

STORAGE NAME: h2019s1z.flc

DATE: June 1, 1999

****FINAL ACTION****

****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
FAMILY LAW AND CHILDREN
FINAL ANALYSIS**

BILL #: CS/HB 2019

RELATING TO: Child Protection

SPONSOR(S): The Committee on Family Law and Children and Representative Roberts

COMPANION BILL(S): CS/CS/SB 1666

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) Family Law and Children YEAS 7 NAYS 0
- (2) Governmental Rules and Regulations YEAS 5 NAYS 0
- (3) Judiciary
- (4)
- (5)

I. FINAL ACTION STATUS:

The bill passed as CS/CS/SB 1666. See Chapter # 99-193, Laws of Florida.

II. SUMMARY:

The bill amends sections of Chapter 39, Florida Statutes, to make technical corrections and to conform and clarify language and references and to provide consistency in the application of the law to various categories of individuals who care for children. These changes are necessary as a result of a major reorganization of the chapter during the 1998 session.

The bill provides that the Department of Children and Family Services may place a child in a foster home which otherwise meets licensing requirements if the state and local records checks do not disqualify the applicant and the department has submitted fingerprints to FDLE for forwarding to the FBI and the department is awaiting the results of the federal criminal records check.

The bill provides that the parent or legal guardian of a minor child who is living at home has standing to seek an injunction for protection against repeat violence on behalf of that minor child if the parent or legal guardian was an eye witness to or has other direct physical evidence of the facts and circumstances which form the basis upon which the relief is sought.

The bill also authorizes the Department of Children and Family Services to annually certify local funds for state match for eligible Title IV-E expenditures.

There is no fiscal impact from the bill.

III. _____:

A.

Child Protection

Florida's Dependency Court Improvement Program (DCIP) was established in 1995 when the U.S. a comprehensive research project designed to study judicial management of foster care and adoption proceedings involving dependent children. HB 1019, passed by the legislature during the

HB 1019 relocated relevant sections of Chapter 415, Florida Statutes, into Chapter 39, Florida dependency process from intake to case outcome. The bill provided attorneys for parents who parents throughout the duration of the case. It also increased penalties for false reporting and

The federal Adoption and Safe Families Act of 1997 was signed into law in November 1997, and rather than family reunification or preservation, is now required to be the paramount concern in are now required to have a permanency planning review hearing within one year from the date of certain circumstances are provided. Florida became the first state in the nation to enact the

Foster Home Licensure

required for any prospective foster or adoptive parent before the foster or adoptive parent may be adoption assistance payments are to be made. A level 2 screening includes federal criminal

Repeat Violence Injunctions

minor child living at home standing to seek an injunction for protection against repeat violence on

Title IV-E Expenditures

and custody of the state. Section 409.26713, Florida Statutes, authorizes the Department of as a match for eligible Title IV-E funds for eligible children in the state's care. Federal matching match and do not result in a reduction of General Revenue for the local area receiving the federal children under the supervision custody of the state."

EFFECT OF PROPOSED CHANGES:

In the 1998 statutory merger and revision of chapters 39 and 415, the phrase "parent, legal inconsistency and misuse and the bill addresses the corrections. In comparing the 1997 versions of both chapters 39 and 415, it became evident that the 1997 statutes also

contained numerous inconsistencies in the role, responsibilities and legal obligations of individuals other than a parent. The bill provides consistency in the application of the law to various categories of individuals who care for children.

Foster Home Licensure

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Repeat Violence Injunctions

The bill provides that the parent or legal guardian of a minor child who is living at home has standing to seek an injunction for protection against repeat violence on behalf of that minor child if the parent or legal guardian was an eye witness to or has other direct physical evidence of the facts and circumstances which form the basis upon which the relief is sought.

Title IV-E Expenditures

The bill provides that eligible expenditures that are made for "... children under the supervision or custody of the state" are to be certified for a match. This would include children who are under protective supervision of the state but not ordered into foster care. The bill also removes the \$5 million cap.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

N/A

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

N/A

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

b. Does the bill require or authorize an increase in any fees?

N/A

c. Does the bill reduce total taxes, both rates and revenues?

N/A

d. Does the bill reduce total fees, both rates and revenues?

N/A

e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Amends sections 39.001, 39.0015, 39.01, 39.011, 39.0121, 39.013, 39.0132, 39.0134, 39.201, 39.202, 39.203, 39.206, 39.301, 39.302, 39.3035, 39.304, 39.311, 39.312, 39.313, 39.395, 39.401, 39.402, 39.407, 39.501, 39.502, 39.503, 39.504, 39.506, 39.507, 39.508, 39.5085, 39.509, 39.510, 39.601, 39.602, 39.603, 39.701, 39.702, 39.703, 39.704, 39.801, 39.802, 39.805, 39.806, 39.807, 39.808, 39.811, 39.814, 39.815, 39.822, 63.0427, 409.26731, 419.001, 784.046, 901.15, and 921.0024, and creates s. 39.0014, Florida Statutes.

E. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends s. 39.001, Florida Statutes, 1998 Supplement, to remove the terms "guardian" and "caregiver" and insert the term "legal custodian". The changes are technical and conforming.

Section 2. Creates s. 39.0014, Florida Statutes, to provide that all state, county, and local agencies shall cooperate, assist, and provide information to the department as will enable it to fulfill its responsibilities under chapter 39.

Section 3. Amends s. 39.0015, Florida Statutes, 1998 Supplement, relating to child abuse training in the school system. It amends subsection (3) to define “child abuse” to be specifically those acts as included in the definitions for “abandoned”(1), “abuse”(2), “harm”(30), “mental abuse”, “neglect”(46), “physical injury”(53), and “sexual abuse”(64), in s. 39.01, Florida Statutes, 1998 Supplement. This section also amends subsection (4) to clarify that information provided in a primary prevention and training program should include a description of child abuse as including, but not limited to, sexual abuse, physical abuse, abandonment, neglect, and alcohol and drug abuse.

Section 4. Amends s. 39.01, Florida Statutes, 1998 Supplement, amends s. 39.01, F.S. (Supp.1998), to clarify and conform a number of existing definitions as used in ch. 39, F.S. Specifically, it attempts to clarify the usage of the terms “parent,” “legal custodian,” and “caregiver” as used throughout chapter 39, F.S. It creates a new definition for the term “out-of-home” to mean a placement outside the parent’s home which is intended to replace the term “custody.” It also clarifies that when the term “parent or legal custodian” is used in any provision that it refers to rights or responsibilities of the parent and only if there is no living parent, then the legal custodian stands in the stead of the parent.

Section 5. Amends s. 39.011, Florida Statutes, 1998 Supplement, relating to immunity from liability, to provide a technical and conforming change by replacing the reference “foster or shelter care matter” with “dependency matter”.

Section 6. Amends s. 39.0121, Florida Statutes, 1998 Supplement, to reflect that Child Protection Teams are now under the jurisdiction of the Department of Health.

Section 7. Amends s. 39.013, Florida Statutes, 1998 Supplement, relating to procedures and jurisdiction of dependency matters and right of counsel. It provides technical and conforming changes to clarify that the provisions relating to right of counsel apply only to a parent as defined under this chapter and that the provisions relating to time limitations apply equally to the petitioner.

Section 8. Amends s. 39.0132, Florida Statutes, 1998 Supplement, to provide technical and conforming changes. The section also reduces the time period that the court shall make and keep records of all cases brought before it pursuant to chapter 39 and shall preserve records relating to a dependent child from 10 to 7 years after the last entry was made. It also adds that orders terminating parental rights may be admissible in evidence in subsequent proceedings to terminate the parental rights to a sibling. This conforms with s. 39.806(1)(l), Florida Statutes, 1998 Supplement, which relates to the grounds for which termination of parental rights may be entered.

Section 9. Amends s. 39.0134, Florida Statutes, 1998 Supplement, to provide that a county may acquire and enforce a lien upon court-ordered payment of attorney’s fees and costs for court-appointed counsel, in accordance with the procedure in s. 984.08, Florida Statutes, relating to recovery of attorney’s fees in indigency cases for children and families in need of services.

Section 10. Amends s. 39.201, Florida Statutes, 1998 Supplement, relating to mandatory reports of child abuse, to provide technical and conforming changes.

Section 11. Amends s. 39.202, Florida Statutes, 1998 Supplement, relating to confidentiality of report and records in child abuse cases. It provides technical and conforming changes. It adds that reports of child abandonment are confidential just as reports of child neglect or abuse. The section provides that only persons authorized by Department of Children and Family Services may use the department’s records but only for research, statistical or audit purposes. Additionally, that individual or entity must execute a privacy and security agreement.

Section 12. Amends s. 39.203, Florida Statutes, 1998 Supplement, to provide a technical and conforming change by clarifying that any person acting in good faith or reporting to either the department or law enforcement regarding child abuse, abandonment, or neglect is immune from civil and criminal liability.

Section 13. Amends s. 39.206, Florida Statutes, 1998 Supplement, relating to administrative fines, to provide technical and conforming changes by clarifying that this section applies in the context of an administrative hearing before an administrative hearing officer.

Section 14. Amends s. 39.301, Florida Statutes, 1998 Supplement, relating to initial protective investigations and reports, to provide technical and conforming changes. It revises the provision relating to the filing of a dependency petition to require the department to file one if it is determined that the child is in need of the protection and supervision of the court, rather than if such action is in the best interest of the child. It clarifies that the person or agency originating the report may petition for dependency. It conforms time frames with those in s. 39.302, F.S. (Supp.1998)

Section 15. Amends s. 39.302, Florida Statutes, 1998 Supplement, relating to protective investigations of institutional child abuse, abandonment, or neglect, to provide technical and conforming changes.

Section 16. Amends s. 39.3035, Florida Statutes, 1998 Supplement, to clarify the definition of a Child Advocacy Center. A child advocacy center may either be a child protection team or have a child protection team as a component of the center.

Section 17. Amends s. 39.304, Florida Statutes, 1998 Supplement, relating to examinations by certain health professionals, to provide technical and conforming changes.

Section 18. Amends s. 39.311, Florida Statutes, 1998 Supplement, to provide a technical change.

Section 19. Amends s. 39.312, Florida Statutes, 1998 Supplement, to clarify the intent of the federal Adoption and Safe Families Act and to provide technical and conforming changes.

Section 20. Amends s. 39.313, Florida Statutes, 1998 Supplement, to conform to the intent of the federal Adoption and Safe Families Act.

Section 21. Amends s. 39.395, Florida Statutes, 1998 Supplement, relating to the detainment of a child by medical or hospital personnel, to provide a technical and conforming change.

Section 22. Amends s. 39.401, Florida Statutes, 1998 Supplement, relating to a dependent child taken into custody by law enforcement and department agents. It provides technical and conforming changes by removing reference to reasonable grounds such that custody may occur solely if there is probable cause to support a finding of the enumerated criteria. It also clarifies that it is the shelter petition, and not the petition hearing, which is filed and can only be filed if the child has not yet been returned to custody of the parent or legal custodian.

Section 23. Amends s. 39.402, Florida Statutes, 1998 Supplement, relating to placement in a shelter. It provides technical and conforming changes by replacing "reasonable grounds" for the basis to place a child in a shelter with "probable cause to believe." It also adds new language as follows:

- it clarifies that parents have a right to a continuance at the shelter hearing in order to obtain counsel, and that the child shall remain in the shelter during the period of continuance granted.
- it requires parents to provide financial information to the Department of Children and Family Services within 28 days of the shelter hearing order placing a child in a shelter for purposes of calculating child support pursuant to s. 61.30, F.S.
- it adds that if the parent or legal custodian is alleged to have committed any of the acts listed as grounds for expedited termination of parental rights under s.39.806(1)(f)-(i), then it is deemed that the Department has made a reasonable effort to prevent or eliminate the need for removal of a child for purposes of the court findings required in an order for placement of a child in shelter care.

Section 24. Amends s. 39.407, Florida Statutes, 1998 Supplement, relating to examination and treatment of a child, to provide technical and conforming changes by replacing certain terms with new terminology such as "out of home placement".

Section 25. Amends s. 39.501, Florida Statutes, 1998 Supplement, relating to petitions for dependency, to provide technical and conforming changes.

Section 26. Amends s. 39.502, Florida Statutes, 1998 Supplement, relating to notice, process, and service, to provide technical and conforming changes. It expands the time period from 24 hours to 72 hours, as measured from the service of the summons, within which a person is required to appear for a hearing. It also allows a guardian ad litem to serve a subpoena, as is already allowed to be served by agents of the department.

Section 27. Amends s. 39.503, Florida Statutes, 1998 Supplement, relating to the unknown identity and location of a parent, to provide technical and conforming changes.

Section 28. Amends s. 39.504, Florida Statutes, 1998 Supplement, relating to injunctions pending disposition of a dependency hearing, to remove obsolete language used when the Department of Juvenile Justice had oversight over these dependency matters.

Section 29. Amends s. 39.506, Florida Statutes, 1998 Supplement, amends s. 39.506, F.S. (Supp.1998), relating to arraignment hearings, to provide technical and conforming changes. It adds that an arraignment hearing must be held either *no later than 28 days after the shelter hearing* or within 7 days after the filing of the dependency petition if a demand for early filing was made. In those cases in which a child is in shelter care and the parent or legal custodian admit or consents to the findings in the dependency petition, the court may set a 15-day period, as measured from the arraignment hearing, within which to hold a disposition hearing. The same 15-day period is provided for those cases in which a child is in the custody of a parent or legal custodian when the parent or legal custodian admits or consents to a dependency adjudication.

Specifically, subsection (3) is revised to allow the court to enter a consent for a dependency adjudication if the person subsequently fails to appear at an adjudicatory hearing after having been ordered by the court when he or she appeared at the earlier arraignment hearing. This revision is based on the Dependency Court Improvement Committee's recommendation to clarify that it is unnecessary to move forward with an adjudicatory hearing when a parent fails to appear.

Subsection (8) is also revised to provide for 15-day review cycles, as measured initially from the date of the arraignment hearing, of a child's placement in the shelter until a child is returned home or a disposition hearing is held.

Section 30. Amends s. 39.507, Florida Statutes, 1998 Supplement, relating to adjudicatory hearings and orders, to provide technical and conforming changes. It clarifies that notice of the disposition hearing date, time, and location shall be provided in writing at the conclusion of the adjudicatory hearing.

Section 31. Amends s. 39.508, Florida Statutes, 1998 Supplement, relating to disposition hearings, to provide technical and conforming changes. Specifically, subsection (2) clarifies that the disposition report also includes a home study report of the adult with whom the child is living and a determination of the amount of required child support (if the child is out-of-home). Subsection (8)(a) also adds that juvenile court orders take precedence over other custody and visitations orders in other matters.

Subsection (9) clarifies that when a court places a child in temporary legal custody of an adult relative or other adult after adjudication of dependency, the department must continue supervision until the child reaches permanency status in a relative placement (i.e., through adoption, long-term custody, or guardianship). The period of supervision, however, must be for at least 6 months. It does not address how permanency status is achieved through nonrelative placement. It also clarifies and adds several conditions to be included as part of a court's approval to place a child in long-term custody of an adult relative or other adult:

- the possibility of a child returning to the custody of a parent should the parent demonstrate a material change in circumstances and the return of a child is in the child's best interest.

- a commitment by the relative or other adult to provide for the child until age of majority and to prepare the child for adulthood and independence
- an agreement by the relative or other adult not to return the child, even for short visits, to the parent without court approval

The court shall discontinue judicial review hearings if it determines that the placement is stable and no further supervision is needed. However, placement must be for at least 6 months before the court may terminate a department's supervision.

It also clarifies that:

- the standard for changing the temporary placement of a child under protective supervision must be "in the best interest of the child," and that a new placement (but not in foster care) must meet the home study criteria and have court approval.
- the court disposition orders must include the next scheduled review hearing which must occur within the earlier of 90 days after the disposition hearing; 90 days after the court accepts a case plan; 6 months after the last review hearing; or 6 months after the child's removal from his or her home (if no review hearing was held).
- reasonable efforts to reunify are not required in cases in which a child is removed before a disposition hearing if any of the grounds listed for termination of parental rights in 39.806(1)(f)-(i) is found.

Subsection (15) clarifies that the court shall determine whether to continue or terminate supervision based on the department's report, the guardian ad litem's report, and any other relevant factors.

Section 32. Amends s. 39.5085, Florida Statutes, 1998 Supplement, relating to relative caregiver programs, to provide technical, conforming and clarifying changes.

Section 33. Amends s. 39.509, Florida Statutes, 1998 Supplement, relating to grandparents rights, to provide technical and conforming changes and to clarify that the outcome of an investigation concerning a report of abuse, abandonment, or neglect may be consideration when determining grandparental visitation.

Section 34. Amends s. 39.510, Florida Statutes, 1998 Supplement, relating to appeals, to provide technical and conforming changes.

Section 35. Amends s. 39.601, Florida Statutes, 1998 Supplement, relating to case plan requirements, to provide technical and conforming changes and clarifying that the case plan includes a description of the tasks with which the parent must comply. It also imposes a 72-hour period within which a case plan must be filed and served on all parties before the disposition hearing. It also clarifies that an amended case plan must also be served on all parties whose whereabouts are known, at least 72 hours prior to the department filing it with the court.

Section 36. Amends s. 39.602, Florida Statutes, 1998 Supplement, relating to unilateral case plans, to provide technical and conforming changes.

Section 37. Amends s. 39.603, Florida Statutes, 1998 Supplement, relating to court approvals of case plans, to provide technical and conforming changes, and to clarify that an amended case plan is to be submitted to the court for review and approval within 30 days (rather than a time certain specified by the court) after the court hearing and a copy of the amended plan is to be provided to each party at least 72 hours prior to filing it with the court. Additionally, it expands from 48-hour to 72-hours the period prior to a court hearing in which to serve a copy of the case plan to a nonparticipating parent if the parent can be located.

Section 38. Amends s. 39.701, Florida Statutes, 1998 Supplement, to provide technical and conforming changes by providing for a 6-month judicial review cycle until a child reaches permanency status. It clarifies that citizen review panels make the recommendation whether to

extend a case plan beyond 12 months and if the panels do recommend an extension, the court must schedule a judicial review hearing within 30 days after receiving the citizen review panel report. It adds that service of notice is not required on persons who were present at the previous judicial review hearing at which the announcement of a subsequent hearing was made. New language is provided to additionally require the social service report to include: 1) a statement related to partial compliance by parents with the provisions of a case, and 2) copies of all medical, psychological and educational records supportive of the case plan. (The social service report is required to be submitted prior to each and every judicial review or citizen review hearing). It also additionally requires that the guardian ad litem's written report be provided to the parent's attorney of record but only to those parents who have not voluntarily surrendered their child for adoption or had their parental rights terminated.

Section 39. Amends s. 39.702, Florida Statutes, 1998 Supplement, relating to citizen review panels, to provide technical and conforming changes.

Section 40. Amends s. 39.703, Florida Statutes, 1998 Supplement, relating to initiation of termination of parental rights, to provide technical and conforming changes.

Section 41. Amends s. 39.704, Florida Statutes, 1998 Supplement, relating to exemptions from judicial review, to provide a technical change.

Section 42. Amends s. 39.801, Florida Statutes, 1998 Supplement, relating to procedures and jurisdiction, notice, and service of process, to provide technical and conforming changes by clarifying as follows:

- adds to the form for Notice of Hearing that failure to appear at an advisory hearing regarding termination of parental rights may result in such termination,
- provides that a parent who appears at an advisory hearing but subsequently fails to appear, pursuant to a court order, at the hearing for the termination of parental rights, is deemed to have consented to a termination of parental rights, and
- adds that department agents and guardians ad litem may serve subpoenas.

Section 43. Amends s. 39.802, Florida Statutes, 1998 Supplement, relating to the petition for termination of parental rights, to provide technical changes.

Section 44. Amends s. 39.805, Florida Statutes, 1998 Supplement, relating to the answer to a petition for termination of parental rights, to provide a technical change.

Section 45. Amends s. 39.806, Florida Statutes, 1998 Supplement, relating to the grounds for termination of parental rights, as follows:

- shortens from 90 days to 60 days in which to conduct a diligent search of the identity or location of a parent.
- changes the "and" to an "or" when referring to conditions of an incarcerated parent as grounds for terminating parental rights such that only one of the three criminal condition of the parent is needed to terminate parental rights.
- clarifies that the failure of a parent to substantially comply for 12 months after a child's placement in shelter care or after a dependency adjudication, whichever came first, will constitute evidence of abuse, neglect or abandonment under certain circumstances.

Section 46. Amends s. 39.807, Florida Statutes, 1998 Supplement, relating to right of counsel and guardian ad litem, to provide conforming changes by requiring the guardian ad litem to provide the court and all parties with his or her report at least 72 hours instead of 48 hours before the disposition hearing.

Section 47. Amends s. 39.808, Florida Statutes, 1998 Supplement, relating to advisory hearings and pretrial status conferences, to provide technical and conforming changes and to clarify that an advisory hearing is not required in cases of termination of parental rights based upon voluntary surrender.

Section 48. Amends s. 39.811, Florida Statutes, 1998 Supplement, relating to powers and orders of disposition, to provide technical and conforming changes, and to clarify that the court is authorized to place a child with the Department of Children and Family Services under certain circumstances relating to termination of parental rights. It clarifies the standard of finding for modifying an order placing the child in the custody of another based on whether the placement of the child is no longer in the best interest of the child.

Section 49. Amends s. 39.814, Florida Statutes, 1998 Supplement, relating to oaths, records and confidential records, to provide technical and conforming changes, and to clarify that orders terminating parental rights are also admissible in evidence in subsequent termination of parental rights proceedings of a sibling child.

Section 50. Amends s. 39.39.815, Florida Statutes, 1998 Supplement, relating to appeals, to reflect the usage of the phrase "out-of-home placement" in lieu of "custody".

Section 51. Amends s. 39.822, Florida Statutes, 1998 Supplement, relating to the appointment of a guardian ad litem for an abused, abandoned, or neglected child to clarify that written reports must be filed and served on all parties whose whereabouts are known as least 72 hours prior to a hearing.

Section 52. Amends s. 63.0427, Florida Statutes, 1998 Supplement, relating to an adopted minor's right to continued communication or contact with a sibling, to correct a statutory reference.

Section 53. Amends s. 419.001, Florida Statutes, 1998 Supplement, relating to site selection of community residential homes, to correct a statutory reference.

Section 54. Amends s. 784.046, Florida Statutes, to provide that the parent or legal guardian of a minor child living at home has standing to seek an injunction for protection against repeat violence on behalf of the minor child if the parent or legal guardian has been an eyewitness to or has direct physical evidence of the specific facts and circumstances which form the basis upon which relief is sought.

Section 55. Amends s. 409.26731, Florida Statutes, to provide that eligible expenditures that are made for "... children under the supervision or custody of the state" are to be certified for a match. This would include children who are under protective supervision of the state but not ordered into foster care. The bill also removes the \$5 million cap.

Section 56. Amends s. 921.0024, Florida Statutes, 1998 Supplement, to provide that if an offender has been convicted of the primary offense of domestic violence which was committed in the presence of a child under 16 years of age who is a family household member with the victim or perpetrator, then the subtotal sentence points are multiplied by 1.5. The section eliminates the discretion of the court to make that determination.

Section 57. Amends s. 901.15, Florida Statutes, 1998 Supplement, to create a pro arrest policy related to the offense of child abuse.

Section 58. Provides for an effective date of July 1, 1999.

IV. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

None.

V. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

VI. COMMENTS:

None.

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The **Committee on Family Law and Children** adopted two technical amendments to the bill which are incorporated into the analysis.

The **Committee on Governmental Rules and Regulations** adopted twelve amendments to the bill which are incorporated into the analysis.

VIII. SIGNATURES:

COMMITTEE ON Family Law and Children:
Prepared by:

Carol E. Preston

Staff Director:

Carol E. Preston

FINAL ANALYSIS PREPARED BY THE COMMITTEE ON FAMILY LAW AND CHILDREN:
Prepared by:

Carol E. Preston

Staff Director:

Carol E. Preston