

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

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BILL: SB 1360  
INTRODUCER: Senator Broxson  
SUBJECT: Child Welfare  
DATE: February 5, 2018      REVISED: \_\_\_\_\_

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	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Hendon	CF	<b>Pre-meeting</b>
2.	_____	_____	AHS	_____
3.	_____	_____	AP	_____

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**I. Summary:**

SB 1360 makes a number of changes to the child welfare system related to fingerprinting of a member in a household being considered as a prospective placement for a child in out-of-home care and the allocation formula used to distribute additional funding to community-based lead agencies (CBCs).

The bill has an effective date of July 1, 2018.

**II. Present Situation:**

**Limitations on Placement of a Child**

When the Department of Children and Families (DCF or department) considers placement of a child in the child welfare system, it must conduct a records check through the State Automated Child Welfare Information System (SACWIS) and a local and statewide criminal history records check on all persons under consideration for child placement including all nonrelative placement decisions, and all members of the household, 12 years of age and older, of the person being considered.<sup>1</sup> This 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.<sup>2</sup>

Current law prohibits the department from considering out-of-home placements with persons who have been convicted of a felony that falls within any of the following categories:

- Child abuse, abandonment, or neglect;
- Domestic violence;

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<sup>1</sup> Section 39.0138, F.S.

<sup>2</sup> *Id.*

- Child pornography or other felony in which a child was a victim of the offense; or,
- Homicide, sexual battery, or other felony involving violence, other than felony assault or felony battery when an adult was the victim of the assault or battery.

In addition, DCF may not place a child with a person other than a parent if that person has been convicted of assault, battery, or a drug-related offense within the previous five years.<sup>3</sup>

### **Community-Based Care Lead Agencies**

The department contracts for all foster care and related services with community-based care lead agencies (CBCs).<sup>4</sup> CBCs are responsible for providing foster care and related services.<sup>5</sup> Related services include, but are not limited to, family preservation, independent living, emergency shelter, residential group care, foster care, therapeutic foster care, intensive residential treatment, foster care supervision, case management, coordination of mental health services, postplacement supervision, permanent foster care, and family reunification. CBCs contract with a number of subcontractors for case management and direct care services to children and their families and must give priority to services that are evidence-based and trauma informed.<sup>6</sup>

There are 17 CBCs statewide, which together serve the state's 20 judicial circuits. Current law requires that the department provide funding to the CBC lead agencies based on an equity allocation model. The model was designed to allocate additional funds among lead agencies based on the particular population served by each organization. The model includes "core services funding", which is defined to mean all funds allocated to the CBCs operating under contract with DCF pursuant to s. 409.987, F.S., with a number of exceptions.<sup>7</sup>

Since fiscal year 2015-2016, recurring core services funding to each CBC has been based fully on the prior year's recurring base funding.<sup>8</sup> Additional core services funding that may become available is distributed based on the equity allocation model, as follows:

- 20 percent of any new funding is allocated among all CBCs;
- 80 percent of any new funding is allocated to CBCs that are currently funded below their equitable share. Funds are weighted based on each CBC's proportion of the total amount of funding below the equitable share.<sup>9</sup>

The equity allocation model requires that these additional funds be distributed among the CBCs based on the following factors:

- The proportion of the child population in the relevant geographic area being served by the CBC;
- The proportion of the child abuse hotline workload serviced by the CBC; and,

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<sup>3</sup> Section 39.0138(3), F.S.

<sup>4</sup> Section 409.986, F.S.

<sup>5</sup> *Id.*

<sup>6</sup> Section 409.988, F.S.

<sup>7</sup> Section 409.991, F.S.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

- The proportion of children in care, weighted as 60 percent based on children in out-of-home care and 40 percent based on children in in-home care.<sup>10</sup>

These factors are then used by DCF for funding allocation purposes, with distribution of core services funds for each CBC calculated as follows:

- Proportion of the child population, weighted as 5 percent of the total;
- Proportion of child abuse hotline workload, weighted as 15 percent of the total; and
- Proportion of children in care, weighted as 80 percent of the total.<sup>11</sup>

### III. Effect of Proposed Changes:

**Section 1.** Amends s. 39.0138, F.S., relating to criminal history and other records checks and the limits on placing a child, to allow the department to grant an exemption under certain circumstances, from a fingerprinting requirement to a household member with a physical, developmental, or cognitive limitation or severe disability that prevents him or her from being fingerprinted and grants the department rulemaking authority to administer the provision. It also adds an offense involving violence to the list of offenses that if there was a felony conviction within the past 5 years would disqualify an individual from being considered as a placement for a child.

**Section 2.** Amends s. 409.175, F.S., relating to licensure of family foster homes, residential child-caring agencies, and child-pacing agencies, to define the term “severe disability” and to allow the department to grant an exemption under certain circumstances, from a fingerprinting requirement to a household member with a severe disability that prevents him or her from being fingerprinted.

**Section 3.** Amends s. 409.991, F.S., relating to allocation of funds for community-based care lead agencies, to amend the definition of the term “proportion of children in care” and revise the formula for the allocation of any additional core services funding to CBCs that are funded below their equitable share. The bill directs the department to distribute available core services funds to each CBC through the following formula:

- Proportion of the child population, remaining as 5 percent of the total;
- Proportion of child abuse hotline workload, weighted as 35 percent of the total rather than 15 percent; and
- Proportion of children in care, weighted as 60 percent of the total, rather than 80 percent. The proportion of children in care is calculated based on 50 percent weight for children in out-of-home care (instead of 60 percent), 30 percent weight for on children in in-home care (instead of

40 percent), and 20 percent weight based on children in family support services which is a new category.

Additional core services funding that may become available is distributed based on the equity allocation model, as follows:

- 70 percent of any new funding is allocated among all CBCs;

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<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

- 30 percent of any new funding is allocated to CBCs that are currently funded below their
- equitable share. Funds are weighted based on each CBC's proportion of the total amount of funding below the equitable share.

**Section 4.** Provides an effective date of July 1, 2018.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill will have an indeterminate impact on the contracted CBCs. If new funding is made available, some CBC lead agencies may receive more funding than under the previous formula, and others will receive less. The impact will depend on the individual and collective situations of the CBC's when new funding is appropriated.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

Inconsistencies in the language related to the term "severe disability" on lines 52-53, 90-92 and 96-99 may create confusion when complying with the requirement.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends ss. 39.0138, 409.175, and 409.991 of the Florida Statutes.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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