action.

475 ~~3. Terminate the operation of a summer day camp or summer
476 24-hour camp providing care for children when such camp has
477 willfully and knowingly refused to comply with the screening
478 requirements for personnel or has refused to terminate the
479 employment of personnel found to be in noncompliance with the
480 requirements for good moral character as determined in paragraph
481 (5)(a).~~

482 (b) If the department finds, within 30 days after written
483 notification by registered mail of the requirement for
484 licensure, that a person, ~~or~~ agency, or camp continues to
485 provide care for or to place children without a license ~~or,~~
486 ~~within 30 days after written notification by registered mail of~~
487 ~~the requirement for screening of personnel and compliance with~~
488 ~~paragraph (5)(a) for the hiring and continued employment of~~
489 ~~personnel, that a summer day camp or summer 24-hour camp~~
490 ~~continues to provide care for children without complying, the~~
491 department shall notify the appropriate state attorney of the
492 violation of law and, if necessary, shall institute a civil suit
493 to enjoin the person, ~~or~~ agency, or camp from continuing the
494 placement or care of children ~~or to enjoin the summer day camp~~
495 ~~or summer 24-hour camp from continuing the care of children.~~

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

497 (11)(a) The department is authorized to seek compliance
498 with the licensing requirements of this section to the fullest

499 extent possible by reliance on administrative sanctions and
500 civil actions.

501 (b) If the department determines that a person, ~~or~~ agency,
502 or camp is caring for a child or is placing a child without a
503 valid license issued by the department or has made a willful or
504 intentional misstatement on any license application or other
505 document required to be filed in connection with an application
506 for a license, the department, as an alternative to or in
507 conjunction with an administrative action against such person, ~~or~~
508 agency, or camp, shall make a reasonable attempt to discuss
509 each violation with, and recommend corrective action to, the
510 person, ~~or~~ the administrator of the agency, or the operator of
511 the camp, prior to written notification thereof. The department,
512 instead of fixing a period within which the person, ~~or~~ agency,
513 or camp must enter into compliance with the licensing
514 requirements, may request a plan of corrective action from the
515 person, ~~or~~ agency, or camp that demonstrates a good faith effort
516 to remedy each violation by a specific date, subject to the
517 approval of the department.

518 (c) Any action taken to correct a violation shall be
519 documented in writing by the person, ~~the~~ or administrator of the
520 agency, or the operator of the camp and verified through
521 followup visits by licensing personnel of the department.

522 (d) If the person, ~~or~~ agency, or camp has failed to remedy
523 each violation by the specific date agreed upon with the
524 department, the department shall, within 30 days after the
525 agreed-upon date, notify the person, ~~or~~ agency, or camp by

526 certified mail of its intention to refer the violation or
 527 violations to the office of the state attorney.

528 (e) If the person, ~~or~~ agency, or camp fails to come into
 529 compliance with the licensing requirements within 30 days after
 530 receipt of written notification, it is the intent of the
 531 Legislature that the department, within 30 days after the
 532 deadline for compliance, refer the violation or violations to
 533 the office of the state attorney.

534 (12) (a) It is unlawful for any person, ~~or~~ agency, or camp
 535 to:

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

541 2. Make a willful or intentional misstatement on any
 542 license application or other document required to be filed in
 543 connection with an application for a license.

544 (b) It is unlawful for any person, agency, summer day
 545 camp, or summer 24-hour camp providing care for children to:

546 1. Willfully or intentionally fail to comply with the
 547 requirements for the screening of personnel or the dismissal of
 548 personnel found not to be in compliance with the requirements
 549 for good moral character as specified in paragraph (5) (a).

550 2. Use information from the criminal records obtained
 551 under this section for any purpose other than screening a person
 552 for employment as specified in this section or to release such

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553 information to any other person for any purpose other than
554 screening for employment as specified in this section.

555 (c) It is unlawful for any person, agency, summer day
556 camp, or summer 24-hour camp providing care for children to use
557 information from the juvenile records of any person obtained
558 under this section for any purpose other than screening for
559 employment as specified in this section or to release
560 information from such records to any other person for any
561 purpose other than screening for employment as specified in this
562 section.

563 (d)1. A first violation of paragraph (a) or paragraph (b)
564 is a misdemeanor of the first degree, punishable as provided in
565 s. 775.082 or s. 775.083.

566 2. A second or subsequent violation of paragraph (a) or
567 paragraph (b) is a felony of the third degree, punishable as
568 provided in s. 775.082 or s. 775.083.

569 3. A violation of paragraph (c) is a felony of the third
570 degree, punishable as provided in s. 775.082, s. 775.083, or s.
571 775.084.

572 Section 3. Section 409.1758, Florida Statutes, is
573 repealed.

574 Section 4. This act shall take effect July 1, 2010.