



801044

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2018	.	
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The Committee on Children, Families, and Elder Affairs (Broxson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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



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11 (2) (a) The department shall establish rules for granting an
12 exemption from the fingerprinting requirements under subsection
13 (1) for a household member who has a physical, developmental, or
14 cognitive disability that prevents that person from safely
15 submitting fingerprints.

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

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

24 (3)-(2) The department may not place a child with a person
25 other than a parent if the criminal history records check
26 reveals that the person has been convicted of any felony that
27 falls within any of the following categories:

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

29 (b) Domestic violence;

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

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

36 (4)-(3) The department may not place a child with a person
37 other than a parent if the criminal history records check
38 reveals that the person has, within the previous 5 years, been
39 convicted of a felony that falls within any of the following



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40 categories:

41 (a) Assault;

42 (b) Battery; ~~or~~

43 (c) A drug-related offense; or

44 (d) Resisting arrest with violence.

45 Section 2. Paragraphs (b) through (f) of subsection (2) of
46 section 402.305, Florida Statutes, are redesignated as
47 paragraphs (c) through (g), respectively, paragraph (a) of
48 subsection (2) is amended, and a new paragraph (b) is added to
49 that subsection, to read:

50 402.305 Licensing standards; child care facilities.—

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

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

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

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

68 409.175 Licensure of family foster homes, residential



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69 child-caring agencies, and child-placing agencies; public
70 records exemption.—

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

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

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

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

85 409.991 Allocation of funds for community-based care lead
86 agencies.—

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

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

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



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98 ~~2.1. Fifty-five~~ Sixty percent shall be based on children in
99 out-of-home care.

100 ~~3.2. Thirty~~ Forty percent shall be based on children in in-
101 home care.

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

104 (a) Proportion of the child population shall be weighted as
105 5 percent of the total.~~7~~

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

108 (c) Proportion of children in care shall be weighted as 60
109 ~~80~~ percent of the total.

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

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

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

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

123 435.07 Exemptions from disqualification.—Unless otherwise
124 provided by law, the provisions of this section apply to
125 exemptions from disqualification for disqualifying offenses
126 revealed pursuant to background screenings required under this



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127 chapter, regardless of whether those disqualifying offenses are
128 listed in this chapter or other laws.

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

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

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

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



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156 jurisdiction:

157 1. A felony offense prohibited under any of the following
158 statutes:

159 a. Chapter 741, relating to domestic violence.

160 b. Section 782.04, relating to murder.

161 c. Section 782.07, relating to manslaughter, aggravated
162 manslaughter of an elderly person or disabled adult, aggravated
163 manslaughter of a child, or aggravated manslaughter of an
164 officer, a firefighter, an emergency medical technician, or a
165 paramedic.

166 d. Section 784.021, relating to aggravated assault.

167 e. Section 784.045, relating to aggravated battery.

168 f. Section 787.01, relating to kidnapping.

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

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

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

179 j. Section 794.011, relating to sexual battery.

180 k. Former s. 794.041, relating to sexual activity with or
181 solicitation of a child by a person in familial or custodial
182 authority.

183 1. Section 794.05, relating to unlawful sexual activity
184 with certain minors.



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

186 n. Section 806.01, relating to arson.

187 o. Section 826.04, relating to incest.

188 p. Section 827.03, relating to child abuse, aggravated
189 child abuse, or neglect of a child.

190 q. Section 827.04, relating to contributing to the
191 delinquency or dependency of a child.

192 r. Section 827.071, relating to sexual performance by a
193 child.

194 s. Chapter 847, relating to child pornography.

195 t. Chapter 893, relating to drug abuse prevention and
196 control.

197 ~~u.~~ Section 985.701, relating to sexual misconduct in
198 juvenile justice programs.

199 2. A misdemeanor offense prohibited under any of the
200 following statutes:

201 a. Section 784.03, relating to battery, if the victim of
202 the offense was a minor.

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

204 c. Chapter 847, relating to child pornography.

205 3. A criminal act committed in another state or under
206 federal law which, if committed in this state, constitutes an
207 offense prohibited under any statute listed in subparagraph 1.
208 or subparagraph 2.

209 Section 6. Section 402.30501, Florida Statutes, is amended
210 to read:

211 402.30501 Modification of introductory child care course
212 for community college credit authorized.—The Department of
213 Children and Families may modify the 40-clock-hour introductory



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214 course in child care under s. 402.305 or s. 402.3131 to meet the
215 requirements of articulating the course to community college
216 credit. Any modification must continue to provide that the
217 course satisfies the requirements of s. 402.305(2)(e) ~~s.~~
218 ~~402.305(2)(d)~~.

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

221 1002.59 Emergent literacy and performance standards
222 training courses.—

223 (1) The office shall adopt minimum standards for one or
224 more training courses in emergent literacy for prekindergarten
225 instructors. Each course must comprise 5 clock hours and provide
226 instruction in strategies and techniques to address the age-
227 appropriate progress of prekindergarten students in developing
228 emergent literacy skills, including oral communication,
229 knowledge of print and letters, phonemic and phonological
230 awareness, and vocabulary and comprehension development. Each
231 course must also provide resources containing strategies that
232 allow students with disabilities and other special needs to
233 derive maximum benefit from the Voluntary Prekindergarten
234 Education Program. Successful completion of an emergent literacy
235 training course approved under this section satisfies
236 requirements for approved training in early literacy and
237 language development under ss. 402.305(2)(e) ~~5. 402.305(2)(d) 5.~~,
238 402.313(6), and 402.3131(5).

239 Section 8. Paragraph (g) of subsection (3) of section
240 1002.55, Florida Statutes, is amended to read:

241 1002.55 School-year prekindergarten program delivered by
242 private prekindergarten providers.—



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243 (3) To be eligible to deliver the prekindergarten program,
244 a private prekindergarten provider must meet each of the
245 following requirements:

246 (g) The private prekindergarten provider must have a
247 prekindergarten director who has a prekindergarten director
248 credential that is approved by the office as meeting or
249 exceeding the minimum standards adopted under s. 1002.57.
250 Successful completion of a child care facility director
251 credential under s. 402.305(2)(g) ~~s. 402.305(2)(f)~~ before the
252 establishment of the prekindergarten director credential under
253 s. 1002.57 or July 1, 2006, whichever occurs later, satisfies
254 the requirement for a prekindergarten director credential under
255 this paragraph.

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

258 1002.57 Prekindergarten director credential.—

259 (3) The prekindergarten director credential must meet or
260 exceed the requirements of the Department of Children and
261 Families for the child care facility director credential under
262 s. 402.305(2)(g) ~~s. 402.305(2)(f)~~, and successful completion of
263 the prekindergarten director credential satisfies these
264 requirements for the child care facility director credential.

265 (4) The department shall, to the maximum extent
266 practicable, award credit to a person who successfully completes
267 the child care facility director credential under s.
268 402.305(2)(g) ~~s. 402.305(2)(f)~~ for those requirements of the
269 prekindergarten director credential which are duplicative of
270 requirements for the child care facility director credential.

271 Section 10. 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 =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
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; amending ss. 402.30501,
1002.59, 1002.55, and 1002.57, F.S.; conforming cross-
references; providing an effective date.