

Bill No. CS for CS for SB 1080

Barcode 842920

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Campbell moved the following amendment:

Senate Amendment (with title amendment)

On page 37, line 21, through
page 39, line 11, delete those lines

and insert:

Section 6. Section 39.0138, Florida Statutes, is
created to read:

39.0138 Criminal history records check; limit on
placement of a child.--

(1) The department shall conduct a criminal history
records check for all persons being considered by the
department for approval for placement of a child subject to a
placement decision under this chapter. For purposes of this
section, a criminal history records check may include, but is
not limited to, submission of fingerprints to the Department
of Law Enforcement for processing and forwarding to the
Federal Bureau of Investigation for state and national
criminal history information, and local criminal records
checks through local law enforcement agencies.

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1 (2) The department may not place a child with a person
2 other than a parent if the criminal history records check
3 reveals that the person has been convicted of any felony that
4 falls within any of the following categories:

5 (a) Child abuse, abandonment, or neglect;

6 (b) Domestic violence;

7 (c) Child pornography or other felony in which a child
8 was a victim of the offense; or

9 (d) Homicide, sexual battery, or other felony
10 involving violence, other than felony assault or felony
11 battery when an adult was the victim of the assault or
12 battery.

13 (3) The department may not place a child with a person
14 other than a parent if the criminal history records check
15 reveals that the person has, within the previous 5 years, been
16 convicted of a felony that falls within any of the following
17 categories:

18 (a) Assault;

19 (b) Battery; or

20 (c) A drug-related offense.

21 (4) The department may place a child in a home that
22 otherwise meets placement requirements if a name check of
23 state and local criminal history records systems does not
24 disqualify the applicant and if the department submits
25 fingerprints to the Department of Law Enforcement for
26 forwarding to the Federal Bureau of Investigation and is
27 awaiting the results of the state and national criminal
28 history records check.

29 (5) Persons with whom placement of a child is being
30 considered or approved must disclose to the department any
31 prior or pending local, state, or national criminal

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1 proceedings in which they are or have been involved.

2 (6) The department may examine the results of any
3 criminal history records check of any person, including a
4 parent, with whom placement of a child is being considered
5 under this section. The complete criminal history records
6 check must be considered when determining whether placement
7 with the person will jeopardize the safety of the child being
8 placed.

9 (7)(a) The court may review a decision of the
10 department to grant or deny the placement of a child based
11 upon information from the criminal history records check. The
12 review may be upon the motion of any party, the request of any
13 person who has been denied a placement by the department, or
14 on the court's own motion. The court shall prepare written
15 findings to support its decision in this matter.

16 (b) A person who is seeking placement of a child but
17 is denied the placement because of the results of a criminal
18 history records check has the burden of setting forth
19 sufficient evidence of rehabilitation to show that the person
20 will not present a danger to the child if the placement of the
21 child is allowed. Evidence of rehabilitation may include, but
22 is not limited to, the circumstances surrounding the incident
23 providing the basis for denying the application, the time
24 period that has elapsed since the incident, the nature of the
25 harm caused to the victim, whether the victim was a child, the
26 history of the person since the incident, whether the person
27 has complied with any requirement to pay restitution, and any
28 other evidence or circumstances indicating that the person
29 will not present a danger to the child if the placement of the
30 child is allowed.

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 1, lines 17-20, delete that line

4

5 and insert:

6 creating s. 39.0138, F.S.; requiring the
7 department to conduct a criminal history
8 records check of any person being considered as
9 a prospective foster parent; prohibiting a
10 court from placing a child with a person if the
11 person's criminal history records check shows
12 that the person was convicted of certain
13 specified felonies; requiring a person to
14 disclose to the department pending criminal
15 proceedings; providing that a

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