

THE REGULATION OF SUMMER CAMPS

an Issue Paper

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INTRODUCTION

Each summer thousands of Florida's children attend summer day camp or summer residential camp. This issue paper describes the current regulatory framework for summer camps in Florida, examines other states' approaches, and presents options to the existing regulatory framework in Florida.

CURRENT REGULATORY FRAMEWORK

Statutory framework

A "summer day camp" is defined in s. 409.175, F.S., as "recreational, educational, and other enrichment programs operated during summer vacations for children who are 5 years of age on or before September 1 and older". This section also defines "summer 24-hour camp" as "recreational, educational, and other enrichment programs operated on a 24-hour basis during summer vacation for children who are 5 years of age on or before September 1 and older, that are not exclusively educational".

Section 409.175, F.S., also delineates the statutory framework for the licensing of family foster homes, residential child-caring agencies, and child-placing agencies. The requirements for licensure and operation of family foster homes, residential child-caring agencies, and child-placing agencies include:

1. The operation, conduct, and maintenance of these homes and agencies and the responsibility which they assume for children served and the evidence of need for that service.
2. The provision of food, clothing, educational opportunities, services, equipment, and individual supplies to assure the healthy physical, emotional, and mental development of the children served.
3. The appropriateness, safety, cleanliness, and general adequacy of the premises, including fire prevention and health standards, to provide for the physical comfort, care, and well-being of the children served.
4. The ratio of staff to children required to provide adequate care and supervision of the children served and, in the case of foster homes, the maximum number of children in the home.
5. The good moral character based upon screening, education, training, and experience requirements for personnel. The department may grant exemptions from disqualification from working with children or the developmentally disabled as provided in s. 435.07, F.S.
6. The provision of preservice and inservice training for all foster parents and agency staff.
7. Satisfactory evidence of financial ability to provide care for the children in compliance with licensing requirements.

8. The maintenance by the agency of records pertaining to admission, progress, health, and discharge of children served, including written case plans and reports to the department.
9. The provision for parental involvement to encourage preservation and strengthening of a child's relationship with the family.
10. The transportation safety of children served.
11. The provisions for safeguarding the cultural, religious, and ethnic values of a child.
12. Provisions to safeguard the legal rights of children served.

Summer camps are excluded from the licensing requirements of this section.

Subsection 4, paragraph a of s. 409.175, F.S. allows the Department of Children and Families (DCF) to adopt rules relating to the screening requirements for summer day camps and summer 24-hour camps. However, DCF has not adopted rules or enforces screening for employees and volunteers in summer day camps and summer 24-hour camps.

In relation to screening and background check requirements for personnel that work in child care facilities (s. 402.305, F.S.) or child-placing agencies, child-caring agencies, or family foster homes (s. 409.175, F.S.), screening and background checks for summer camp personnel are not as rigorous.

The term "personnel" means all owners, operators, employees, and volunteers working in a child care facility, child-placing agency, family foster home, or residential child-caring agency who may be employed by or do volunteer work for a person, corporation, or agency which holds a license as a child care facility, child-placing agency or a residential child-caring agency.

Section 409.1758, F.S., exempts human resource personnel of summer recreation camps, summer day camps, or summer 24-hour camps, other than owners and operators, from being required to be fingerprinted for screening purposes under chapter 409 or chapter 402, F.S.

Summer camp personnel must comply with the Level 1 background screening requirements in s. 435.03, F.S. Level 1 screening standards include:

- Employment history checks
- Statewide criminal correspondence checks through the Florida Department of Law Enforcement

- Optional local criminal records checks through local law enforcement agencies

Personnel that work in child care facilities, child-placing agencies, child-caring agencies, or family foster homes, must comply with Level 2 screening standards (s. 435.04, F.S.). Level 2 screening standards include:

- Employment history checks
- Fingerprinting for all purposes
- Statewide criminal and juvenile records checks through the Florida Department of Law Enforcement
- Federal criminal records checks through the Federal Bureau of Investigation
- Optional local criminal records checks through local law enforcement agencies

The temporary nature of summer camp employment is one of the reasons fingerprinting requirements are not feasible. A check based on fingerprints and FBI records usually requires weeks or months to complete and obtain the results because of the backlog of records that need to be checked.

Subsection (9) of s. 409.175, F.S., allows DCF to institute injunctive proceedings in a court of competent jurisdiction to terminate the operation of a summer day camp or summer 24-hour camp providing care for children when such camp has willfully and knowingly refused to comply with the screening requirements for personnel or has refused to terminate the employment of personnel found to be in noncompliance with the requirements for good moral character.

Section 402.305, F.S., defines a "child care facility" as any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit. Summer camps having children in full-time residence and summer day camps are specifically excluded from this definition. Thus, child care facility licensing requirements and standards do not apply to summer residential camps and summer day camps.

Child abuse and neglect laws apply to summer residential camps and summer day camps. Under chapter 39, F.S., situations of known or suspected child abuse or neglect, in which the person allegedly perpetrating the child abuse or neglect is an employee of a private school, public or private day care center, residential home, institution, facility, or agency or any other person at such institution responsible for the child's care, must be reported to the child abuse hotline.

Subsection (1) of s. 513.02, F.S., requires a permit from the Department of Health (DOH) before a person may establish or maintain a recreational camp. Section 513.01 F.S., defines a "recreational camp" as "one or more buildings or structures, tents,

trailers, or vehicles, or any portion thereof, together with the land appertaining thereto, established, operated, or used as living quarters for five or more resident members of the public and designed and operated for recreational purposes. The permit must be renewed annually and is not transferable from one place or person to another. The department may refuse a permit to, or refuse to renew the permit of, any camp that is not constructed or maintained in accordance with law and with the rules of the department.

Section 514.071, F.S., requires a person working as a swimming instructor or lifeguard at a public swimming pool to be certified by the American Red Cross, the Y.M.C.A., or other nationally recognized aquatic training programs. Swimming instructors must be currently certified in swimming instruction, first aid, and cardiopulmonary resuscitation. Lifeguards must be currently certified in lifeguarding, first aid, and cardiopulmonary resuscitation. There is no requirement in statute or in rule that requires a lifeguard to be present at all times when campers are involved in water activities in a camp setting or any setting where there is a public pool.

Rules

DOH under the authority of s. 513.05, F.S., has the responsibility to enforce laws and develop rules that pertain to the health and safety of group camps. Chapter 64E-15, F.A.C., provides the framework for these rules. Section 64E-15.001, F.A.C., defines a group camp site as “camp sites open to the public which provide housing for transient occupancy”. The definition specifies that occupants of group camp sites are housed in tents or similar housing that provides protection from the elements to transient, overnight campers. The term also includes sites utilized by organizations such as Boy Scouts, Girl Scouts, church or other non-profit groups whose memberships are open to the public. The rules under this section address:

- ▶ Sites -- Mobile Home, Lodging, and Recreational Vehicle Parks
- ▶ Water Supply
- ▶ Sewage Disposal
- ▶ Sanitary Facilities
- ▶ Plumbing
- ▶ Garbage and Refuse Disposal
- ▶ Insect and Rodent Control
- ▶ Recreational Camp Standards
- ▶ Permits and Fees
- ▶ Owner's and Operator's Responsibility

Semi-primitive wilderness camp are not required to provide any of the facilities offered by 64E-15, F.A.C. However, when offered they must comply with the requirements in this section. 'Semi-primitive wilderness camp' means camp sites open to the public accessible only by walk-in, equestrian, or motorized trail vehicles that do not contain

facilities for overnight stay as do group camp sites.

Chapter 514, of the Florida Statutes deals with standards for public swimming and bathing facilities including pools serving camps. Pools regulated by chapter 514 must be constructed and operated to meet the minimum health and safety standards of Rule 64E-9, F.A.C. This includes size, shape, depth, safety equipment, safety markings, filtration, flow rate and proper disinfection requirements. The Department of Health permits and inspects pools of eight persons capacity or greater at least twice a year to ensure pools are operated and maintained in a safe manner.

There are differences between a private pool and a pool built to public pool standards. Public pools are designed by licensed engineers to meet the health and safety standards of Chapter 64E-9, F.A.C. The engineer's pool plans are reviewed by the health department's engineering personnel to ensure compliance with the code. Once the pool is completed, it is inspected by the design engineer and by the health department engineering staff before the pool is to be used. Private pools must be constructed by a contractor licensed pursuant to chapter 489, F.S., of the Florida Statutes and must meet local county construction codes.

Standards under F.A.C. 64E - 15.009

The recreational camp standards under F.A.C. 64E - 15.009 address the following areas.

Sites

- Group camp sites shall be well drained and maintained to inhibit the breeding of mosquitoes. Cabins and sleeping quarters shall not be developed within 200 feet of marshes, bottom lands, natural sinkholes, swamps, stagnant water pools or other surface collectors of water.
- Eating and sleeping structures shall be located more than 200 feet from barns, pens or similar quarters of livestock or poultry.
- The total area required of a tent space shall be a minimum area of 500 square feet.
- Semi-primitive wilderness camps are not required to provide any of the facilities offered by this chapter.

Shelters

- All rooms designed or used for sleeping purposes shall provide a minimum of

300 cubic feet of air space for each occupant. In computing the cubic footage of sleeping rooms, ceiling heights shall be counted to a maximum of 9 feet and no floor area shall be counted where the ceiling height is less than 6 feet.

- All shelters used as family residential units shall contain a minimum of 50 square feet of floor space for each occupant. Sleeping rooms in such family residential units shall also meet the air space requirements of this section.
- Separate sleeping quarters shall be provided for each gender except in the housing of families.
- All operable windows of the camp shall be screened with screening of not less than 16 mesh. Mechanical ventilation facilities shall be cleaned and maintained at least every six months.

Heating

- Heating appliances shall be provided in all non-transient shelters to maintain a minimum room temperature of 68 degrees Fahrenheit during the months of September through April.
- Heating appliances, other than electrical, shall be provided with a vent pipe or vent connected to the appliance and discharging to the outside air or chimney.
- Electric wiring shall be installed in accordance with the provisions of the local electrical ordinance or if no such ordinance exists, in accordance with the provisions of the latest edition of the National Electrical Code.

Beds and bedding

- Sleeping facilities shall be provided for each camp occupant when alternative arrangements have not been made. Such facilities shall consist of beds, cots or bunks and shall include clean mattresses and mattress covers.
- Blankets and other bed coverings provided by the camp operator shall be laundered or otherwise sanitized between assignment to different camp occupants.
- Regular inspection of beds and bedding shall be made to ensure freedom from vermin. The extermination of vermin found in bedding shall be accomplished before anyone is allowed to use the bedding again.
- Every bed, cot or bunk shall have a clear space of at least 12 inches from the

floor. There shall be a clear ceiling height of not less than 36 inches above any mattress and there shall be clear space of not less than 27 inches between the top of the lower mattress and the bottom of the upper bunk of a double deck facility. Triple deck facilities shall be prohibited, and in sleeping rooms provided for other than family groups, double beds shall be prohibited.

- Beds, cots or bunks shall be spaced not less than 30 inches laterally or end to end. A minimum of 4 feet of clear aisle space shall be provided in all dormitories.

Food service facilities

- In camps where there is a central mess or multi-family feeding facility such as a dining room or mess hall, it shall be operated in compliance with Chapter 64E-11, F.A.C.
- Other food service operations shall be inspected and approved by the department.

Sanitary facilities and sewage disposal

- For new construction, the number of sanitary fixtures provided for each sex shall be based on the maximum number of persons of that sex which the camp is designed to house at any one time. All shower and wash basin fixtures shall be provided with water under pressure. Tents shall be considered to house 2 people equally divided as to gender. Sanitary facilities ratios shall be provided for the following number of persons or fraction thereof:

	Females	Males
Toilets	1:10	1:15
Wash Basins	1:10	1:15
Showers	1:15	1:15
Urinals		1:25

- In dormitory or barracks type sleeping facilities, separate personal hygiene facilities shall be provided for each gender. The rooms shall be distinctly marked for male or female use. If the facilities for both genders are in the same building, the rooms shall be separated by partitions extending from the floor to the roof or ceiling. Provisions shall be made for adequate dressing space adjacent to each bathing facility.

- Every water closet or flush toilet installed shall be located in a toilet room and shall be properly connected to a satisfactory sewage treatment and disposal system which complies with the requirements of DOH or the Florida Department of Environmental Protection. Each water closet shall have a privacy partition.
- Laundry facilities or another laundering alternative approved by DOH the department shall be provided to meet the needs and purposes of the camp. Laundry facilities shall not be used for kitchen waste disposal.
- Toilet, hand washing, and bathing facilities contained in family residential units shall not be considered when establishing the required number of fixtures of communal sanitary facilities. Each family residential unit of a camp, excluding tents and recreational vehicles, shall contain at least a flush toilet, bathtub or shower, and a wash basin.
- The floors of toilet, hand washing, bathing, and laundry facilities shall be of easily cleanable, non-skid finish, impervious to moisture and sloped to a drain. Trapped floor drains shall be provided in all shower baths and shower rooms to remove waste water and facilitate cleaning. The walls and partitions of shower rooms shall be easily cleanable and impervious to moisture. When hose bibs are used to clean communal sanitary facilities, the hose bib is required to have a backflow prevention device. The wall and floor space to a point of 1 foot in front of the urinal lip and rising 4 feet on the sides of the urinal shall be faced with a non-absorbent material.
- In permanent buildings, each toilet room shall be so located that no individual is required to pass through a sleeping area, other than his own, in order to use toilet facilities. Toilet fixtures shall have privacy partitions. Toilet rooms shall be ventilated to the outside. A toilet facility shall be located no farther than 200 feet from the door of each sleeping room.

Water supply

- A supply of water under pressure that conforms with the requirements of Chapter 64E-15.003(1), Florida Administrative Code, shall be available for drinking, culinary purposes, and sanitary facilities.
- Where water is not provided in the habitable room of a shelter, water outlets shall be located such that no shelter or habitable room is more than 100 feet from such an outlet. Drainage from the overflow or spillage from such outlets shall be plumbed to an approved sewage system.

- Where drinking fountains are provided, the construction shall be the angle jet type.

OTHER STATES

Nationally, there is variation among states in their regulatory approach to summer camps. There are basically four regulatory frameworks for summer camps. Most state regulatory frameworks fit into one of these four types. These include:

- ▶ Specific exemption of summer camps from licensing requirements.
- ▶ Regulation through specific agency rules developed pursuant to a statutory directive.
- ▶ Regulation of camps as a subset of other child caring arrangements.
- ▶ Statutory sections delineating requirements and standards exclusively for summer camps.

Specific exemption of summer camps from licensing requirements.

As stated earlier, summer camps are excluded from the licensing standards of s. 402.305, F.S., required of child care facilities and s. 409.175, F.S., required of family foster homes, residential child-caring agencies, and child-placing agencies. Tennessee is an example of another state that excludes summer camps from the requirements that apply to other child caring agencies (TENN. CODE s. 71-3-527). Tennessee requires that a sign be posted stating, "This facility is not required to be licensed by the state of Tennessee as a child-caring agency."

Regulation through specific agency rule pursuant to a statutory directive.

Some states follow a model similar to Florida's framework that directs the Department of Health under the authority of Chapter 513, F.S. to enforce laws and develop rules that pertain to the health and safety of group camps.

California requires the Director of Health Services to adopt rules and regulations establishing minimum standards for organized camps, regulating the operation of organized camps that the director determines are necessary to protect the health and safety of campers, and building standards (CALF CODE s. 18897.2). Authority is also granted to the State Fire Marshall to adopt fire safety regulations for organized camps (CALF CODE s. 18897.3)

Regulation of camps as a subset of other child caring arrangements

Colorado law includes "day camps" and "summer camps" under the definition of "child care centers" (COL CODE s. 26-6-102, 1998). The law directs the Colorado

Department of Human Services to prescribe and publish standards for licensing child care centers. The law requires the department to seek the advice and assistance of persons representative of the various types of child care facilities and agencies in establishing standards. The standards are established by rules promulgated by the Colorado State Board of Human Services. Standards that must be prescribed by rule include standards for:

- The operation and conduct of the facility or agency and the responsibility it assumes for child care.
- The character, suitability, and qualifications of the applicant for a license and of other persons directly responsible for the care and welfare of children served.
- The general financial ability and competence of the applicant for a license to provide necessary care for children and to maintain prescribed standards.
- The number of individuals or staff required to insure adequate supervision and care of children served.
- The appropriateness, safety, cleanliness, and general adequacy of the premises, including maintenance of adequate fire protection and prevention and health standards in conformance with state laws and municipal ordinances, to provide for the physical comfort, care, well-being, and safety of children served.
- Keeping of records for food, clothing, equipment, and individual supplies.
- Provisions to safeguard the legal rights of children served.
- Maintenance of records pertaining to the admission, progress, health, and discharge of children.
- Filing of reports with the department.
- Discipline of children.
- Standards for the short-term confinement of a child in defined emergency situations.
- Standards for the appropriateness, safety, and adequacy of transportation services for children to and from child care centers.
- Provisions that ensure verification that each child has received appropriate immunizations against contagious diseases.

Specific statutory section delineating licensing requirements and standards for summer camps

Texas is an example of a state that has a chapter of law governing the licensing and regulation of camps. Texas Statute Chapter 141 addresses day camps and residential camps. The Texas Board of Health and its operational arm the Texas Department of Health, are responsible for implementing and enforcing these requirements. The statutory framework includes:

- Title (s. 141.001)
- Definitions (s. 141.002)
- License Required (s. 141.003)
- License Application and Issuance (s. 141.004)
- License Renewal (s. 141.005)
- Principal Authority for Youth Camps (s. 141.006)
- Inspections (s. 141.007)
- Adoption of Rules; Exemption From Application of Certain Rules (s. 141.008)
- Standards (s. 141.009)
- Advisory Committee (s. 141.010)
- Operator's Duty (s. 141.011)
- License Revocation (s. 141.012)
- Board Hearings (s. 141.013)
- Judicial Review (s. 141.014)
- Civil Penalty; Injunction (s. 141.015)
- Administrative Penalty (s. 141.016)
- Administrative Penalty Assessment Procedure (s. 141.017)
- Payment of Administrative Penalty (s. 141.018)
- Refund of Administrative Penalty (s. 141.019)
- Recovery of Administrative Penalty by Attorney General (s. 141.020)

Under s. 141.109, T.S., requires the Texas Board of Health to adopt rules to establish health and safety standards for camps. The standards relate to:

- Adequate and proper supervision at all times of camp activities
- Qualifications for directors, supervisors, and staff and sufficient numbers of those persons
- Proper safeguards for sanitation and public health
- Adequate medical services for personal health and first aid
- Proper procedures for food preparation, handling, and mass feeding
- Healthful and sufficient water supply
- Proper waste disposal
- Proper water safety procedures for swimming pools, lakes, and waterways
- Safe boating equipment

- Proper maintenance and safe use of motor vehicles
- Safe buildings and physical facilities
- Proper fire precautions
- Safe and proper recreational and other equipment
- Proper regard for density and use of the premises

ACCREDITATION

The American Camping Association has a well-established accreditation process for camps. The standards address the areas of camp management and operation. The standards include:

- Site: fire protection, food service, sleeping quarters, bathing and toilet facilities.
- Transportation: procedures concerning drivers, vehicles, and traffic on site.
- Health and Wellness: staff qualifications, facilities requirements, record keeping, storage distribution of medicines, contact information, health forms.
- Operational Management: safety regulations, emergency communication systems, procedures for intruders, personal property regulations.
- Human Resources: staff qualifications, training, supervision ratios, and procedures.
- Program Activities: aquatics, adventure/challenge, trips, horseback riding, staff qualifications for special programs.

Mandatory standards include requirements for emergency exits, first aid, aquatic-certified personnel, storage and use of flammables and firearms, emergency transportation, and obtaining appropriate health information.

ACA accreditation is voluntary. ACA cannot close or otherwise penalize an entity that is not meeting its accreditation criteria, except for the removal of the accreditation status. Licensing focuses on the enforcement of minimum standards.

Accreditation focuses on education and evaluation of a camp's operation and usually go beyond the minimum requirements of licensing. At least once every three years an outside team of trained camping professionals visits the camp to verify compliance with the ACA standards.

While standards focus on health and safety practices, accreditation cannot guarantee that the camper will be absolutely free from harm. Accreditation can indicate to the public that the camp administration has voluntarily allowed its practices to be compared with the standards established by professionals in the camping industry. ACA accredits

2074 camps nationwide. In Florida, there are 38 ACA accredited camps.

CONCLUSION

Florida's regulatory framework for summer camps uses a permitting process. The specific requirements for the regulation of summer camps has been delegated by statute to the Florida Department of Health. Florida's permitting process is similar to the regulatory framework used in other states. Although Florida has a licensing framework for child care facilities, child-placing agencies, family foster homes, or residential child-caring agencies, Florida lacks a licensing requirement for summer camps.

Option 1.

Continue current policy framework. As long as the Department of Health enforces the regulations promulgated through rules for summer camps, it does not appear that any advantage would be gained by articulating this framework in statute. It would probably communicate to the public in a clearer manner if Florida adopted a similar provision used in Tennessee that requires a sign be posted at the camp stating, "This facility is not required to be licensed by the state of Tennessee as a child-caring agency." Florida's variation of this provision might read; "This facility is not required to be licensed by the state of Florida as a child care facility, child-caring agency or summer camp."

Option 2.

Statutory requirements that have a bearing on the regulation of camps are found in chapter 402, 409, 513, and 514, F.S. A consolidation of these provisions into one section could provide a more coherent understanding of the regulation to the public. The Texas approach is a good example of a consolidated code. In general, the public is more familiar with intent and requirements expressed in a statute than with administrative rules. A variation of this option is to express in statutes the requirements that are in place in the Florida Administrative Code.

Option 3.

Require a license for summer day camps and summer 24-hour camps. Many members of the House and public that have contacted this committee over the years regarding questions about camps assumed that the State licensed these operations and often express surprise when they learned that there were no license requirements. A transition to a license should be fairly smooth since the permitting process currently in place is very similar. A license would indicate to the public that the camp meets the state's minimum regulations and standards.