

YOUTH ADULTS EMERGING FROM FOSTER CARE

CS/CS/SB 2114 – Independent Living Transition Services (*Rich*)

Idea./Sim Bills: CS/HB 1215 (*Glorioso*)

The bill provides for a number of changes related to older children who are in the foster care system, including:

- Authorizing the caseworker at the agency at which the state has placed a child to sign a minor's application for a driver's license. The caseworker is required to notify the foster parents or other responsible party of his or her intent to sign the application;
- Making young adults who were placed with a court-approved dependency guardian or adopted from foster care after reaching age 16 and have spent a minimum of 6 months in foster care within the 12 months preceding such adoption or placement eligible to be provided with independent living transition services;
- Providing that foster parents or caregivers cannot have their licensure status jeopardized as a result of actions of a child engaged in approved independent living activities;
- Requiring a child who has reached 16 years of age to be formally evaluated for a subsidized independent living arrangement;
- Expanding the Medicaid eligibility criteria to include 20 year old young adults who have aged out of foster care; and
- Removing the disability of nonage for minors for the purposes of securing depository financial services such as checking and savings accounts.

BOOSTER SEAT/CHILD PASSENGER RESTRAINTS IN MOTOR VEHICLE

SB 2 – Unattended Child in Motor Vehicle (*Dawson*)

Currently, s. 316.6135, F.S., prohibits a parent, legal guardian, or other person responsible for a child from leaving a child under the age of 6 years unattended or unsupervised in a motor vehicle for a period in excess of 15 minutes. If the motor vehicle is running or the health of the child is in danger, such persons are prohibited from leaving a child unattended or unsupervised for any period of time. A violation of this section is a non-criminal traffic infraction which is punishable by a fine of up to \$100; or between \$50 and \$500 if the motor vehicle was running or the health of the child was in danger. The bill provides that if any person commits this offense and in so doing causes great bodily harm, permanent disability or permanent disfigurement to a child, the offense is a third degree felony, punishable by up to five years in prison and a fine of up to \$5,000. The bill makes it a second degree misdemeanor, punishable by up to 60 days in jail and a fine of up to \$500 for a parent, legal guardian or other person responsible for a child to leave a child under the age of 6 years unattended or unsupervised in a motor vehicle for a period in excess of 15 minutes. The offense of leaving a child under 6 years of age unattended in a motor vehicle if the vehicle is running or the health of the child is in danger will remain a non-criminal traffic infraction.

GUARDIAN AD LITEM

CS/HB 229 – Guardian Ad Litem Program (*Mahon*)

The bill authorizes the Statewide Guardian Ad Litem Office to create a direct support organization (DSO). The DSO may conduct programs and activities, raise funds, and make expenditures that directly or indirectly benefit the Statewide Guardian Ad Litem Office.

HB561 by Homan & SB660 by Fasano

General Human Papillomavirus (HPV)/Schools; requires DOH to adopt rule adding human papillomavirus to list of communicable diseases for which immunizations are recommended;

requires that certain parents or guardians must be provided information concerning HPV; requires DOH to prescribe information. EFFECTIVE DATE: 07/01/2007. Died in Council

CHILDHOOD OBESITY

CS/CS/HB 967 – Physical Education (*Weatherford*)

The bill requires district school boards to provide 150 minutes of physical education each week to students in kindergarten through grade 5. The bill broadly defines physical education as the development or maintenance of skills related to strength, agility, flexibility, movement, and stamina, including dance. The definition also includes the development of knowledge and skills regarding teamwork and fair play; the development of knowledge and skills regarding nutrition and physical fitness as part of a healthy lifestyle; and the development of positive attitudes regarding sound nutrition and physical activity as a component of personal well-being.

The bill also requires the Commissioner of Education to make available on the Department of Education's website: links to the Internet-based clearinghouse for professional development; school wellness and physical education policies; and other internet sites that provide professional development for elementary teachers of physical education. The information on the department's website must provide elementary teachers with information concerning current physical education and nutrition philosophy. In addition, the bill requires the State Board of Education to review, and revise as necessary, the Sunshine State Standards to ensure the standards reflect the state-of-the-art physical education philosophy and practice in this state.

CHILD ABUSE PREVENTION

CS/SB 1394 – Children & Families (*Storms*)

The bill authorizes the Department of Children and Family Services to begin the process of departmental reorganization, subject to further legislative review. It directs the department to integrate Substance Abuse and Mental Health programs into the overall structure and priorities of the department. It also authorizes the department to plan for realignment of department districts with judicial circuits and to phase in organizational changes to ensure that children currently in the system are not adversely impacted. The bill requires the department to submit to the Legislature a report on its organizational modifications concurrently with the Sunset Review Report required by existing law and allows DCF to use the name Department of Children and Families. The bill authorizes the department to establish community partnerships at the request of local communities, and permits the Secretary to establish advisory groups at the state level. The bill provides that members of community partnerships or advisory groups are entitled to receive reimbursement for certain expenses. However, the bill specifies that these costs must be absorbed within existing resources. Provisions pertaining to departmental reorganization will expire on June 30, 2008. The bill specifies that it is unlawful to create, as well as to alter, destroy, deface, overwrite, remove or discard, official records relating to individuals in the care and custody of a state agency and certain records of DCF.

CS/HB 77 – Child Visitation (*Porth*)

The bill establishes the "Keeping Children Safe Act". A rebuttable presumption of detriment to a child is created when a parent or caregiver seeking visitation or other contact with the child is the subject of a report to the child abuse hotline alleging sexual abuse; has been found guilty or has entered a plea of guilty or nolo contendere to certain specified crimes; or has been determined by a court to be a sexual predator as defined in statute. The bill creates a hearing process for visitation or other contact determinations and provides for court orders; provides that if visitation

is ordered, it must be supervised either by an individual with special training in the dynamics of children who have been sexually abused or be conducted in supervised visitation programs that meet specified criteria; and provides additional factors to be taken into consideration related to visitation and other contact. The bill provides that visitation ordered at a shelter hearing, an arraignment hearing, a disposition hearing, or with a grandparent or stepgrandparent must follow these newly created requirements. The bill requires the Clearinghouse on Supervised Visitation, an entity within the Institute for Family Violence Studies in the School of Social Work of the Florida State University, to develop standards for supervised visitation programs and provides for interim standards. The bill specifies requirements that must be met before a supervised visitation program can accept referrals of cases involving child sexual abuse. The bill repeals ss. 753.001, 753.002, and 753.004, Florida Statutes, relating to the Family Visitation Network, and redesignates the title of chapter 753, Florida Statutes, as “Supervised Visitation.”

CS/HB 509 – Children’s Services (*Ausley*)

CS/HB 509 creates a Children and Youth Cabinet in the Office of the Governor to coordinate state agency policy and services for children and youth. The Governor will chair the cabinet. Members of the cabinet include the Secretaries of Children and Families, Juvenile Justice, Health, and Health Care Administration; the Directors of the Agencies for Persons with Disabilities, and Workforce Innovation; the Commissioner of Education; and the Directors of the Statewide Guardian Ad Litem Office and the Office of Child Abuse Prevention. Five members appointed by the Governor will represent children and youth advocacy organizations. The bill requires the cabinet to develop a strategic plan to align public resources for children from prenatal care through transition to adulthood, and to measure their results.

CS/CS/HB 1309 – Adoption and Child Protection (*Galvano*)

The bill changes all references to the Office of Child Abuse Prevention to the Office of Adoption and Child Protection and adds the promotion of adoption and the support of adoptive families to all references made to the purposes and goals of the Office. It also renames the director of the Office as the Chief Child Advocate. The bill specifies duties for the Chief Child Advocate including formulating and recommending rules pertaining to the promotion of adoption, supporting adoptive families, implementing child abuse prevention efforts, and developing adoption and child abuse prevention public awareness campaigns.

CS/SB 988 – High-risk Offenders (*Argenziano*)

In 2005, the Jessica Lunsford Act became law and required non-instructional contractual personnel who are permitted access on school grounds when students are present to meet level 2 screening requirements. The bill modifies these provisions by:

- Requiring that a fingerprint-based background screening be performed of noninstructional contractors who: (1) are permitted access to school grounds when students are present; (2) are not anticipated to have direct contact with students in performing their contract; and (3) would have only unanticipated contact with students that is infrequent and incidental;
- Providing a list of offenses that disqualify a non-instructional contractor from having access to school grounds when students are present;
- Exempting specified non-instructional contractors from fingerprint-based background checks. Exempt contractors will be subject to a search of the state and national registry of sexual predators and sexual offenders with no charge to the contractor;
- Exempting instructional personnel who work with children with developmental disabilities or who are child care personnel from fingerprint-based background checks if they are required to

undergo a level 2 background screening, have done so in the previous five years and meet level 2 standards, and have fingerprints retained by FDLE; and

- Limiting fees charged to a contractor to no more than 30 percent of the total cost charged by FDLE and the FBI.

Also, the bill requires that all driver's licenses or identification cards issued or reissued to sexual predators or sexual offenders must have markings on the front of the card indicating the section of statute under which they are registered. The bill will make it unlawful for any person to have in his or her possession a driver's license or identification card upon which the sexual predator or sexual offender markings are not displayed or have been altered. A violation of this provision will be a third degree felony.

CS/CS/SB 1604 – Sexual Offenders & Predators (*Argenziano*)

In July 2006, the federal Adam Walsh Child Protection and Safety Act of 2006 became law and imposed certain requirements on state sexual offender registries. This bill makes a number of conforming changes to state law including the following:

- Sexual predators and certain sexual offenders will be required to report in person at the sheriff's office every three months, rather than every six months.
- Sexual predators and certain sexual offenders will be required to maintain registration for life without the possibility of petitioning for removal.
- Certain juveniles who are 14 years of age or older and are adjudicated delinquent for a specified sexual offense will be required to register as a sexual offender.
- Local law enforcement agencies, the Department of Corrections and the Department of Juvenile Justice will be required to report to the Florida Department of Law Enforcement (FDLE) failure of a sexual predator or sexual offender to comply with registration requirements.
- FDLE will be required to develop and maintain a system to provide automatic notification of registration information regarding sexual predators and sexual offenders to the public. Schools, public housing agencies, agencies responsible for conducting employment related background checks, social service entities responsible for protecting minors in the child welfare system and certain other organizations will have access to the system.

Also, certain offenders that have committed a first time sexual battery or lewd or lascivious offense on a victim 14 years of age or older, but less than 17 years of age, when the offender was not more than 4 years older than the victim and where the judge makes a finding that the removal of the registration requirement will not conflict with federal law will be able to petition to be removed from the registry. This will require a finding that consensual sexual activity occurred.

AFFORDABLE HOUSING

CS/HB 1375 – Affordable Housing (*Davis, M.*)

The bill contains a number of provisions intended to further incentivize and encourage the provision of affordable housing. The bill revises elements of local government comprehensive plans relating to housing by authorizing the inclusion of adequate sites for affordable workforce housing in the housing element and transportation concurrency exceptions for certain workforce housing in close proximity to employment centers. In addition, the bill requires certain counties to adopt a plan for ensuring affordable workforce housing by July 1, 2008, at a minimum identifying adequate sites for such housing. A penalty is provided for local governments who do not comply. Local governments are authorized to identify in their comprehensive plans the types of housing development and conditions under which they will expedite consideration of amendments consistent with identified affordable housing incentive strategies.

JUVENILE JUSTICE

CS/CS/HB 1477 – Forensic Mental Health (*Ausley*)

The bill provides matching grants to communities to bring together criminal justice, mental health, and community leaders to develop local programs to identify and treat adults and juveniles with mental health problems to reduce their burden on the criminal justice system. Counties can apply for one-year planning grants or three-year program grants. Local Public Safety Councils or other committees will serve as planning groups for the grants and make recommendations to county commissioners. The groups are required to include mental health and substance abuse experts, consumers, and representatives of the juvenile justice system, in addition to their regular public safety representatives.

DOMESTIC VIOLENCE

CS/HB 55 – Domestic Violence (*Porth*)

Any person who is either the victim of domestic violence or has reasonable cause to believe he or she is in imminent danger of becoming the victim of any act of domestic violence may file a sworn petition for an injunction for protection against domestic violence. Florida law currently prohibits dismissing from employment any person who testifies in a judicial proceeding in response to a subpoena but does not address other protections enumerated in the bill to victims of domestic violence. The bill requires employers with 50 or more employees to allow employees who have been employed for at least 3 months to request or take up to three working days of leave with or without pay within a 12-month period if the employee is the victim of domestic violence and the leave is sought to:

- seek an injunction for protection against domestic violence;
- obtain medical care or mental health counseling;
- obtain services from a victim-services organization;
- make the employee's home secure or to seek new housing; or
- to seek legal assistance to address issues arising from the act of domestic violence and to attend and prepare for court-related proceedings arising from the act of domestic violence.

The bill requires employees to provide advance notice of the leave (except in cases of imminent danger) and use all available annual or vacation leave, personal leave, and sick leave available to the employee prior to using the leave provided for in this bill (unless this requirement is waived by the employer).

The bill authorizes employers to require documentation of the act of domestic violence, requires employers to keep information relating to the employee's leave confidential, and prohibits employers from taking any disciplinary action against the employee for exercising rights under the bill. The bill specifies that the remedy for damages to an employee aggrieved under the bill is limited to a civil suit for damages or equitable relief in the circuit court.

A tied bill, HB 63, has been passed to provide the public records exemption needed to keep confidential the information covered by this bill in public employee personnel files.

CS/SB 184 – Strangulation/Domestic Battery (*Dockery*)

The bill creates the offense of “domestic battery by strangulation” and provides that a person commits domestic battery by strangulation, a third degree felony, if the person knowingly and intentionally, against the will of another impedes the normal breathing or circulation of the blood of a family or household member or of a person with whom he or she is in a dating relationship, so as to create a risk of or cause great bodily harm by applying pressure on the throat or neck of the other person or by blocking the nose or mouth of the other person. The bill provides an

exception for acts of medical diagnosis, treatment, or prescription which are authorized under the laws of this state.

INTERNET PREDATORS

CS/SB 1004 – Cybercrimes Against Children Act of 2007 (*Argenziano*)

This bill expands the jurisdiction of the Office of Statewide Prosecution by granting them the authority to investigate and prosecute any crime enumerated in s. 16.56(1)(a)1.-12., F.S. facilitated by or connected to the use of the Internet as well as all violations of Ch. 827, F.S., where the crime is facilitated by the use of the Internet. The bill also provides statewide grand juries jurisdiction over all violations of Ch. 827, F.S., where the crime is facilitated by the use of the Internet.

This bill reclassifies specific felony offenses involving the possession, production, or transmission of an image of child pornography or the sexual performance of a child to the next higher degree if an offender possess 10 or more images of any form of child pornography and the content of at least one image contains: a child who is under the age of 5 years, sadomasochistic abuse involving a child, sexual battery involving a child, sexual bestiality involving a child, or any movie involving a child.

Currently, s. 847.0135(3), F.S., provides that any person who knowingly utilizes certain computer services to seduce, solicit, lure, or entice a child or another person believed by the person to be a child to commit certain acts commits a felony of the third degree. This bill amends this subsection by adding “unlawful sexual conduct” to the list of offenses which a person is prohibited from seducing, soliciting, luring, or enticing a child into engaging in, and by adding “parents”, “legal guardians”, and “custodians” to the list of persons that may not be solicited, lured, or enticed to commit certain illegal acts. Persons who misrepresent their age while violating this subsection commit a second degree felony.

This bill creates s. 847.0135(4), F.S., which provides that any person who uses certain computer services to seduce, solicit, lure, or entice a child or a child’s parent, legal guardian, or custodian to engage in certain illegal acts and then travels with the purpose of engaging in such acts commits a second degree felony.

This bill also amends s. 910.15(1), F.S., to provide that crimes facilitated by a communication through the use of mail, telephone, or newspaper, or by radio, television, Internet, or other means of electronic data communication may be tried in the county in which the dissemination originated, in which the dissemination was made, or in which any act necessary to consummate the offense occurred.

This bill requires sexual predators and sexual offenders, as part of their registration process, to provide FDLE any electronic mail address or instant message name prior to using such electronic mail address or instant message name. The bill requires FDLE to establish an online system through which sexual predators and sexual offenders may securely access and update electronic mail address and instant message name information. The bill also authorizes FDLE to provide information relating to electronic mail addresses and instant message names maintained as part of the sexual offender registry to commercial social networking websites.

OTHER BILLS OF INTEREST

HB 7181 – Immigrant Survivors of Human Trafficking and Other Serious Crimes (*Galvano*)

The bill requires the Department of Children and Family Services to establish a statefunded benefit program for immigrant survivors of human trafficking, domestic violence and other serious crimes for a specified period of time before they become eligible to receive federally

funded benefits. Those benefits must be equivalent to services provided to refugees and may include cash, medical services, mental health care, and other social services. The bill specifies a list of documents that, in addition to a sworn statement, suffice as evidence that an applicant has been a survivor of human trafficking. The bill also requires the Department of Children and Family Services to develop a public awareness campaign.

CS/HB 1441 – Female Genital Mutilation (*Thompson, G.*)

HB 1441 defines “female genital mutilation” (FGM) as “the circumcising, excising, or infibulating, in whole or in part, the labia majora, labia minora, or clitoris of a female person,” and provides that:

- A person who knowingly commits, or attempts to commit, FGM upon a female person younger than 18 years of age commits a first degree felony.
- A person who knowingly removes, or causes or permits the removal of, a female person younger than 18 years of age from this state for purposes of committing FGM commits a second degree felony.
- A person who is a parent, a guardian, or in a position of familial or custodial authority to a female person younger than 18 years of age and who knowingly consents to or permits the FGM of that female person commits a third degree felony.

The bill specifies that consent of a female person younger than 18 or the consent of a parent, guardian, or person who is in a position of familial or custodial authority to a female person younger than 18 is not a defense to the offense of FGM. The bill exempts procedures performed by or under the direction of a physician, an osteopathic physician, a registered nurse, a practical nurse, an advanced registered nurse practitioner, a midwife, or a physician assistant when necessary to preserve the physical health of a female person as well as autopsies and limited dissections conducted pursuant to chapter 406, F.S.