

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Children, Families &
 2 Seniors Subcommittee

3 Representative Burton offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsections (2) through (7) of section 39.0138,
 8 Florida Statutes, are renumbered as subsections (3) through (8),
 9 respectively, present subsections (2) and (3) are amended, and a
 10 new subsection (2) is added to that section, to read:

11 39.0138 Criminal history and other records checks; limit
 12 on placement of a child.—

13 (2) (a) The department shall establish rules for granting
 14 an exemption from the fingerprinting requirements under
 15 subsection (1) for a household member who has a physical,

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16 developmental, or cognitive disability that prevents that person
17 from safely submitting fingerprints.

18 (b) Before granting an exemption, the department or its
19 designee shall assess and document the physical, developmental,
20 or cognitive limitations that justified the exemption and the
21 effect of such limitations on the safety and well-being of the
22 child being placed in the home.

23 (c) If a fingerprint exemption is granted, a Level 1
24 screening pursuant to s. 435.03 shall be completed on the person
25 who is granted the exemption.

26 (3)-(2) The department may not place a child with a person
27 other than a parent if the criminal history records check
28 reveals that the person has been convicted of any felony that
29 falls within any of the following categories:

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

31 (b) Domestic violence;

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

34 (d) Homicide, sexual battery, or other felony involving
35 violence, other than felony assault or felony battery when an
36 adult was the victim of the assault or battery, or resisting
37 arrest with violence.

38 (4)-(3) The department may not place a child with a person
39 other than a parent if the criminal history records check
40 reveals that the person has, within the previous 5 years, been

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41 convicted of a felony that falls within any of the following
42 categories:

- 43 (a) Assault;
44 (b) Battery; ~~or~~
45 (c) A drug-related offense; or
46 (d) Resisting arrest with violence.

47
48 Section 2. Paragraph (a) of subsection (2) of section
49 402.305, Florida Statutes, is amended, paragraphs (b), (c), and
50 (d) are redesignated as (c), (d), and (e), respectively, and a
51 new paragraph (b) is created to read:

52 402.305 Licensing standards; child care facilities.—

53 (2) PERSONNEL.—Minimum standards for child care personnel
54 shall include minimum requirements as to:

55 (a) Good moral character based upon screening as defined
56 in s. 402.302(15). This screening shall be conducted as provided
57 in chapter 435, using the level 2 standards for screening set
58 forth in that chapter, and include employment history checks, a
59 search of criminal history records, sexual predator and sexual
60 offender registries, and child abuse and neglect registry of any
61 state in which the current or prospective child care personnel
62 resided during the preceding 5 years.

63 (b) Fingerprint submission of child care personnel shall
64 comply with s. 435.12.

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65 Section 3. Paragraphs (l) and (m) of subsection (2) of
66 section 409.175, Florida Statutes, are redesignated as
67 paragraphs (m) and (n), respectively, a new paragraph (l) is
68 added to that subsection, and paragraph (a) of subsection (6) of
69 that section is amended, to read:

70 409.175 Licensure of family foster homes, residential
71 child-caring agencies, and child-placing agencies; public
72 records exemption.—

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

74 (1) "Severe disability" means a physical, developmental,
75 or cognitive limitation affecting an individual's ability to
76 safely submit fingerprints.

77 (6) (a) An application for a license shall be made on forms
78 provided, and in the manner prescribed, by the department. The
79 department shall make a determination as to the good moral
80 character of the applicant based upon screening. The department
81 may grant an exemption from fingerprinting requirements,
82 pursuant to s. 39.0138, for an adult household member who has a
83 severe disability.

84 Section 4. Paragraph (e) of subsection (1) and subsections
85 (2) and (4) of section 409.991, Florida Statutes, are amended to
86 read:

87 409.991 Allocation of funds for community-based care lead
88 agencies.—

89 (1) As used in this section, the term:

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90 (e) "Proportion of children in care" means the proportion
91 of the number of children in care receiving in-home services
92 over the most recent 12-month period, and the number of children
93 whose families are receiving family support services over the
94 most recent 12-month period, and the number of children who have
95 entered into in out-of-home care with a case management overlay
96 during the most recent 24 ~~12~~-month period. This subcomponent
97 shall be weighted as follows:

98 1. Fifteen percent shall be based on children whose
99 families are receiving family support services.

100 2.1- Fifty-five ~~Sixty~~ percent shall be based on children
101 in out-of-home care.

102 3.2- Thirty ~~Forty~~ percent shall be based on children in
103 in-home care.

104 (2) The equity allocation of core services funds shall be
105 calculated based on the following weights:

106 (a) Proportion of the child population shall be weighted
107 as 5 percent of the total. ~~7~~

108 (b) Proportion of child abuse hotline workload shall be
109 weighted as 35 ~~45~~ percent of the total. ~~7~~ and

110 (c) Proportion of children in care shall be weighted as 60
111 ~~80~~ percent of the total.

112 (4) Unless otherwise specified in the General
113 Appropriations Act, any new core services funds shall be
114 allocated based on the equity allocation model as follows:

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115 (a) Seventy ~~Twenty~~ percent of new funding shall be
116 allocated among all community-based care lead agencies.

117 (b) Thirty ~~Eighty~~ percent of new funding shall be
118 allocated among community-based care lead agencies that are
119 funded below their equitable share. Funds allocated pursuant to
120 this paragraph shall be weighted based on each community-based
121 care lead agency's relative proportion of the total amount of
122 funding below the equitable share.

123 Section 5. Subsection (4) of section 435.07, Florida
124 Statutes, is amended to read:

125 435.07 Exemptions from disqualification.—Unless otherwise
126 provided by law, the provisions of this section apply to
127 exemptions from disqualification for disqualifying offenses
128 revealed pursuant to background screenings required under this
129 chapter, regardless of whether those disqualifying offenses are
130 listed in this chapter or other laws.

131 (4)(a) Disqualification from employment under this chapter
132 may not be removed from, nor may an exemption be granted to, any
133 personnel who is found guilty of, regardless of adjudication, or
134 who has entered a plea of nolo contendere or guilty to, any
135 felony covered by s. 435.03 or s. 435.04 solely by reason of any
136 pardon, executive clemency, or restoration of civil rights.

137 (b) Disqualification from employment under this chapter
138 may not be removed from, nor may an exemption be granted to, any
139 person who is a:

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- 140 1. Sexual predator as designated pursuant to s. 775.21;
141 2. Career offender pursuant to s. 775.261; or
142 3. Sexual offender pursuant to s. 943.0435, unless the
143 requirement to register as a sexual offender has been removed
144 pursuant to s. 943.04354.

145 (c) Disqualification from employment under this chapter
146 may not be removed from, and an exemption may not be granted to,
147 any current or prospective child care personnel, as defined in
148 s. 402.302(3), and such a person is disqualified from employment
149 as child care personnel, regardless of any previous exemptions
150 from disqualification, if the person has been registered as a
151 sex offender as described in 42 U.S.C. s. 9858f(c)(1)(C) or has
152 been arrested for and is awaiting final disposition of, has been
153 convicted or found guilty of, or entered a plea of guilty or
154 nolo contendere to, regardless of adjudication, or has been
155 adjudicated delinquent and the record has not been sealed or
156 expunged for, any offense prohibited under any of the following
157 provisions of state law or a similar law of another
158 jurisdiction:

- 159 1. A felony offense prohibited under any of the following
160 statutes:
161 a. Chapter 741, relating to domestic violence.
162 b. Section 782.04, relating to murder.
163 c. Section 782.07, relating to manslaughter, aggravated
164 manslaughter of an elderly person or disabled adult, aggravated

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165 manslaughter of a child, or aggravated manslaughter of an
166 officer, a firefighter, an emergency medical technician, or a
167 paramedic.

168 d. Section 784.021, relating to aggravated assault.

169 e. Section 784.045, relating to aggravated battery.

170 f. Section 787.01, relating to kidnapping.

171 g. Section 787.025, relating to luring or enticing a
172 child.

173 h. Section 787.04(2), relating to leading, taking,
174 enticing, or removing a minor beyond the state limits, or
175 concealing the location of a minor, with criminal intent pending
176 custody proceedings.

177 i. Section 787.04(3), relating to leading, taking,
178 enticing, or removing a minor beyond the state limits, or
179 concealing the location of a minor, with criminal intent pending
180 dependency proceedings or proceedings concerning alleged abuse
181 or neglect of a minor.

182 j. Section 794.011, relating to sexual battery.

183 k. Former s. 794.041, relating to sexual activity with or
184 solicitation of a child by a person in familial or custodial
185 authority.

186 l. Section 794.05, relating to unlawful sexual activity
187 with certain minors.

188 m. Section 794.08, relating to female genital mutilation.

189 n. Section 806.01, relating to arson.

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- 190 o. Section 826.04, relating to incest.
- 191 p. Section 827.03, relating to child abuse, aggravated
192 child abuse, or neglect of a child.
- 193 q. Section 827.04, relating to contributing to the
194 delinquency or dependency of a child.
- 195 r. Section 827.071, relating to sexual performance by a
196 child.
- 197 s. Chapter 847, relating to child pornography.
- 198 t. Chapter 893, relating to drug abuse prevention and
199 control.
- 200 u. ~~t.~~ Section 985.701, relating to sexual misconduct in
201 juvenile justice programs.
- 202 2. A misdemeanor offense prohibited under any of the
203 following statutes:
- 204 a. Section 784.03, relating to battery, if the victim of
205 the offense was a minor.
- 206 b. Section 787.025, relating to luring or enticing a
207 child.
- 208 c. Chapter 847, relating to child pornography.
- 209 3. A criminal act committed in another state or under
210 federal law which, if committed in this state, constitutes an
211 offense prohibited under any statute listed in subparagraph 1.
212 or subparagraph 2.
- 213 Section 6. This act shall take effect July 1, 2018.
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T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:
An act relating to child welfare; amending s. 39.0138, F.S.; requiring the Department of Children and Families to establish rules for granting exemptions from criminal history and certain other records checks required for persons being considered for placement of a child; requiring level 1 screening for persons granted such exemption; prohibiting placement of a child with persons convicted of a certain felony; amending s. 402.305, F.S.; revising minimum requirements for child care personnel related to screening and fingerprinting; amending s. 409.175, F.S.; defining the term "severe disability" and providing an exemption from fingerprint requirements for adult household members with severe disabilities; amending s. 409.991, F.S.; revising the equity allocation formula for community-based care lead agencies; amending s. 435.07, F.S.; revising the offenses that disqualify certain child care personnel from specified employment; providing an effective date.