

By Senator Broxson

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1 A bill to be entitled
2 An act relating to child welfare; amending s. 39.0138,
3 F.S.; authorizing the Department of Children and
4 Families to grant an exemption from a fingerprinting
5 requirement to certain household members who are being
6 considered for placement of a child; requiring the
7 department to adopt rules; revising offenses that
8 prohibit the department from placing a child with the
9 offender; amending s. 409.175, F.S.; defining the term
10 "severe disability"; authorizing the department to
11 grant an exemption from a fingerprinting requirement
12 to certain household members who have a severe
13 disability and for purposes of licensure as a licensed
14 family foster home, child-placing agency, or
15 residential child-caring agency; amending s. 409.991,
16 F.S.; redefining the term "proportion of children in
17 care" to include children whose families are receiving
18 support services; revising the equity allocation of
19 core services funds; revising the equity allocation
20 model for the allocation of new core services funds;
21 providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. Subsections (1), (2), and (3) of section
26 39.0138, Florida Statutes, are amended to read:

27 39.0138 Criminal history and other records checks; limit on
28 placement of a child.—

29 (1) (a) The department shall conduct a records check through

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30 the State Automated Child Welfare Information System (SACWIS)
31 and a local and statewide criminal history records check on all
32 persons, including parents, being considered by the department
33 for placement of a child under this chapter, including all
34 nonrelative placement decisions, and all members of the
35 household, 12 years of age and older, of the person being
36 considered. For purposes of this section, a criminal history
37 records check may include, but is not limited to, submission of
38 fingerprints to the Department of Law Enforcement for processing
39 and forwarding to the Federal Bureau of Investigation for state
40 and national criminal history information, and local criminal
41 records checks through local law enforcement agencies of all
42 household members 18 years of age and older and other visitors
43 to the home. An out-of-state criminal history records check must
44 be initiated for any person 18 years of age or older who resided
45 in another state if that state allows the release of such
46 records. The department shall establish by rule standards for
47 evaluating any information contained in the automated system
48 relating to a person who must be screened for purposes of making
49 a placement decision.

50 (b) The department may grant an exemption from a
51 fingerprinting requirement to a household member with a
52 physical, developmental, or cognitive limitation or severe
53 disability that prevents him or her from being fingerprinted.
54 Before such exemption is granted, the department or its designee
55 shall consider the severity of the household member's limitation
56 or disability and whether the exemption may compromise the
57 safety and well-being of a child placed in the home. The
58 department may require documentation of such limitation or

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59 disability. The department shall adopt rules necessary to
60 administer this paragraph.

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

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

66 (b) Domestic violence;

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

69 (d) Homicide or, ~~sexual battery, or other felony involving~~
70 ~~violence, other than felony assault or felony battery when an~~
71 ~~adult was the victim of the assault or battery.~~

72 (3) The department may not place a child with a person
73 other than a parent if the criminal history records check
74 reveals that the person has, within the previous 5 years, been
75 convicted of a felony that falls within any of the following
76 categories:

77 (a) Assault;

78 (b) Battery; ~~or~~

79 (c) A drug-related offense; or

80 (d) An offense involving violence.

81 Section 2. Present paragraphs (l) and (m) of subsection (2)
82 of section 409.175, Florida Statutes, are redesignated as
83 paragraphs (m) and (n), respectively, a new paragraph (l) is
84 added to that subsection, and paragraph (a) of subsection (6) of
85 that section is amended, to read:

86 409.175 Licensure of family foster homes, residential
87 child-caring agencies, and child-placing agencies; public

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88 records exemption.—

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

90 (1) "Severe disability" means a physical, developmental, or
91 cognitive limitation that prevents an individual from being
92 fingerprinted.

93 (6) (a) An application for a license shall be made on forms
94 provided, and in the manner prescribed, by the department. The
95 department shall make a determination as to the good moral
96 character of the applicant based upon screening. The department
97 may grant an exemption from a fingerprinting requirement to a
98 household member who has a severe disability pursuant to s.
99 39.0138(1)(b).

100 Section 3. Section 409.991, Florida Statutes, is amended to
101 read:

102 409.991 Allocation of funds for community-based care lead
103 agencies.—

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

105 (a) "Core services funds" means all funds allocated to
106 community-based care lead agencies operating under contract with
107 the department pursuant to s. 409.987, with the following
108 exceptions:

- 109 1. Funds appropriated for independent living;
- 110 2. Funds appropriated for maintenance adoption subsidies;
- 111 3. Funds allocated by the department for protective
112 investigations training;
- 113 4. Nonrecurring funds;
- 114 5. Designated mental health wrap-around services funds; and
- 115 6. Funds for special projects for a designated community-
116 based care lead agency.

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117 (b) "Equity allocation model" means an allocation model
118 that uses the following factors:

- 119 1. Proportion of the child population;
- 120 2. Proportion of child abuse hotline workload; and
- 121 3. Proportion of children in care.

122 (c) "Proportion of child population" means the proportion
123 of children up to 18 years of age during the previous calendar
124 year in the geographic area served by the community-based care
125 lead agency.

126 (d) "Proportion of child abuse hotline workload" means the
127 weighted average of the following subcomponents:

128 1. The average number of initial and additional child abuse
129 reports received during the month for the most recent 12 months
130 based on child protective investigations trend reports as
131 determined by the department. This subcomponent shall be
132 weighted as 20 percent of the factor.

133 2. The average count of children in investigations in the
134 most recent 12 months based on child protective investigations
135 trend reports as determined by the department. This subcomponent
136 shall be weighted as 40 percent of the factor.

137 3. The average count of children in investigations with a
138 most serious finding of verified abuse in the most recent 12
139 months based on child protective investigations trend reports as
140 determined by the department. This subcomponent shall be
141 weighted as 40 percent of the factor.

142 (e) "Proportion of children in care" means the proportion
143 of the number of children whose families are receiving support
144 services, the number of children in care receiving in-home
145 services, and the number of entries of children into ~~in~~ out-of-

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146 home care with a case management overlay during the most recent
147 12-month period. This subcomponent shall be weighted as follows:

148 1. Fifty ~~Sixty~~ percent shall be based on children in out-
149 of-home care.

150 2. Thirty ~~Forty~~ percent shall be based on children in in-
151 home care.

152 3. Twenty percent shall be based on children whose families
153 are receiving support services.

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

156 (a) Proportion of the child population shall be weighted as
157 5 percent of the total;

158 (b) Proportion of child abuse hotline workload shall be
159 weighted as 35 ~~45~~ percent of the total; and

160 (c) Proportion of children in care shall be weighted as 60
161 ~~80~~ percent of the total.

162 (3) Beginning in the 2015-2016 state fiscal year, 100
163 percent of the recurring core services funding for each
164 community-based care lead agency shall be based on the prior
165 year recurring base of core services funds.

166 (4) Unless otherwise specified in the General
167 Appropriations Act, any new core services funds shall be
168 allocated based on the equity allocation model to community-
169 based care lead agencies that are funded below their equitable
170 share. Funds allocated pursuant to this subsection shall be
171 weighted based on each community-based care lead agency's
172 relative proportion of the total amount of funding below the
173 equitable share as follows:

174 (a) Seventy ~~Twenty~~ percent of new funding shall be

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175 allocated among all community-based care lead agencies.

176 (b) Thirty ~~Eighty~~ percent of new funding shall be allocated
177 among community-based care lead agencies that are funded below
178 their equitable share. Funds allocated pursuant to this
179 paragraph shall be weighted based on each community-based care
180 lead agency's relative proportion of the total amount of funding
181 below the equitable share.

182 Section 4. This act shall take effect July 1, 2018.