

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/CS/SB 1740

SPONSOR: Criminal Justice Committee, Children and Families Committee and Senator Lynn

SUBJECT: Dependent Children

DATE: April 15, 2003

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Dowds</u>	<u>Whiddon</u>	<u>CF</u>	<u>Fav/CS</u>
2.	<u>Dugger</u>	<u>Cannon</u>	<u>CJ</u>	<u>Fav/CS</u>
3.	_____	_____	<u>JU</u>	_____
4.	_____	_____	<u>AHS</u>	_____
5.	_____	_____	<u>AP</u>	_____
6.	_____	_____	_____	_____

## I. Summary:

The CS for CS/SB 1740 specifically permits and provides the parameters for releasing confidential information from the Department of Children and Families child abuse, neglect, and abandonment records for children who have been identified as missing and the release of the information will facilitate locating the children. The existing background screening provision required of placements for dependent children is repealed and replaced with two new background screening sections, one for relative and non-relative placements and one for foster homes. New background screening provisions are provided for child-placing agencies, residential child-caring agencies, summer day camps and summer 24 hour camps. Access to child abuse, neglect, and abandonment records is provided to the attorney representing a child in a civil or criminal proceeding, to certain school system employees, and to domestic violence centers under certain conditions. The venue in which court action can be brought for release of child abuse, neglect, and abandonment records is modified to permit court action in a county other than where the headquarters for the Department of Children and Families is located.

This CS substantially amends sections 39.202, 39.301, 39.401, 39.521, 39.812, 63.037, 63.092, 409.175, and 937.021, of the Florida Statutes. Sections 39.0136, 409.017, 409.177, and 409.1759, of the Florida Statutes are created. The CS also repeals section 435.045, of the Florida Statutes

## II. Present Situation:

### Access to Child Abuse, Neglect, and Abandonment Records

Section 39.202, F.S., provides that all records held by the department relative to reports of abuse, neglect, or abandonment are confidential and exempt from public disclosure. With the exception

of the name of the reporter, these records are permitted to be disclosed only to the following entities identified in s. 39.202(2), F.S., within the limitations and conditions specified in statute:

- employees, authorized agents, and contract providers of the Department of Children and Families (DCF), the Department of Health, and county agencies responsible for child protective investigations, child protective services, Healthy Start services, or licensing of adoption homes, foster homes, and certain child care settings;
- employees or agents of the Department of Juvenile Justice responsible for Children in Need of Services/Families in Need of Services or delinquency services;
- the parent or legal custodian of the child alleged to have been abused, the child, and their attorneys;
- the alleged perpetrator of the abuse;
- the court;
- a grand jury;
- an official of DCF for the administration of certain related programs, administrative actions against an employee alleged to have committed abuse, or employment in the department;
- for research or audit purposes;
- the Department of Administrative Hearings;
- representatives of the Florida Advocacy Council;
- representatives of the Auditor General or Office of Program Policy Analysis and Government Accountability;
- authorized agents of an agency or another state that has comparable jurisdiction to DCF;
- the Public Employees Relation Commission as needed for appeals;
- the Department of Revenue for child support enforcement activities; and
- any person when the death of a child has been the result of abuse, neglect, or abandonment.

Currently, representatives of the school system are not provided access to information pertaining to children in their schools who have been abused, neglected, or abandoned and are in the dependency system. Ensuring that children who are in the dependency system receive the appropriate educational services is important to the stability and progress of these children's education. In addition, a number of children and families whom the department is serving pursuant to ch. 39, F.S., are victims of domestic violence. These families are also often receiving services from the domestic violence centers. Collaboration between the department and domestic violence center staff can facilitate more effective service provisions for these families.

Section. 39.202(2)(d), F.S., permits the parents or legal guardians, the child, and their attorneys access to the records of the department. However, the child may have an attorney to represent the child's best interest in a civil proceeding, such as a child custody proceeding, or in a criminal proceeding, such as when criminal charges are filed against the parents for child abuse. It has been reported that the current provision is not clear that the attorney of the child who has access to these records includes not only the attorney representing the child in the dependency proceeding, but the attorney who is representing the child in a civil or criminal proceeding, as well.

With the learning of the disappearance of Ryla Wilson, one issue that received significant attention was the identification and subsequent locating of children who are missing from the dependency system. During the fall of 2002, Operation Safekids was established to search for and locate the 393 children who were under the supervision of DCF and DCF could not account for their whereabouts. This was a collaborative effort between the department, the Department of Law Enforcement and Florida's local law enforcement agencies. One barrier identified to rapid efforts to utilize law enforcement and other strategies found to be effective in locating missing children was the confidentiality provision under ch. 39, F.S. While law enforcement is permitted to receive the records of children in the dependency system, this section does not permit the release of the information to the public to secure the public's assistance in locating the children. For the purposes of this effort to locate the children identified missing at that time, the Department of Children and Families sought and was granted a petition for an Order Authorizing limited Disclosure of Confidential Information, in accordance with s. 119.07(7)(a), F.S. On February 17, 2003, the court issued another order permitting the continued release of information on children whose whereabouts became and will become unknown subsequent to the September order. However, this problem of children in the dependency system who become missing is an on-going issue that will need continued attention as each child is identified as missing.

Section 119.07(7), F.S., permits the courts to disclose the records of the department pertaining to child abuse, neglect, or abandonment if a good cause exists for making these records public. Section 47.011, F.S., requires that court action may be brought "only in the county where the defendant resides, where the cause of action accrued, or where the property in litigation is located." For actions sought against a state agency, this provision has been interpreted as requiring, absent a waiver or exception, that the court action be brought in the county where the principal headquarters of the state agency resides. *Public Service Commission v. Triple "A" Enterprises, Inc.* 387 So. 2d 940 (Fla. 1980). It has been reported that anyone attempting to file a petition for good cause to gain access to the department's records could be required to travel to Tallahassee to assert this right. For individuals and small companies, this could create an expense that may result in their inability to pursue the action. The Supreme Court has determined that providing for venue where the principal headquarters of the state agency resides provides for "uniformity of interpretation of rules and regulations promulgated by" the state agency and "prevents conflicting judicial rulings in different jurisdictions resulting in decrees binding only in the counties where rendered." *Smith v. Williams*, 160 Fla. 580, 35 So. 2d 844 (Fla. 1948).

### **Screening Background**

Background screening is required for employment and licensure for a number of agencies and services to examine previous employment history and identify any criminal infractions by which to ensure that the character of the person being hired or licensed is appropriate for the responsibility of the position. Chapter 435, F.S., sets forth two levels of background screening. Certain employees and licensee applicants, such as employees in summer day camps [s. 409.175(2)(k), F.S.], individuals who provide companion services or homemaker services [s. 400.509(4), F.S.], and owners and administrators of assisted living facilities [s. 400.4174, F.S.], are required to meet the requirements of the level I screening standards in s. 435.03, F.S. This screening requires an employment history check and a check of state and local criminal records. Individuals who have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to any of the following crimes, at any time, are

considered disqualified for the position or licensure for which they had applied [s. 435.03(2), F.S.]:

- Abuse, neglect, or exploitation of a vulnerable adult, pursuant to s. 415.111, F.S.;
- Murder, pursuant to s. 782.04, F.S.;
- Manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child, pursuant to s. 782.07, F.S.;
- Vehicular homicide, pursuant to s. 782.071, F.S.;
- Killing of an unborn child by injury to the mother, pursuant to s. 782.09, F.S.;
- Assault, if the victim of the offense was a minor, pursuant to s. 784.011, F.S.;
- Aggravated assault, pursuant to s. 784.021, F.S.;
- Battery, if the victim of the offense was a minor, pursuant to s. 784.03, F.S.;
- Aggravated battery, pursuant to s. 784.045, F.S.;
- Kidnapping, pursuant to s. 787.01, F.S.;
- False imprisonment, pursuant to s. 787.02, F.S.;
- Sexual battery, pursuant to former s. 794.011, F.S.;
- Prohibited acts of persons in familial or custodial authority, pursuant to s. 794.041, F.S.;
- Prostitution, pursuant to ch. 796, F.S.;
- Lewd and lascivious behavior, pursuant to s. 798.02, F.S.;
- Lewdness and indecent exposure, pursuant to ch. 800, F.S.;
- Arson, pursuant to s. 806.01, F.S.;
- Theft, robbery, and related crimes, if the offense was a felony, pursuant to ch. 812, F.S.;
- Fraudulent sale of controlled substances, only if the offense was a felony, pursuant to s. 817.563, F.S.;
- Abuse, aggravated abuse, or neglect of an elderly person or disabled adult, pursuant to s. 825.102, F.S.;
- Lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult, pursuant to s. 825.1025, F.S.;
- Exploitation of an elderly person or disabled adult, if the offense was a felony, pursuant to s. 825.103, F.S.;
- Incest, pursuant to s. 826.04, F.S.;
- Child abuse, aggravated child abuse, or neglect of a child, pursuant to s. 827.03, F.S.;
- Contributing to the delinquency or dependency of a child, pursuant to s. 827.04, F.S.;
- Negligent treatment of children, pursuant to former s. 827.05, F.S.;
- Sexual performance by a child, pursuant to s. 827.071, F.S.;
- Obscene literature, pursuant to ch. 847, F.S.; and
- Drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor, pursuant to ch. 893, F.S.

A number of employees and licensure applicants are required to meet the more stringent standards required for a level II background screening provided for in s. 435.04, F.S., such as child-placing agencies and residential child caring agencies [s. 409.175(2)(k), F.S.], direct service providers for persons with developmental disabilities [s. 393.065(1), F.S.], and applicants for a birth center license [s. 383.305(7), F.S.]. With a level II screening, juvenile records and federal criminal records are checked through the Federal Bureau of Investigation (FBI), in

addition to local and state criminal history checks. Individuals will not have met the level II screening standards if they have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to any of the crimes provided for by the level I screening, as well as any of the following crimes:

- Battery on a detention or commitment facility staff, pursuant to s. 784.075, F.S.;
- Taking, enticing, or removing a child beyond the state limits with criminal intent pending custody proceedings, pursuant to s. 787.04(2), F.S.;
- Carrying a child beyond the state lines with criminal intent to avoid producing a child at a custody hearing or delivering the child to the designated person, pursuant to s. 787.04(3), F.S.;
- Exhibiting firearms or weapons within 1,000 feet of a school, pursuant to s. 790.115(1), F.S.;
- Possessing an electric weapon or device, destructive device, or other weapon on school property, pursuant to s. 790.115(2)(b), F.S.;
- Resisting arrest with violence, pursuant to 843.01, F.S.;
- Depriving a law enforcement, correctional, or correctional probation officer means of protection or communication, pursuant to s. 843.025, F.S.;
- Aiding in an escape, pursuant to s. 843.12, F.S.;
- Aiding in the escape of juvenile inmates in correctional institutions, pursuant to s. 843.13, F.S.;
- Encouraging or recruiting another to join a criminal gang, pursuant to s. 874.05(1), F.S.;
- Inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm, pursuant to s. 944.35(3), F.S.;
- Harboring, concealing, or aiding an escaped prisoner, pursuant to s. 944.46, F.S.;
- Introduction of contraband into a correctional facility, pursuant to s. 944.47, F.S.;
- Sexual misconduct in juvenile justice programs, pursuant to s. 985.4045, F.S.; and
- Contraband introduced into detention facilities, pursuant to 985.4046, F.S.

Additional offenses are provided for employees of the Department of Juvenile Justice, and an act that constitutes domestic violence, as defined in s. 741.30, F.S., is an identified offense that would disqualify certain employees.

In implementing the screening standards provided for in ch. 435, F.S., s. 435.06, F.S., provides for the requirements of the employers if an applicant is found not in compliance with the applicable standards of this chapter, including notification requirements, rights to contest the disqualification, the mandate for employers to terminate employment or shift the employee to a position that does not require the screening, and disqualification for refusal to cooperate with the screening. Exemptions to the screening's disqualification that employers are permitted to apply under certain conditions are set forth in s. 435.07, F.S., and include felonies committed more than 3 years ago, misdemeanors, felonies that are now misdemeanors, acts of delinquency, and acts of domestic violence.

In addition to the level I and II screenings contained in ch. 435, F.S., a specific section is provided for screening placements for dependent children pursuant to ch. 39, F.S., which has been interpreted to include foster homes, relative placements, non-relative placements, and,

potentially, noncustodial parents to whom a child is released (s. 435.045, F.S.).

Section 435.045, F.S., provides that approval for placement of a dependent child will not be granted if there has been a felony conviction for any of the following crimes at any time: child abuse, abandonment, or neglect; a crime against children, including child pornography; and a crime involving violence, including rape, sexual assault, or homicide but excluding physical assault or battery. Approval for placement of a child will not be granted if there was a felony conviction for physical assault, battery, or drug related offenses within the past 5 years. The department is designated as a criminal justice agency for the purpose of accessing the National Crime Information Center information as it pertains to this section and concerning crimes against children. This section specifically authorizes the department to conduct a criminal records check equivalent to the level II criminal records check provided for in s. 435.04(1), F.S., if the department does not utilize its designation as a criminal justice agency for accessing criminal justice information.

A number of problems have been identified with s. 435.045, F.S. The reference to using the level II screening in s. 435.045, F.S., has resulted in department screeners using the offenses in both ss. 435.045 and 435.04, F.S., to disqualify potential placements. The utilization of both provisions creates conflicts in the time period for which an offense can disqualify a person. Specifically, some of the offenses in s. 435.045, F.S., are lifetime disqualifiers and some disqualify a person for 5 years, which is inconsistent with s. 435.07, F.S., which provides a 3 year disqualification for the offenses in s. 435.04, F.S. Section 435.045, F.S., was set forth to meet federal requirements for confidentiality for children in the dependency system. However, the ineligibility required by federal regulations based on the age of the offense provides for a 5 year disqualification which conflicts with the 3 year disqualification provided for in s. 435.07, F.S. Section 435.045, F.S., was also written to mirror federal requirements and does not link to specific offenses in Florida Statutes describing the offenses, thereby providing limited guidance in determining exactly what offenses should disqualify an individual.

Sections of chapters 39 and 409, F.S., also provide for background and security screening as it pertains to placements for dependent children, and often these sections provide a different directive than s. 435.045, F.S. Section 39.301(9), F.S., requires a criminal history screening for persons in the home of a child being investigated for child abuse, neglect, or abandonment. Section 39.401, F.S., requires a local and state criminal records check of any placement for shelter care that is not licensed, but no direction is provided as to the offenses that would disqualify a person from shelter care. Section 39.521(2), F.S., provides for local and state criminal and juvenile records checks for members of the household who are 12 years of age or older for any out-of-home placement not already licensed. Again, the offenses that would disqualify an individual for placement are not identified. Section 409.175(2), F.S., requires that owners, operators, employees, and volunteers of family foster homes, child-placing agencies or residential child care agencies be screened using the level II standards provided for in ch. 435, F.S. As placements for dependent children, foster family homes are provided inconsistent references for the screening (ss. 435.04 and 435.045, F.S.). All employees and volunteers of summer day camps are required to adhere to a level I screening pursuant to ch. 435, F.S., and home studies of prospective adoptive parents utilize the screening requirements of s. 435.045, F.S. (s. 63.092, F.S.).

### **III. Effect of Proposed Changes:**

The CS for CS/SB 1740 specifically permits and provides the parameters for releasing confidential information from the Department of Children and Families child abuse, neglect, and abandonment records for children who have been identified as missing and the release of the information will facilitate locating the children. The existing background screening provision required of placements for dependent children is repealed and replaced with two new background screening sections, one for relative and non-relative placements and one for foster homes. New background screening provisions are provided for child-placing agencies, residential child-caring agencies, summer day camps and summer 24 hour camps. Access to child abuse, neglect, and abandonment records is provided to the attorney representing a child in a civil or criminal proceeding, to certain school system employees, and to domestic violence centers under certain conditions. The venue in which court action can be brought for release of child abuse, neglect, and abandonment records is modified to permit court action in a county other than where the headquarters for the Department of Children and Families is located.

#### **Access to Child Abuse, Neglect, and Abandonment Records**

The CS clarifies that access to records held by the Department of Children and Families regarding child abuse, neglect, or abandonment applies not only to the attorneys of parents and children in a dependency proceeding, but also the attorney representing the child in a civil or criminal proceeding. School principals of public schools, private schools, or charter schools are provided access to the child abuse records held by the department and are permitted to release information contained in the records to a school employee if determined necessary for the effective provision of education services. Employees and volunteers at certified domestic violence centers are provided access to the child abuse, neglect, or abandonment records if the family is being served by both the department pursuant to ch. 39, F.S., and the domestic violence center, or the department requests the advice or consultation of the domestic violence center on a particular family.

Section 119.07(7), F.S., is amended to expand the venue for court action seeking release of ch. 39, F.S., records to include the county where the records are located, where the individuals referred to in the records reside, or where the petitioner resides, in addition to the county where the agency resides as is currently provided in s. 47.011, F.S. If two or more of these venue options apply, the individual seeking the court action may choose the county where the action will be sought, subject to the court's approval.

Section 39.202, F.S., is amended to specifically permit the release of information in the records of the department if the child is determined to be missing. Specifically, the department is authorized to disclose certain information from the child's records pertaining to the abuse, neglect, or abandonment if the child under investigation or supervision of the department or one of its contracted service providers (i.e., sheriff's offices conducting child protective investigations or community-based lead agencies providing foster care and related services) is determined to be missing and the release of the information will facilitate the locating or promoting the safety of the child. The information permitted to be released by the department is the name and date of birth of the child, a physical description of the child, and a photo of the child. Additional information may be released by the department if the law enforcement agency

with primary responsibility for investigating the missing child agrees that such disclosure will facilitate efforts to locate or protect the safety of the child. The law enforcement agency with primary investigative responsibility is authorized to release any information provided by the department under the same conditions. Civil and criminal immunity is provided to the department, law enforcement and recipients of the information. The release of the name of the reporter is specifically prohibited. This provision sets forth a clear authorization for release of the specific information regarding the child that will assist in law enforcements' investigation and both the law enforcement and the department's efforts to locate the child.

The current statute providing for filing missing children reports, s. 937.021, F.S., is also amended to reflect the process developed by the Department of Children and Families and the state and local law enforcement agencies. Specifically, the section is amended to not limit the report received by law enforcement to be written notification. The jurisdiction in which a missing children's report is to be filed is also set forth by the CS and provides that the report may be filed with the law enforcement agency having jurisdiction in the county or municipality where the child was last seen even if this is different from the county or municipality where the child resides or has significant contacts.

### **Screening Background**

The CS repeals s. 435.045, F.S., and replaces this background screening provision with two new background screening sections, one for foster parents and one for relative and non-relative caregivers. Newly created s. 39.0136, F.S., requires that the background screening be conducted on any relative or non-relative caregiver who is being considered for placement of a child pursuant to ch. 39, F.S., but is not licensed. Noncustodial parents are excluded from the background screening unless the court in its custody order for the child specifically did not permit the parental responsibility for the child to be shared with that parent. Checks are to be performed of state and local criminal records through local law enforcement and Department of Law Enforcement, juvenile records checks through the Department of Juvenile Justice, and a national criminal records check through the Federal Bureau of Investigation which requires fingerprinting. All individuals in the home over the age of 12 must undergo the background screening, but for children for whom a background screening is conducted, only the state and local records are checked using local law enforcement and FDLE. For placements requiring immediate attention, the requirement for a national criminal records check may be satisfied by conducting a name check through the National Crime Information Center on the condition that the fingerprint information be provided to the FBI within the required timeframe.

Certain felony offenses are identified as disqualifiers for life and others are identified as disqualifiers for 5 years, if an individual is found guilty of, regardless of adjudication, or plead nolo contendere or guilty to the offense. The felony offenses which under federal law are required to be lifetime disqualifiers or 5 year disqualifiers for placement of dependent children were specifically identified as such in the CS. Most of the 3 year disqualifying offenses from the level II screening of s. 435.04, F.S., which were applied in practice to placements of dependent children, were placed in the 5 year disqualifier category of offenses unless federal law required that the offense be a lifetime disqualifier. The mandated disqualifiers in the newly created s. 39.0136, F.S., generally mirror the current practice of applying both offenses identified in s. 435.045, F.S., and the level II offenses in s. 435.04, F.S., with the following exceptions:



- The lifetime and 5 year disqualifiers are specifically identified with statutory cites where s. 435.045, F.S., only identified offenses in broad categories. It is unknown if the specific delineation of lifetime and 5 year disqualifiers match exactly how s. 435.045, F.S., was applied.
- Three new offenses were added as 5 year disqualifiers:
  - Public assistance fraud, pursuant to s. 414.39, F.S.;
  - Perjury, pursuant to s. 831.01, F.S.; and
  - Forgery, pursuant to ch. 837, F.S.

Section 39.0136(6), F.S., requires that all felony offenses revealed in the screening are to be recorded, considered in the assessment to determine the placement of the child, and presented to the court, as are any misdemeanor convictions or delinquency acts identified. For current or former foster children, offenses that would disqualify a foster home from licensure do not result in a disqualification if committed prior to the foster child's 18th birthday.

Protected information, such as that from the FBI and information that has been sealed, is permitted to be shared with the court only through an in camera inspection. Relative and non-relative caregivers are required to notify the department within 5 days of any new household members so that the required background checks can be performed. The screening requirements of s. 39.0136, F.S., will not apply to placements made to relatives and non-relatives prior to July 1, 2003, only placements made after June 30, 2003.

Section 409.017, F.S., is created to provide for the background screening for foster parents and members of the foster home. The provisions of s. 409.017, F.S., basically mirror those set forth in s. 39.0136, F.S., for relative and non-relative caregivers, with the exception that the background screening is to include any previous licensure, the information from which must be considered in determining the licensing outcome for an applicant. In addition, rescreening is required annually with the application for relicensure of local criminal records and every 5 years for statewide criminal records check. Since for foster parents, the screening is part of the process to approve or continue the foster home licensure, there is not a court review with each placement, as with the relative and non-relative placements. Finally, the CS provides that, with the exception of the rescreening schedule, these new background screening requirements apply to individuals seeking licensure after June 30, 2003, not to individuals currently licensed for foster care.

Background and screening requirements in sections of chapters 39 and 409, F.S., pertaining to the placement of dependent children are replaced with the requirement that the background screening as provided in the newly created s. 39.0136, F.S., be met. The background screening requirements of s. 39.0136, F.S., are now required in the following provisions: s. 39.301(9), F.S., for persons in the home of a child being investigated for child abuse, neglect, or abandonment; s. 39.401, F.S., for any placement for shelter care that is not licensed; and s. 39.521(2), F.S., for members of a household for any out-of-home placement not already licensed. The screening requirements are removed from s. 409.175(2), F.S., for child-placing agencies, residential child caring agencies, and summer day camps and summer 24 hour camps. Two new sections are created to provide for the screening requirements for these two groups of providers.

Section 409.177, F.S., is created and requires that the department conduct a level II screening pursuant to s. 435.04, F.S., for personnel of child-placing agencies and residential child-caring

agencies, including any persons over the age of 12 years residing in or adjacent to the facility. For children over the age of 12 years, the screening is to include statewide criminal, juvenile, and local law enforcement records checks. Direction is provided to apply ss. 435.06 and 435.07, F.S., for granting exemptions from disqualifying and excluding an individual from licensure as a result of the screening. Section 409.1759, F.S., is created to provide that employees and volunteers of summer day camps and summer 24 hour camps must meet the level 1 screening requirement of s. 435.03, F.S., which is consistent with current law.

Section 63.092, F.S., is amended to replace the background screening requirement of s. 435.045, F.S., which is repealed with this CS with the level I screening requirement of ch. 435, F.S., for prospective adoptive parents. A second background screening requirement is provided for in s. 39.812, F.S., for prospective adoptive parents of children under ch. 39, F.S., that requires the background screening requirements of s. 39.0136, F.S., to be met. Section 63.037, F.S., which provides that adoptions of children whose parents' rights have been terminated pursuant to ch. 39, F.S., are to be governed by s. 39.812, F.S., and the adoption chapter (ch. 63, F.S.), identifies the provisions of ch. 63, F.S., that do not apply to adoptions of children under ch. 39, F.S. The CS amends s. 63.037, F.S., to add the background screening of prospective adoptive parents provided for in s. 63.092, F.S., as an exempted provision for adoptions of children under ch. 39, F.S. It is reported that federal regulation requires that adoptive parents of children under ch. 39, F.S., receive a background screening that includes fingerprinting for an FBI check. The current practice has been that a background screening that includes such an FBI check has been conducted on prospective adoptive parents for children under ch. 39, F.S., but not other prospective adoptive parents. These amendments distinguish the background screening practice in statute.

The CS provides an effective date of July 1, 2003.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The Department of Children and Families reports that fingerprinting costs associated with the screening requirements are already being covered by the department since current practice includes the fingerprinting of relative caregivers, non-relative caregivers and foster home families.

The Department of Law Enforcement does not report any fiscal impact of this CS.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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