

**By** the Committee on Children, Families, and Elder Affairs; and  
Senator Broxson

586-02910-18

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1                   A bill to be entitled  
2       An act relating to child welfare; amending s. 39.0138,  
3       F.S.; requiring the Department of Children and  
4       Families to establish rules for granting exemptions  
5       from criminal history and certain other records checks  
6       required for persons being considered for placement of  
7       a child; requiring level 1 screening for persons  
8       granted such exemption; prohibiting placement of a  
9       child with persons convicted of a certain felony;  
10      amending s. 402.305, F.S.; revising minimum  
11      requirements for child care personnel related to  
12      screening and fingerprinting; amending s. 409.175,  
13      F.S.; defining the term "severe disability" and  
14      providing an exemption from fingerprint requirements  
15      for adult household members with severe disabilities;  
16      amending s. 409.991, F.S.; revising the equity  
17      allocation formula for community-based care lead  
18      agencies; amending s. 435.07, F.S.; revising the  
19      offenses that disqualify certain child care personnel  
20      from specified employment; amending ss. 402.30501,  
21      1002.59, 1002.55, and 1002.57, F.S.; conforming cross-  
22      references; providing an effective date.

23  
24   Be It Enacted by the Legislature of the State of Florida:

25  
26       Section 1. Subsections (2) through (7) of section 39.0138,  
27       Florida Statutes, are redesignated as subsections (3) through  
28       (8), respectively, present subsections (2) and (3) are amended,  
29       and a new subsection (2) is added to that section, to read:

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30 39.0138 Criminal history and other records checks; limit on  
31 placement of a child.—

32 (2) (a) The department shall establish rules for granting an  
33 exemption from the fingerprinting requirements under subsection  
34 (1) for a household member who has a physical, developmental, or  
35 cognitive disability that prevents that person from safely  
36 submitting fingerprints.

37 (b) Before granting an exemption, the department or its  
38 designee shall assess and document the physical, developmental,  
39 or cognitive limitations that justified the exemption and the  
40 effect of such limitations on the safety and well-being of the  
41 child being placed in the home.

42 (c) If a fingerprint exemption is granted, a level 1  
43 screening pursuant to s. 435.03 shall be completed on the person  
44 who is granted the exemption.

45 (3) ~~(2)~~ The department may not place a child with a person  
46 other than a parent if the criminal history records check  
47 reveals that the person has been convicted of any felony that  
48 falls within any of the following categories:

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

50 (b) Domestic violence;

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

53 (d) Homicide, sexual battery, or other felony involving  
54 violence, other than felony assault or felony battery when an  
55 adult was the victim of the assault or battery, or resisting  
56 arrest with violence.

57 (4) ~~(3)~~ The department may not place a child with a person  
58 other than a parent if the criminal history records check

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59 reveals that the person has, within the previous 5 years, been  
60 convicted of a felony that falls within any of the following  
61 categories:

- 62 (a) Assault;
- 63 (b) Battery; ~~or~~
- 64 (c) A drug-related offense; or
- 65 (d) Resisting arrest with violence.

66 Section 2. Paragraphs (b) through (f) of subsection (2) of  
67 section 402.305, Florida Statutes, are redesignated as  
68 paragraphs (c) through (g), respectively, paragraph (a) of that  
69 subsection is amended, and a new paragraph (b) is added to that  
70 subsection, to read:

71 402.305 Licensing standards; child care facilities.—

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

74 (a) Good moral character based upon screening as defined in  
75 s. 402.302(15). This screening shall be conducted as provided in  
76 chapter 435, using the level 2 standards for screening set forth  
77 in that chapter, and shall include employment history checks, a  
78 search of criminal history records, sexual predator and sexual  
79 offender registries, and child abuse and neglect registry of any  
80 state in which the current or prospective child care personnel  
81 resided during the preceding 5 years.

82 (b) Fingerprint submission for child care personnel, which  
83 shall comply with s. 435.12.

84 Section 3. Paragraphs (l) and (m) of subsection (2) of  
85 section 409.175, Florida Statutes, are redesignated as  
86 paragraphs (m) and (n), respectively, a new paragraph (l) is  
87 added to that subsection, and paragraph (a) of subsection (6) of

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88 that section is amended, to read:

89 409.175 Licensure of family foster homes, residential  
90 child-caring agencies, and child-placing agencies; public  
91 records exemption.—

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

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

96 (6) (a) An application for a license shall be made on forms  
97 provided, and in the manner prescribed, by the department. The  
98 department shall make a determination as to the good moral  
99 character of the applicant based upon screening. The department  
100 may grant an exemption from fingerprinting requirements,  
101 pursuant to s. 39.0138, for an adult household member who has a  
102 severe disability.

103 Section 4. Paragraph (e) of subsection (1) and subsections  
104 (2) and (4) of section 409.991, Florida Statutes, are amended to  
105 read:

106 409.991 Allocation of funds for community-based care lead  
107 agencies.—

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

109 (e) "Proportion of children in care" means the proportion  
110 of the number of children in care receiving in-home services  
111 over the most recent 12-month period, the number of children  
112 whose families are receiving family support services over the  
113 most recent 12-month period, and the number of children who have  
114 entered into ~~in~~ out-of-home care with a case management overlay  
115 during the most recent 24-month ~~12-month~~ period. This  
116 subcomponent shall be weighted as follows:

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

119 ~~2.1. Fifty-five~~ Sixty percent shall be based on children in  
120 out-of-home care.

121 ~~3.2. Thirty~~ Forty percent shall be based on children in in-  
122 home care.

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

125 (a) Proportion of the child population shall be weighted as  
126 5 percent of the total. ~~7~~

127 (b) Proportion of child abuse hotline workload shall be  
128 weighted as 35 ~~15~~ percent of the total. ~~7~~ ~~and~~

129 (c) Proportion of children in care shall be weighted as 60  
130 ~~80~~ percent of the total.

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

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

136 (b) Thirty ~~Eighty~~ percent of new funding shall be allocated  
137 among community-based care lead agencies that are funded below  
138 their equitable share. Funds allocated pursuant to this  
139 paragraph shall be weighted based on each community-based care  
140 lead agency's relative proportion of the total amount of funding  
141 below the equitable share.

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

144 435.07 Exemptions from disqualification.—Unless otherwise  
145 provided by law, the provisions of this section apply to

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146 exemptions from disqualification for disqualifying offenses  
147 revealed pursuant to background screenings required under this  
148 chapter, regardless of whether those disqualifying offenses are  
149 listed in this chapter or other laws.

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

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

- 159 1. Sexual predator as designated pursuant to s. 775.21;
- 160 2. Career offender pursuant to s. 775.261; or
- 161 3. Sexual offender pursuant to s. 943.0435, unless the  
162 requirement to register as a sexual offender has been removed  
163 pursuant to s. 943.04354.

164 (c) Disqualification from employment under this chapter may  
165 not be removed from, and an exemption may not be granted to, any  
166 current or prospective child care personnel, as defined in s.  
167 402.302(3), and such a person is disqualified from employment as  
168 child care personnel, regardless of any previous exemptions from  
169 disqualification, if the person has been registered as a sex  
170 offender as described in 42 U.S.C. s. 9858f(c)(1)(C) or has been  
171 arrested for and is awaiting final disposition of, has been  
172 convicted or found guilty of, or entered a plea of guilty or  
173 nolo contendere to, regardless of adjudication, or has been  
174 adjudicated delinquent and the record has not been sealed or

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175 expunged for, any offense prohibited under any of the following  
176 provisions of state law or a similar law of another  
177 jurisdiction:

178 1. A felony offense prohibited under any of the following  
179 statutes:

180 a. Chapter 741, relating to domestic violence.

181 b. Section 782.04, relating to murder.

182 c. Section 782.07, relating to manslaughter, aggravated  
183 manslaughter of an elderly person or disabled adult, aggravated  
184 manslaughter of a child, or aggravated manslaughter of an  
185 officer, a firefighter, an emergency medical technician, or a  
186 paramedic.

187 d. Section 784.021, relating to aggravated assault.

188 e. Section 784.045, relating to aggravated battery.

189 f. Section 787.01, relating to kidnapping.

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

191 h. Section 787.04(2), relating to leading, taking,  
192 enticing, or removing a minor beyond the state limits, or  
193 concealing the location of a minor, with criminal intent pending  
194 custody proceedings.

195 i. Section 787.04(3), relating to leading, taking,  
196 enticing, or removing a minor beyond the state limits, or  
197 concealing the location of a minor, with criminal intent pending  
198 dependency proceedings or proceedings concerning alleged abuse  
199 or neglect of a minor.

200 j. Section 794.011, relating to sexual battery.

201 k. Former s. 794.041, relating to sexual activity with or  
202 solicitation of a child by a person in familial or custodial  
203 authority.

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204           1. Section 794.05, relating to unlawful sexual activity  
205 with certain minors.

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

207           n. Section 806.01, relating to arson.

208           o. Section 826.04, relating to incest.

209           p. Section 827.03, relating to child abuse, aggravated  
210 child abuse, or neglect of a child.

211           q. Section 827.04, relating to contributing to the  
212 delinquency or dependency of a child.

213           r. Section 827.071, relating to sexual performance by a  
214 child.

215           s. Chapter 847, relating to child pornography.

216           t. Chapter 893, relating to drug abuse prevention and  
217 control.

218           ~~u.~~ Section 985.701, relating to sexual misconduct in  
219 juvenile justice programs.

220           2. A misdemeanor offense prohibited under any of the  
221 following statutes:

222           a. Section 784.03, relating to battery, if the victim of  
223 the offense was a minor.

224           b. Section 787.025, relating to luring or enticing a child.

225           c. Chapter 847, relating to child pornography.

226           3. A criminal act committed in another state or under  
227 federal law which, if committed in this state, constitutes an  
228 offense prohibited under any statute listed in subparagraph 1.  
229 or subparagraph 2.

230           Section 6. Section 402.30501, Florida Statutes, is amended  
231 to read:

232           402.30501 Modification of introductory child care course



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233 for community college credit authorized.—The Department of  
234 Children and Families may modify the 40-clock-hour introductory  
235 course in child care under s. 402.305 or s. 402.3131 to meet the  
236 requirements of articulating the course to community college  
237 credit. Any modification must continue to provide that the  
238 course satisfies the requirements of s. 402.305(2)(e) ~~s.~~  
239 ~~402.305(2)(d)~~.

240 Section 7. Subsection (1) of section 1002.59, Florida  
241 Statutes, is amended to read:

242 1002.59 Emergent literacy and performance standards  
243 training courses.—

244 (1) The office shall adopt minimum standards for one or  
245 more training courses in emergent literacy for prekindergarten  
246 instructors. Each course must comprise 5 clock hours and provide  
247 instruction in strategies and techniques to address the age-  
248 appropriate progress of prekindergarten students in developing  
249 emergent literacy skills, including oral communication,  
250 knowledge of print and letters, phonemic and phonological  
251 awareness, and vocabulary and comprehension development. Each  
252 course must also provide resources containing strategies that  
253 allow students with disabilities and other special needs to  
254 derive maximum benefit from the Voluntary Prekindergarten  
255 Education Program. Successful completion of an emergent literacy  
256 training course approved under this section satisfies  
257 requirements for approved training in early literacy and  
258 language development under ss. 402.305(2)(e)5. ~~402.305(2)(d)5.~~,  
259 402.313(6), and 402.3131(5).

260 Section 8. Paragraph (g) of subsection (3) of section  
261 1002.55, Florida Statutes, is amended to read:

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262 1002.55 School-year prekindergarten program delivered by  
263 private prekindergarten providers.—

264 (3) To be eligible to deliver the prekindergarten program,  
265 a private prekindergarten provider must meet each of the  
266 following requirements:

267 (g) The private prekindergarten provider must have a  
268 prekindergarten director who has a prekindergarten director  
269 credential that is approved by the office as meeting or  
270 exceeding the minimum standards adopted under s. 1002.57.  
271 Successful completion of a child care facility director  
272 credential under s. 402.305(2)(g) ~~s. 402.305(2)(f)~~ before the  
273 establishment of the prekindergarten director credential under  
274 s. 1002.57 or July 1, 2006, whichever occurs later, satisfies  
275 the requirement for a prekindergarten director credential under  
276 this paragraph.

277 Section 9. Subsections (3) and (4) of section 1002.57,  
278 Florida Statutes, are amended to read:

279 1002.57 Prekindergarten director credential.—

280 (3) The prekindergarten director credential must meet or  
281 exceed the requirements of the Department of Children and  
282 Families for the child care facility director credential under  
283 s. 402.305(2)(g) ~~s. 402.305(2)(f)~~, and successful completion of  
284 the prekindergarten director credential satisfies these  
285 requirements for the child care facility director credential.

286 (4) The department shall, to the maximum extent  
287 practicable, award credit to a person who successfully completes  
288 the child care facility director credential under s.  
289 402.305(2)(g) ~~s. 402.305(2)(f)~~ for those requirements of the  
290 prekindergarten director credential which are duplicative of

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291 requirements for the child care facility director credential.

292 Section 10. This act shall take effect July 1, 2018.