1988

Session Law 88-151

Florida Senate & House of Representatives

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**LEGISLATIVE SUPPLEMENT "B" - SESSION LAW ABSTRACT**

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This document contains information on a legislative bill from the 1988 session of the legislature, including references to committee records, journal pages, and tape recordings.
A bill to be entitled
An act relating to child abuse; amending s.
827.04, F.S.; providing that infliction of
physical or mental injury to a child
constitutes child abuse; providing penalties;
providing an effective date.

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

Section 1. Subsections (1) and (2) of section 827.04, Florida Statutes, are amended to read:
827.04 Child abuse.--
(1) Whoever, willfully or by culpable negligence,
 deprives a child of, or allows a child to be deprived of,
necessary food, clothing, shelter, or medical treatment, or
who, knowingly or by culpable negligence, inflicts or permits
the infliction of physical or mental injury to the child, and
in so doing causes great bodily harm, permanent disability, or
permanent disfigurement to such child, shall be guilty of a
felony of the third degree, punishable as provided in s.
775.082, s. 775.083, or s. 775.084.
(2) Whoever, willfully or by culpable negligence,
 deprives a child of, or allows a child to be deprived of,
necessary food, clothing, shelter, or medical treatment, or
who, knowingly or by culpable negligence, inflicts or permits
the infliction of physical or mental injury to the child,
shall be guilty of a misdemeanor of the first degree,
punishable as provided in s. 775.082, s. 775.083, or s.
775.084.

Section 2. This act shall take effect October 1, 1988.
**HOUSE SUMMARY**

Provides that infliction of physical or mental injury to a child constitutes child abuse. Provides penalties.
A bill to be entitled
An act relating to offenses involving children;
amending s. 787.04, F.S.; prohibiting the
removal of a minor from the state or
concealment of the location of a minor under
specified circumstances; providing a penalty;
amending s. 827.04, F.S.; providing that
infliction of physical or mental injury to a
child constitutes child abuse; providing
penalties; providing an effective date.

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

Section 1. Section 787.04, Florida Statutes, is
amended to read:

787.04 Felony to remove minors children from state or
to conceal minors children contrary to state agency or court
order.--

(1) It is unlawful for any person, in violation of a
court order, to lead, take, entice, or remove a minor child
beyond the limits of this state, or to conceal the location of
a minor child, with personal knowledge of the order.

(2) It is unlawful for any person, with criminal
intent, to lead, take, entice, or remove a minor child beyond
the limits of this state, or to conceal the location of a
minor child, during the pendency of any action or proceeding
affecting custody of the minor child, after having received
notice as required by law of the pendency of the action or
proceeding, without the permission of the court in which the
action or proceeding is pending.

CODING: Words stricken are deletions; words underlined are additions.
It is unlawful for any person, with criminal intent, to lead, take, entice, or remove a minor beyond the limits of this state, or to conceal the location of a minor, during the pendency of a dependency proceeding affecting such minor or during the pendency of any investigation, action, or proceeding concerning the alleged abuse or neglect of such minor, after having received notice of the pendency of such investigation, action, or proceeding and without the permission of the state agency or court in which the investigation, action, or proceeding is pending.

It is unlawful for any person, who has carried beyond the limits of this state any minor child whose custody is involved in any action or proceeding pending in this state, pursuant to the order of the court in which the action or proceeding is pending, or pursuant to the permission of the court, thereafter, to fail to produce the minor child in the court or deliver the minor child to the person designated by the court.

It is a defense under this section that a person who leads, takes, entices, or removes a minor beyond the limits of the state reasonably believes that his action was necessary to protect the minor from child abuse as defined in s. 827.04.

Any person who violates convicted-of-a violation of this section is law-shall-be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. Subsections (1) and (2) of section 827.04, Florida Statutes, are amended to read:

827.04 Child abuse.--
(1) Whoever, willfully or by culpable negligence, deprives a child of, or allows a child to be deprived of, necessary food, clothing, shelter, or medical treatment, or who, knowingly or by culpable negligence, inflicts or permits the infliction of physical or mental injury to the child, and in so doing causes great bodily harm, permanent disability, or permanent disfigurement to such child, shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Whoever, willfully or by culpable negligence, deprives a child of, or allows a child to be deprived of, necessary food, clothing, shelter, or medical treatment, or who, knowingly or by culpable negligence, inflicts or permits the infliction of physical or mental injury to the child, shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 3. This act shall take effect October 1, 1988.

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR Senate Bills 582 and 680

1. Combines the provisions of both bills.
2. Provides that protecting a minor from child abuse is a defense to the crime of removing a minor from state or concealing a minor contrary to court order.

CODING: Words struck are deletions; words underlined are additions.
A bill to be entitled
An act relating to proceedings involving
minors: amending s. 787.04, F.S.; prohibiting
the removal of a minor from the state or
concealment of the location of a minor under
specified circumstances; providing a penalty;
providing an effective date.

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

Section 1. Section 787.04, Florida Statutes, is
amended to read:

787.04 Felony to remove children from state or
to conceal children contrary to state agency or court
order.--

(1) It is unlawful for any person, in violation of a
court order, to lead, take, entice, or remove a minor child
beyond the limits of this state, or to conceal the location of
a minor child, with personal knowledge of the order.

(2) It is unlawful for any person, with criminal
intent, to lead, take, entice, or remove a minor child beyond
the limits of this state, or to conceal the location of a
minor child, during the pendency of any action or proceeding
affecting custody of the minor child, after having received
notice as required by law of the pendency of the action or
proceeding, without the permission of the court in which the
action or proceeding is pending.

(3) It is unlawful for any person, with criminal
intent, to lead, take, entice, or remove a minor beyond the
limits of this state, or to conceal the location of a minor,
during the pendency of a dependency proceeding affecting such

CODING: Words stricken are deletions; words underlined are additions.
minor or during the pendency of any investigation, action, or proceeding concerning the alleged abuse or neglect of such minor, after having received notice of the pendency of such investigation, action, or proceeding and without the permission of the state agency or court in which the investigation, action, or proceeding is pending.

(4) It is unlawful for any person, who has carried beyond the limits of this state any minor child whose custody is involved in any action or proceeding pending in this state, pursuant to the order of the court in which the action or proceeding is pending, or pursuant to the permission of the court, thereafter, to fail to produce the minor child in the court or deliver the minor child to the person designated by the court.

(5) Any person who violates convicted-of-a violation-of this section is shall-be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. This act shall take effect October 1, 1988.

SENATE SUMMARY

Prohibits the removal of a minor from the state or concealment of the location of a minor in violation of a court order; during custody proceedings involving the minor, or pending the outcome of a dependency proceeding or any investigation, action, or proceeding concerning the alleged abuse or neglect of such minor. Provides penalties.

CODING: Words struck are deletions; words underlined are additions.
A bill to be entitled
An act relating to child care; amending s.
110.151, F.S.; transferring management of the
provider contract to operate the Ina S.
Thompson Child Care Center from the Department
of Administration to the Department of Highway
Safety and Motor Vehicles; providing for
funding for replacement of state-owned child
care furnishings and equipment from the State
Employee Child Care Revolving Trust Fund;
authorizing the department to adopt rules
relating to the center; providing an effective
date.

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

Section 1. Section 110.151, Florida Statutes, is
amended to read:

110.151 State officers' and employees' pilot child
care center program.--

(1) The Department of Highway Safety and Motor
Vehicles is responsible for management of the provider
contract to operate the Ina S. Thompson Child Care Center,
established in Tallahassee pursuant to this section. The
center shall accommodate the child care needs. The department
shall implement a plan for a pilot program that will establish
a minimum of one and a maximum of three child care centers
designed to accommodate the needs for child care for state
officers' and employees' children or dependents. Primary
emphasis shall be given to children who are not subject to
compulsory school attendance pursuant to chapter 232, and, to

CODING: Words struck are deletions; words underlined are additions.
the extent possible, emphasis shall be placed on child care for children aged 2 and under.

(2) The center centers may be located in a state-owned office building, educational facilities and institutions, custodial facilities and institutions, and, with the consent of the President of the Senate and the Speaker of the House of Representatives in buildings or spaces used for legislative activities. In addition, the center centers may be located in privately owned buildings located within a 1-mile radius of the place of employment of those officers and employees to be served by the center centers. In the event that a center is to be located in a state-owned office building, the Governor and Cabinet, as the head of the Department of General Services, is authorized to waive a portion of the rental fees that would otherwise be required under the fee schedule adopted pursuant to ss. 255.245. Any waiver of fee shall be subject to a demonstration that the waiver is necessary in order to provide space to a day care provider at a rate comparable to the market rate in that location for property utilized for child care centers.

(3) The Department of General Services shall identify space that can reasonably be renovated to accommodate a child care center.

(4) The department shall conduct a needs assessment among employees and officers who are employed in a building identified as one that could reasonably be renovated to accommodate a child care center to determine whether the need for child care services is sufficient to warrant a child care center in that building.

CODING: Words stricken are deletions; words underlined are additions.
The department shall select a site for a proposed child care center on the basis of the results of the needs assessment.

The operator of the proposed child care center shall be selected by the Department of Highway Safety and Motor Vehicles department on a competitive contract basis. Requests for proposals shall be developed by the department with the advice and assistance of a parent advisory committee. Such committee shall be composed of 16 officers or employees appointed by the secretary who have expressed an interest in utilizing the services to be provided by the proposed child care center.

An operator selected to administer the center shall be required to comply with all state purchase-of-service standards and local standards for the licensure and operation of child care facilities, to maintain adequate liability insurance coverage, and to assume financial and legal responsibility for the operations of the center. Neither the operator nor any personnel employed by or at the child care center shall be deemed employees of the state.

Except as otherwise provided hereunder, a child care center established pursuant to this pilot program shall be financially self-sufficient except as otherwise provided in this section, and operating costs shall be offset by fees charged to employees who utilize the child care services provided by the center. Requests for proposals may provide for a sliding fee schedule with fees charged on the basis of the employee's household income.

The moneys in the State Employee Child Care Revolving Trust Fund, established pursuant to this section,
shall be used for replacement of state-owned child care furnishings and equipment.


(7)††† The Department of Highway Safety and Motor Vehicles may adopt any rules it determines necessary or convenient to achieve the purposes of this section.


†14†-This-section-is-repealed-on-July-1-1988.

Section 2. This act shall take effect June 30, 1988, and, if it becomes a law after that date, it shall operate retroactively to that date.

CODING: Words stricken are deletions; words underlined are additions.
SENATE SUMMARY

Transfers the management of the provider contract to operate the Ina S. Thompson Child Care Center from a pilot program operated by the Department of Administration to the Department of Highway Safety and Motor Vehicles. Provides that moneys in the State Employee Child Care Revolving Trust Fund be used for replacement of state-owned child care furnishings and equipment.

CODING: Words struck are deletions; words underlined are additions.
A bill to be entitled
An act relating to child custody offenses;
amending s. 787.04, F.S.; revising felony provisions relating to the removal or concealment of a child contrary to court order;
proscribing the taking or the leading of a child from his parent, guardian, or custodian, or the concealment of a child, in violation of a court order or during the pendency of a proceeding affecting the child's custody, under certain circumstances, and proscribing the failure to produce the child so taken to the court; providing penalties; providing an effective date.

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

Section 1. Section 787.04, Florida Statutes, is amended to read:

787.04 Felony to remove children from parent, guardian, or custodian state or to conceal children contrary to court order.--

(1) It is unlawful for any person, in violation of a court order, to lead, take, entice, or remove a child from his parent, guardian, or other lawful custodian beyond-the-limits of-this-state, or to conceal the location of a child, with personal knowledge of the order.

(2) It is unlawful for any person, with criminal intent, to lead, take, entice, or remove a child from his parent, guardian, or other lawful custodian beyond-the-limits of-this-state, or to conceal the location of a child, during
the pendency of any action or proceeding affecting custody of
the child, after having received notice as required by law of
the pendency of the action or proceeding, without the
permission of the court in which the action or proceeding is
pending.

(3) It is unlawful for any person, who has taken from
his parent, guardian, or other lawful custodian carried-beyond
the-limits-of-this-state any child whose custody is involved
in any action or proceeding pending in this state, pursuant to
the order of the court in which the action or proceeding is
pending, or pursuant to the permission of the court,
thereafter, to fail to produce the child in the court or
deliver the child to the person designated by the court.

(4) Any person who violates this section is convicted
of-a-violation-of-this-law-shall-be guilty of a felony of the
third degree, punishable as provided in s. 775.082, s.
775.083, or s. 775.084.

Section 2. This act shall take effect October 1, 1988.

SENATE SUMMARY

Prohibits a person from knowingly leading, taking,
enticing, or removing a child from his parent, guardian,
or other lawful custodian, or from concealing a child, in
violation of a court order or during the pendency of an
action or proceeding affecting custody of the child;
current law prohibits a person from leading, taking,
enticing, or removing a child from the state under those
circumstances. Provides that a violation of these
prohibitions is a felony of the third degree.
A bill to be entitled
An act relating to child care; requiring child-care facilities for state officers' or
employees' children or dependents to be provided in or near certain state office
buildings; requiring the Department of General Services to conduct a needs assessment;
providing an effective date.

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

Section 1. (1) Notwithstanding any other provision of law, facilities for child care for state officers' and
employees' children or dependents must be provided in, or adjacent to, a state office building for which a
representative of the state signs a lease or a construction contract after the effective date of this act.

(2) The number of children that a child-care center required under subsection (1) must be able to accommodate
shall be determined by a needs assessment, conducted by the Department of General Services, which assesses the anticipated
child-care needs of employees who will work in the planned state office building and employees of nearby state office
buildings that do not contain such a facility.

Section 2. This act shall take effect October 1, 1988.

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SENATE SUMMARY

Requires facilities for child care for state officers' or employees' children or dependents to be provided in, or adjacent to, a state office building on which a lease is signed or construction is begun after October 1, 1988. Requires a needs assessment for determining the size of the facility.

CODING: Words stricken are deletions; words underlined are additions.
A bill to be entitled
An act relating to child care: amending s. 110.151, F.S.; authorizing coordination of child care services; providing for the selection of service providers; setting standards for providers; requiring a statewide feasibility study of child care needs of state employees; authorizing the department to adopt rules; providing an appropriation; providing for retroactive application; providing an effective date.

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

Section 1. Section 110.151, Florida Statutes, is amended to read:

110.151 State officers' and employees' pilot child care services program.—

(1) The Office of Labor Relations of the Department of Administration may approve, administer, and coordinate child care services for state officers' and employees' children or dependents. Coordinating duties shall include, but not be limited to, reviewing requests from state agencies and state employee groups for child care services; providing technical assistance on child care program start-up and operation; assisting others in conducting needs-assessments, designing centers, and selecting service providers. The department shall implement a plan for a pilot program that will establish a minimum of one and a maximum of three child care centers designed to accommodate the needs for child care for state officers' and employees' children or dependents.

Primary CODING: Words stricken are deletions; words underlined are additions.
emphasis for child care services shall be given to children who are not subject to compulsory school attendance pursuant to chapter 232, and, to the extent possible, emphasis shall be placed on child care for children aged 2 and under.

Centers may be located in state-owned office buildings, educational facilities, and institutions, custodial facilities, and institutions and with the consent of the President of the Senate and the Speaker of the House of Representatives, in buildings or spaces used for legislative activities. In the event that a center is to be located in a state-owned office building, the Governor and Cabinet as the head of the Department of General Services is authorized to waive a portion of the rental fees that would otherwise be required under the fee schedule adopted pursuant to section 255.245. Any waiver of fee shall be subject to a demonstration that the waiver is necessary in order to provide space to a day care provider at a rate comparable to the market rate in that location for property utilized for child care centers.

[2] The office shall conduct a statewide feasibility study to determine the child care needs of all state employees and to identify the areas of the state where the greatest needs exist.

[3] The office shall establish guidelines to identify the most cost-effective method for meeting the child care needs of state employees.

[4] The provider of proposed child care services shall be selected by competitive contract. Requests for proposals shall be developed with the assistance of, and subject to the approval of, the Office of Labor Relations. Management of the

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contract with the service provider shall be the responsibility
of the state agency whose employees use the service.

(5) An operator selected to provide services must
comply with all state purchase-of-service standards and local
standards for the licensure and operation of child care
facilities, maintain adequate liability insurance coverage,
and assume financial and legal responsibility for the
operation of the program. Neither the operator nor any
personnel employed by or at a child care facility shall be
deemed to be employees of the state.

(6) Except as otherwise provided in this section, child care programs established under this section must be
financially self-sufficient, and operating costs must be
offset by fees charged to employees who use the child care
services. Requests for proposals may provide for a sliding
fee schedule, with fees charged on the basis of the employee’s
household income.

(7) Child care programs may be located in state-owned
office buildings, educational facilities and institutions,
custodial facilities and institutions, and, with the consent
of the President of the Senate and the Speaker of the House of
Representatives, in buildings or spaces used for legislative
activities. If a child care program is located in a state-
owned building not included in the Florida Facilities Pool as
defined in s. 255.505, a portion of the rental fees may be
waived. In addition, centers may be located in privately
owned buildings conveniently located to within-a-mile-radius
of the place of employment of those officers and employees to
be served by the centers.

(8) The Office of Labor Relations shall survey the
child care needs of state employees who will occupy any newly
constructed, state-owned office space or newly leased, privately owned space. The child care needs assessment shall be conducted in conjunction with the Department of General Services and the state agency to occupy the new space. The Department of General Services shall identify the space that can reasonably be renovated or designed to accommodate a child care program.

(9) The State Employee Child Care Revolving Trust Fund is hereby reestablished in the Office of Labor Relations.

(10) The Department of Highway Safety and Motor Vehicles shall be responsible for managing the provider contract to continue operation of the Ina S. Thompson Child Care Center, established under this section.

(11) The Department of Administration may adopt any rules necessary to achieve the purposes of this section.

†3†—The Department of General Services shall identify space that can reasonably be renovated to accommodate a child care center.

†4†—The department shall conduct a needs assessment among employees and officers who are employed in a building identified as one that could reasonably be renovated to accommodate a child care center to determine whether the need for child care services is sufficient to warrant a child care center in that building.

†5†—The department shall select a site for a proposed child care center on the basis of the results of the needs assessment.

†6†—The operator of a proposed child care center shall be selected by the department on a competitive contract basis. Requests for proposals shall be developed by the department with the advice and assistance of a parent advisory committee.

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Such committee shall be composed of 10 officers or employees appointed by the secretary who have expressed an interest in utilizing the services to be provided by the proposed child care center.

(7) An operator selected to administer a center shall be required to comply with all state purchase-of-service standards and local standards for the licensure and operation of child care facilities to maintain adequate stability, insurance coverage, and to assume financial and legal responsibility for the operations of the center. Neither the operator nor any personnel employed by or at the child care center shall be deemed employees of the state.

(8) Except as otherwise provided herein, a child care center established pursuant to this pilot program shall be financially self-sufficient, and operating costs shall be offset by fees charged to employees who utilize the child care services provided by the center. Requests for proposals may provide for a sliding fee schedule with fees charged on the basis of the employee's household income.

(9) One hundred thousand dollars is hereby appropriated from the general revenue funds for the purpose of directly contracting for day care services or establishing a State Employee-Child Care Revolving Trust Fund for the purpose of assisting in the operation of day care centers.

(10) Moneys appropriated from the Administrative Expense Trust Fund for the purpose of establishing the pilot program may be utilized by the department to establish timeimited positions within the department or to contract for consultant services to assist with the coordination of the pilot program.
The department may adopt any rules it determines necessary or convenient to achieve the purposes of this section.

The department shall provide progress reports annually on or before February 1 to the President of the Senate and the Speaker of the House of Representatives. A final evaluation report shall be delivered to the legislature not later than April 15, 1988.

Moneys appropriated for the implementation of this pilot program shall not be subject to reversion prior to June 30, 1988, notwithstanding the provisions of chapter 216.

This section is repealed on July 1, 1988.

Section 2. The unexpended balance of funds remaining in the State Employee Revolving Trust Fund as of June 30, 1988, may be used by the Office of Labor Relations of the Department of Administration. The balance of such funds are hereby appropriated to the Department of Administration to be used for assisting in the start-up and operation of child care services.

Section 3. This act shall take effect upon becoming a law, and if it does not become a law before July 1, 1988, it shall operate retroactively to June 30, 1988.

CODING: Words stricken are deletions; words underlined are additions.
Deletes the provisions requiring child care centers in state office buildings, or adjacent thereto, for which a lease or construction contract is signed after October 1, 1988.

Adds provisions amending s. 110.151, F.S., requiring the Office of Labor Relations of the Department of Administration to conduct a statewide feasibility study to determine the child care needs of state employees throughout the state. Requires the office to coordinate the provision of child care services, to provide technical assistance, and to cooperate with the Department of General Services to assess the needs of employees who will occupy newly built or newly leased buildings. Gives the department necessary rulemaking authority.

Requires child care providers to be selected by competitive bid. Provides for the Office of Labor Relations to assist in developing, and to approve, requests for proposals. Mandates that service providers meet all state and local requirements for licensure, be financially self-sufficient, carry liability insurance, and assume legal responsibility for center operation. Provides that neither center operators nor employees of the centers are considered as state employees. Authorizes child care centers to be located in state-owned buildings, and allows rents to be waived for those buildings not in the Florida Facilities Pool as defined in s. 255.505, F.S.

Recognizes the Ina S. Thompson Child Care Center and authorizes the Department of Highway Safety and Motor Vehicles to manage the care-provider contract.

Provides that unexpended balance of funds remaining in the State Employee Revolving Trust Fund on June 30, 1988 may be used by the Office of Labor Relations to assist in child care start-up and operation.
A bill to be entitled

An act relating to proceedings involving
minors; amending s. 787.04, F.S.; prohibiting
the removal of a minor from the state or
concealment of the location of a minor under
specified circumstances; providing a penalty;
providing an effective date.

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

Section 1. Section 787.04, Florida Statutes, is
amended to read:

787.04 Felony to remove minors children from state or
to conceal minors children contrary to state agency or court
order.--

(1) It is unlawful for any person, in violation of a
court order, to lead, take, entice, or remove a minor child
beyond the limits of this state, or to conceal the location of
a minor child, with personal knowledge of the order.

(2) It is unlawful for any person, with criminal
intent, to lead, take, entice, or remove a minor child beyond
the limits of this state, or to conceal the location of a
minor child, during the pendency of any action or proceeding
affecting custody of the minor child, after having received
notice as required by law of the pendency of the action or
proceeding, without the permission of the court in which the
action or proceeding is pending.

(3) It is unlawful for any person, with criminal
intent, to lead, take, entice, or remove a minor beyond the
limits of this state, or to conceal the location of a minor,
during the pendency of a dependency proceeding affecting such

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minor or during the pendency of any investigation, action, or proceeding concerning the alleged abuse or neglect of such minor, after having received notice of the pendency of such investigation, action, or proceeding and without the permission of the state agency or court in which the investigation, action, or proceeding is pending.

(4)(3) It is unlawful for any person, who has carried beyond the limits of this state any minor child whose custody is involved in any action or proceeding pending in this state, pursuant to the order of the court in which the action or proceeding is pending, or pursuant to the permission of the court, thereafter, to fail to produce the minor child in the court or deliver the minor child to the person designated by the court.

(5)(4) Any person who violates convicted of a violation of this section is law shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. This act shall take effect October 1, 1988.

SENATE SUMMARY

Prohibits the removal of a minor from the state or concealment of the location of a minor in violation of a court order, during custody proceedings involving the minor, or pending the outcome of a dependency proceeding or any investigation, action, or proceeding concerning the alleged abuse or neglect of such minor. Provides penalties.

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CODING: Words struck are deletions; words underlined are additions.
A bill to be entitled
An act relating to proceedings involving
minors; amending s. 787.04, F.S.; prohibiting
the removal of a minor from the state or
concealment of the location of a minor under
specified circumstances; providing a penalty;
providing an effective date.

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

Section 1. Section 787.04, Florida Statutes, is
amended to read:

787.04 Felony to remove minor children from state or
to conceal minor children contrary to state agency or court
order.--

(1) It is unlawful for any person, in violation of a
court order, to lead, take, entice, or remove a minor child
beyond the limits of this state, or to conceal the location of
a minor child, with personal knowledge of the order.

(2) It is unlawful for any person, with criminal
intent, to lead, take, entice, or remove a minor child beyond
the limits of this state, or to conceal the location of a
minor child, during the pendency of any action or proceeding
affecting custody of the minor child, after having received
notice as required by law of the pendency of the action or
proceeding, without the permission of the court in which the
action or proceeding is pending.

(3) It is unlawful for any person, with criminal
intent, to lead, take, entice, or remove a minor beyond the
limits of this state, or to conceal the location of a minor,
during the pendency of a dependency proceeding affecting such

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It is unlawful for any person, who has carried beyond the limits of this state any minor child whose custody is involved in any action or proceeding pending in this state, pursuant to the order of the court in which the action or proceeding is pending, or pursuant to the permission of the court, thereafter, to fail to produce the minor child in the court or deliver the minor child to the person designated by the court.

This section does not apply to persons who lead, take, entice, or remove a minor beyond the limits of the state for the purpose of protecting the child from child abuse as defined in s. 827.04.

Any person who violates convicted of a violation of this section is law shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. This act shall take effect October 1, 1988.
сенетаро саумару

Пребибт бити аммима фрoм зстэ или
конейлемент оф зтэо а минор ин вилиацэин оф зтэо
курт ордэр; дурин гайстио прэкединфс инволвэин зтэо
минор; ор пэндинг бити оуткем оф а депэндэнп прэкединфс
оури ойнивэйстэйшн, экэкшн, ор прэкединфс кэрнинг
зэлээд адбэус эр нэглеэл оф зтэо минор. Пребибт
пеналтэй.

этэс публикэйшн ээз проодузд кэт эн эмэйёз кост оф 1.12 цэнц
пэ рэй сингэл пэге ин кооминс вэйз дэлф з эд ууэйс дэд оф
зэлээд инфэромэнз оф зэтэнз оф а зэлээд эсэйтэйшн энд зэлээд публикэ.

сэндэлэн: зэтэнз стрикэен зэ бэлэктэй, зэтэнз зэлээд
аддитэй зэ ааддиёнз.
A bill to be entitled
An act relating to child abuse; amending s. 827.04, F.S., providing that infliction of physical or mental injury to a child constitutes child abuse; providing penalties; providing an effective date.

Be it enacted by the Legislature of the State of Florida:

Section 1. Subsections (1) and (2) of section 827.04, Florida Statutes, are amended to read:

827.04 Child abuse.--

(1) Whoever, willfully or by culpable negligence, deprives a child of, or allows a child to be deprived of, necessary food, clothing, shelter, or medical treatment, or who, knowingly or by culpable negligence, inflicts or permits the infliction of physical or mental injury to the child, and in so doing causes great bodily harm, permanent disability, or permanent disfigurement to such child, shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Whoever, willfully or by culpable negligence, deprives a child of, or allows a child to be deprived of, necessary food, clothing, shelter, or medical treatment, or who, knowingly or by culpable negligence, inflicts or permits the infliction of physical or mental injury to the child, shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. This act shall take effect October 1, 1988

CODING: Words stricken are deletions; words underlined are additions.
HOUSE SUMMARY

Provides that infliction of physical or mental injury to a child constitutes child abuse. Provides penalties.

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A bill to be entitled
An act relating to child care; requiring child-care facilities for state officers' or
employees' children or dependents to be provided in or near certain state office
buildings; requiring the Department of General
Services to conduct a needs assessment;
providing an effective date.

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

Section 1. (1) Notwithstanding any other provision of
law, facilities for child care for state officers' and
employees' children or dependents must be provided in, or
adjacent to, a state office building for which a
representative of the state signs a lease or a construction
contract after the effective date of this act.

(2) The number of children that a child-care center
required under subsection (1) must be able to accommodate
shall be determined by a needs assessment, conducted by the
Department of General Services, which assesses the anticipated
child-care needs of employees who will work in the planned
state office building and employees of nearby state office
buildings that do not contain such a facility.

Section 2. This act shall take effect October 1, 1988.

CODING: Words stricken are deletions; words underlined are additions
Requires a needs assessment for determining the size of the facility.

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CODING: Words stricken are deletions; words underlined are additions.
By the Committee on Governmental Operations and representatives Davis, Rochlin, Frishe, Diaz-Balart

A bill to be entitled
An act relating to child care; requiring child care facilities for state officers' or employees' children or dependents to be provided in or near certain state-owned office buildings; requiring the Department of Administration to conduct a needs assessment; providing for selection of service providers; setting standards for service providers; providing for program location in other facilities; providing for fees; providing for guidelines for certain other child care methods and employer options; providing for the retention of the State Employee Child Care Revolving Trust Fund established under s. 110.15119, F.S.; providing for certain Department of Highway Safety and Motor Vehicles responsibility for the Ina S. Thompson Child Care Center; providing rulemaking authority; providing an effective date.

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

Section 1. (1) Notwithstanding any other provision of law, facilities for child care for state officers' and employees' children or dependents must be provided in, or adjacent to, a state-owned office building with more than 100,000 square feet and 1,000 anticipated employees for which representative of the state signs a construction contract after the effective date of this act.

[NG: Words stricken are deletions; words underlined are additions.]
(2) The number of children that a child care center required under subsection (1) must be able to accommodate shall be determined by a needs assessment, conducted by the Department of Administration, which assesses the anticipated child care needs of employees who will work in the planned state-owned office building and employees of nearby state office buildings that do not contain such a facility.

(3) The provider of proposed child care services shall be selected on a competitive contract basis. Requests for proposals shall be developed with the assistance of the Department of Administration. Management of the contract with the service provider shall be the responsibility of the state agency whose employees use the service.

(4) An operator selected to provide services shall be required to comply with all state purchase-of-service standards and local standards for the licensure and operation of child care facilities, to maintain adequate liability insurance coverage, and to assume financial and local responsibility for the operation of the program. Neither the operator nor any personnel employed by or at a child care facility shall be deemed employees of the state.

(5) Except as otherwise provided herein, child care programs established under this section shall be financially self-sufficient, and operating costs shall be offset by fees charged to employees who utilize the child care services. Requests for proposals may provide for a sliding fee schedule with fees charged on a basis of the employee's household income.

(6) Child care programs may be located in state-owned office buildings, educational facilities and institutions, custodial facilities and institutions, and, with the consent of the owner, in privately owned buildings.
of the President of the Senate and Speaker of the House of Representatives, in buildings or spaces used for legislative activities. In the event that a child care program is located in a state-owned building not included in the Florida Facilities Pool as defined in s. 255.505, Florida Statutes, a portion of the rental fees may be waived.

(7) The Department of Administration shall survey the child care needs of state employees who will occupy any newly constructed state-owned office space or newly leased privately owned space. The child care needs assessment shall be conducted in conjunction with the Department of General Services and the state agency to occupy the new space. The Department of General Services shall identify the space that can reasonably be renovated or designed to accommodate a child care program.

(8) The Department of Administration shall establish guidelines to identify the most cost-effective method or employer option for meeting the child care needs of state employees for any building owned or leased by the state which does not qualify for a child care center under subsection (1).

(9) The State Employee Child Care Revolving Trust Fund established under s. 110.151(9), Florida Statutes, shall be retained for the purpose of assisting in the start-up and operation of child care services. Existing funds and the revenues generated from service providers may be used for replacement of state-owned child care furnishings and equipment.

(10) The Department of Highway Safety and Motor Vehicles shall be responsible for management of the provider contract to continue operation of the Ina S. Thompson Child Care Center established under s. 110.151, Florida Statutes.
(11) The Department of Administration may adopt any rules it determines necessary to achieve the purposes of this section.

Section 2. This act shall take effect October 1, 1988.

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A bill to be entitled
An act relating to child custody offenses;
amending s. 787.04, F.S.; revising felony provisions relating to the removal or concealment of a child contrary to court order;
proscribing the taking or the leading of a child from his parent, guardian, or custodian, or the concealment of a child, in violation of a court order or during the pendency of a proceeding affecting the child's custody, under certain circumstances, and proscribing the failure to produce the child so taken to the court; providing penalties; providing an effective date.

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

Section 1. Section 787.04, Florida Statutes, is amended to read:
787.04 Felony to remove children from parent, guardian, or custodian state or to conceal children contrary to court order.—

(1) It is unlawful for any person, in violation of a court order, to lead, take, entice, or remove a child from his parent, guardian, or other lawful custodian beyond-the-limits of-this-state, or to conceal the location of a child, with personal knowledge of the order.

(2) It is unlawful for any person, with criminal intent, to lead, take, entice, or remove a child from his parent, guardian, or other lawful custodian beyond-the-limits of-this-state, or to conceal the location of a child, during

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the pendency of any action or proceeding affecting custody of
the child, after having received notice as required by law of
the pendency of the action or proceeding, without the
permission of the court in which the action or proceeding is
pending

(3) It is unlawful for any person, who has taken from
his parent, guardian, or other lawful custodian carried-beyond
the-limits-of-this-state any child whose custody is involved
in any action or proceeding pending in this state, pursuant to
the order of the court in which the action or proceeding is
pending, or pursuant to the permission of the court,
thereafter, to fail to produce the child in the court or
deliver the child to the person designated by the court.

(4) Any person who violates this section is convicted
of-a-violation-of-this-law-shall-be guilty of a felony of the
third degree, punishable as provided in s. 775.082, s.
775.083, or s. 775.084.

Section 2. This act shall take effect October 1, 1988

SENATE SUMMARY

Prohibits a person from knowingly leading, taking,
enticing, or removing a child from his parent, guardian,
or other lawful custodian, or from concealing a child, in
violation of a court order or during the pendency of an
action or proceeding affecting custody of the child;
current law prohibits a person from leading, taking,
enticing, or removing a child from the state under those
circumstances. Provides that a violation of these
prohibitions is a felony of the third degree.

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A bill to be entitled
An act relating to child custody offenses;
amending s. 787.04, F.S.; revising felony
provisions relating to the removal or
concealment of a child contrary to court order;
proscribing the taking or the leading of a
child from his parent, guardian, or custodian,
or the concealment of a child, in violation of
a court order or during the pendency of a
proceeding affecting the child's custody, under
certain circumstances, and proscribing the
failure to produce the child so taken to the
court; providing an exception; providing
penalties; providing an effective date.

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

Section 1. Section 787.04, Florida Statutes, is
amended to read:

787.04 Felony to remove children from parent,
guardian, or custodian state or to conceal children contrary
to court order.--

(1) It is unlawful for any person, in violation of a
court order, to lead, take, entice, or remove a child from his
parent, guardian, or other lawful custodian beyond-the-limits
of-this-state, or to conceal the location of a child, with
personal knowledge of the order.

(2) It is unlawful for any person, with criminal
intent, to lead, take, entice, or remove a child from his
parent, guardian, or other lawful custodian beyond-the-limits
of-this-state, or to conceal the location of a child, during

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the pendency of any action or proceeding affecting custody of
the child, after having received notice as required by law of
the pendency of the action or proceeding, without the
permission of the court in which the action or proceeding is
pending.

(3) It is unlawful for any person, who has taken from
his parent, guardian, or other lawful custodian carried-beyond
the-limits-of-this-state any child whose custody is involved
in any action or proceeding pending in this state, pursuant to
the order of the court in which the action or proceeding is
pending, or pursuant to the permission of the court,
thereafter, to fail to produce the child in the court or
deliver the child to the person designated by the court.

(4) This section does not apply to persons who lend,
take, entice or remove a child from his parent, guardian, or
other lawful custodian for the purpose of protecting the child
from child abuse as defined in s. 827.04.

(5) Any person who violates this section is
convicted-of-a-violation-of-this-law-shall-be guilty of a
felony of the third degree, punishable as provided in s.
775.082, s. 775.083, or s. 775.084.

Section 2. This act shall take effect October 1, 1988.
A bill to be entitled

An act relating to child care; creating s.
110.152, F.S.; requiring the Legislative Branch
to contract to provide child care for certain
employees; setting standards for the child care
provider; stating that such providers are not
state employees; providing an appropriation;
providing an effective date.

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

Section 1. Section 110.152, Florida Statutes, is
created to read:

110.152 Legislative employees child care center.--
(1) The Legislature shall contract for the creation
and operation of a child care center for children of
legislative and state employees in the Capitol Complex. The
child care center must be located on the grounds of or in the
vicinity of the Capitol Complex, and must provide child care
services that are available 12 hours a day for the children of
Capitol Complex employees.

(2) The contract child care provider shall:

(a) Provide child care at a rate comparable to the
market rate in the geographical area;

(b) Adhere to all state purchase-of-service standards
and other statutory standards for the licensure and operation
of a child care center;

(c) Maintain adequate liability insurance coverage;

(d) Assume financial and legal responsibility for the
operations of the center.

CODING: Words stricken are deletions; words underlined are additions.
(3) Neither the provider nor any personnel employed by
or at the center may be deemed employees of the state.

Section 2. The sum of $150,000 is appropriated from
the General Revenue Fund to the Legislative Branch for the
purpose of carrying out the provisions of this act.

Section 3. This act shall take effect upon becoming a
law.

H O U S E S U M M A R Y
Requires the Legislative Branch to contract to provide
child care for employees in the Capitol Complex in
Tallahassee. Sets standards that the contract child care
provider must maintain. States that the provider and its
employees are not state employees. Provides an
appropriation.

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FLORIDA LEGISLATURE

FINAL LEGISLATIVE BILL INFORMATION

1987 Special Sessions B, C, D
1988 Regular Session
1988 Special Sessions E, F

RE: CHAPTER 88-151
CS/JS 90 (Passed)
CS/HB 415 (Substituted)

prepared by:

Joint Legislative Management Committee
Legislative Information Division
Capitol Building, Room 826 — 488-4371
I. SUMMARY:

A. Present Situation:

Sections 787.03 and 787.04, F.S., prescribe certain child custody kidnapping offenses. The former section makes it a first degree misdemeanor to knowingly take a child from the custody of a parent or other lawful custodian, without lawful authority. The latter section makes it a third degree felony to remove a child from Florida or to conceal a child’s whereabouts in violation of a court order. The felony offense occurs under any of the following circumstances: when a person, in violation of a court order, takes, entices, or removes a child from Florida or conceals the child’s whereabouts; when a person with criminal intent, commits such deeds during any pending proceeding affecting the child’s custody without the court’s permission; or when a person takes a child involved in a custody action out of Florida and fails to deliver the child to the court pursuant to a court order. s. 787.04, F.S.

Child abuse is specifically prohibited by ch. 827, F.S. It is currently punishable as a felony offense or as a misdemeanor offense, depending on the extent of the harm suffered by the child and the degree of participation by the perpetrator. ss. 827.03, 827.04, F.S. Aggravated child abuse, a second degree felony, requires the commission of aggravated battery, willful torture, malicious punishment, or unlawful caging of a child. Child abuse punishable as a third degree felony or first degree misdemeanor, on the other hand, requires the perpetrator to willfully deprive a child or allow a child to be deprived of certain necessities, or to knowingly permit physical or mental injury to the child. The felony offense applies only when the injury is very serious.

In a recent court case, the First District Court of Appeal found that a parent or one standing in a custodial position who disciplines a child by inflicting injury is not covered by the misdemeanor child abuse or simple battery statute (first degree misdemeanor), but rather is covered by the aggravated child abuse statute. Kama v. State, 507 So.2d 154 (1st DCA, 1987).

In part, the court reasoned that the misdemeanor child abuse law does not contemplate covering the "infliction" of injury on a child, but rather intends to cover only the "permitting" of injury to a child. Id. at 159.

B. Effect of Proposed Changes:

The felony offense of removing a child from Florida or concealing his whereabouts in violation of a court order would be expanded to include the unlawful removal or concealment of a minor during the pendency of a dependency proceeding or any investigation, action, or proceeding concerning the alleged
abuse or neglect of the minor, without the permission of the appropriate court or state agency. It would be a defense to the crime that a person reasonably believed he was protecting the minor from child abuse. The CS would also replace the word "child" with "minor" throughout s. 787.04, F.S., clarifying that persons under 18 years of age would be covered under this law.

In addition, the CS would make it clear that the misdemeanor and third degree felony child abuse statute would cover not only parents or other persons who permit injury to a child, but also parents or other persons who inflict injury upon a child. Thus, prosecutors would be able to charge under the aggravated child abuse statute, if appropriate, or under the simple child abuse statute (third degree felony or first degree misdemeanor), when there was infliction of injury to a child.

II. ECONOMIC IMPACT AND FISCAL NOTE:
   A. Public:
      None.
   B. Government:
      None.

III. COMMENTS:
   SB 457 by Senator Weinstock also amends s. 787.04, F.S.

IV. AMENDMENTS:
   None.
A bill to be entitled
An act relating to offenses involving children;
amending s. 787.04, F.S.; prohibiting the
removal of a minor from the state or
concealment of the location of a minor under
specified circumstances; providing a penalty;
amending s. 827.04, F.S.; providing that
infliction of physical or mental injury to a
child constitutes child abuse; providing
penalties; providing an effective date.

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

Section 1. Section 787.04, Florida Statutes, is
amended to read:

787.04 Felony to remove minors children from state or
to conceal minors children contrary to state agency or court
order.--

(1) It is unlawful for any person, in violation of a
court order, to lead, take, entice, or remove a minor child
beyond the limits of this state, or to conceal the location of
a minor child, with personal knowledge of the order.

(2) It is unlawful for any person, with criminal
intent, to lead, take, entice, or remove a minor child beyond
the limits of this state, or to conceal the location of a
minor child, during the pendency of any action or proceeding
affecting custody of the minor child, after having received
notice as required by law of the pendency of the action or
proceeding, without the permission of the court in which the
action or proceeding is pending.

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(3) It is unlawful for any person, with criminal intent, to lead, take, entice, or remove a minor beyond the limits of this state, or to conceal the location of a minor, during the pendency of a dependency proceeding affecting such minor or during the pendency of any investigation, action, or proceeding concerning the alleged abuse or neglect of such minor, after having received notice of the pendency of such investigation, action, or proceeding and without the permission of the state agency or court in which the investigation, action, or proceeding is pending.

(4) It is unlawful for any person, who has carried beyond the limits of this state any minor child whose custody is involved in any action or proceeding pending in this state, pursuant to the order of the court in which the action or proceeding is pending, or pursuant to the permission of the court, thereafter, to fail to produce the minor child in the court or deliver the minor child to the person designated by the court.

(5) It is a defense under this section that a person who leads, takes, entices, or removes a minor beyond the limits of the state reasonably believes that his action was necessary to protect the minor from child abuse as defined in s. 827.04.

(6) Any person who violates convicted of a violation of this section is law--shall--be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. Subsections (1) and (2) of section 827.04, Florida Statutes, are amended to read:

827.04 Child abuse.--

CODING: Words stricken are deletions; words underlined are additions.
(1) Whoever, willfully or by culpable negligence, deprives a child of, or allows a child to be deprived of, necessary food, clothing, shelter, or medical treatment, or who, knowingly or by culpable negligence, inflicts or permits the infliction of physical or mental injury to the child, and in so doing causes great bodily harm, permanent disability, or permanent disfigurement to such child, shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Whoever, willfully or by culpable negligence, deprives a child of, or allows a child to be deprived of, necessary food, clothing, shelter, or medical treatment, or who, knowingly or by culpable negligence, inflicts or permits the infliction of physical or mental injury to the child, shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 3. This act shall take effect October 1, 1988.
STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bills 582 and 680

1. Combines the provisions of both bills.

2. Provides that protecting a minor from child abuse is a
defense to the crime of removing a minor from state or
concealing a minor contrary to court order.

Committee on__Judiciary-Criminal__

Staff Director

(FILE THREE COPIES WITH THE SECRETARY OF THE SENATE)
# AGENDA

Judiciary-Criminal Committee

Bob Johnson, Chairman  
Peter M. Weinstein, Vice-chairman

**DATE:** Thursday, May 5, 1988  
**TIME:** 1:00 P.M. - 3:00 P.M.  
**PLACE:** Room C, Senate Office Building

**MEMBERS:** Malcolm E. Beard  
Tom C. Brown  
John A. Grant, Jr.  
Kenneth C. Jenne  
Dexter Lehtinen

<table>
<thead>
<tr>
<th>BILL NO. AND INTRODUCER</th>
<th>BILL DESCRIPTION AND SENATE COMMITTEE ACTIONS</th>
<th>COMMITTEE ACTION</th>
</tr>
</thead>
</table>
| 1 SB 0806 D.C. Childers (Identical H 1305, Compare S 0377) | Court Costs/Community Service; provides that persons who are determined to be indigent may work at community service in lieu of payment of certain court costs; provides for gain-time for such persons; abrogates repeal of provision re additional court costs for persons found guilty of criminal offenses. Amends/readopts 27.3455. | JCR 05/05/88  
COR  
AP |
| 2 SB 0683 Grant | Traffic Offenses/Misdemeanor Defined; revises term "misdemeanor" as classification of certain criminal offenses to include certain violations of Uniform Traffic Control law; requires court to permit victim of such violation, or his next of kin to appear at sentencing hearing of person who has pleaded guilty or nolo contendere to violation. Amends 775.08, 921.143. | TR 04/25/88 FAVORABLE  
JCR 05/05/88 |
<p>| 3 SB 0680 Grant (Identical H 1123, Compare H 1059, S 0457) | Minors/Concealment or Removal; prohibits removal of minor from state or concealment of location of minor under specified circumstances; provides penalty. Amends 787.04. | JCR 05/05/88 |
| 4 SB 0590 Grant (Identical H 0662, Compare S 0617) | Search Warrants/Child Abuse Offenses; authorizes issuance of warrant to search private dwellings in which specified misdemeanor child abuse offenses are being committed. Amends 933.18. | JCR 05/05/88 |</p>
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<tbody>
<tr>
<td>5 SB 0457 Weinstock (Identical H 1059, Compare H 1123, S 0680)</td>
<td>Child Custody Offenses/Revision; revises felony provisions re removal or concealment of child contrary to court order; proscribes taking or leading of child from his parent, guardian, or custodian, or concealment of child, in violation of court order or during pendency of proceeding affecting child's custody, under certain circumstances, &amp; proscribes failure to produce child so taken to the court; provides penalties. Amends 787.04.</td>
<td>JCR 05/05/88</td>
</tr>
<tr>
<td>6 SB 0870 W.D. Childers (Similar CS/H 0206)</td>
<td>Child Custody/Interference; provides that person who knowingly or recklessly interferes with custody of child or incompetent person is guilty of felony of third degree; provides that certain persons who have custody of child or incompetent person &amp; who maliciously take said persons with intent to deprive right of custody of another who has right to custody thereof are guilty of felony of third degree. Amends 787.03.</td>
<td>JCR 05/05/88</td>
</tr>
<tr>
<td>7 SB 0582 Grizzle (Similar ENG/H 0423)</td>
<td>Child Abuse/Physical or Mental; provides that infliction of physical or mental injury to a child constitutes child abuse; provides penalties. Amends 827.04.</td>
<td>JCR 05/05/88 AP</td>
</tr>
<tr>
<td>8 CS/SB 0688 Woodson et al</td>
<td>Drivers' Lic./Ignition Interlock; provides for pilot study of ignition interlock devices.</td>
<td>TR 04/25/88 CS JCR 05/05/88</td>
</tr>
<tr>
<td>9 SB 1154 Weinstein (Similar H 0101)</td>
<td>DUI/Ignition Interlock Devices; authorizes, in addition to other penalties for DUI, requirement of ignition interlock devices as condition of probation; provides penalties; provides unlawful acts re such devices; provides exemption; provides for certification of such devices by H.R.S. Dept.; authorizes H.S.M.V. Dept. to order such devices as condition of driving privilege reinstatement for certain individuals, etc. Creates 316.1936, 1937; amends 322.271.</td>
<td>JCR 05/05/88 TR AP</td>
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<tr>
<td>TAB</td>
<td>BILL NO. AND INTRODUCER</td>
<td>BILL DESCRIPTION AND SENATE COMMITTEE ACTIONS</td>
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<td>10</td>
<td>SB 0927 Weinstein</td>
<td>Credit Card Fraud/3rd Degree Felony; defines term &quot;acquirer&quot; for purposes of provisions re credit card crimes; prohibits person who is paid by credit card for furnishing money, goods, or services or anything else of value to defraud acquirer, through counterfeit or false credit card transactions; prohibits such person from selling counterfeit or false credit card transaction records; specifies violation of either prohibition as felony of 3rd degree, etc. Amends 817.58, .62.</td>
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JCR 05/05/88
**COMMITTEE INFORMATION RECORD**

**House of Representatives**

**Committee on Criminal Justice**

**Date of Meeting**: April 20, 1988

**Time**: 3:30 p.m.

**Place**: Morris Hall

**Bill No.**: HB 423

### FINAL ACTION:

- X Favorable
- ___ Favorable with ___ Amendments
- ___ Favorable with Substitute
- ___ Unfavorable

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<tr>
<th>VOTE:</th>
<th>MEMBER</th>
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<tr>
<td>YEA</td>
<td>Abrams, Mike</td>
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<td>Glickman, Ron</td>
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<td>Mackenzie, Anne</td>
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<td>Souto, Javier</td>
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<td>Thomas, David</td>
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**Total Yeas**: 15

**Total Nays**: 0

**APPEARANCE RECORD**

The following persons (other than legislators) appeared before the committee during the consideration of this bill:

<table>
<thead>
<tr>
<th>Name</th>
<th>Representing</th>
<th>Address</th>
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</table>

**Note:** Please indicate by an "X" any State employee appearing at the request of the Chairman.

(File with the Clerk and attach Subcommittee Report if applicable)
Criminal Justice

April 20 3:30 P.M. Morris Hall

HB 0093 By Trammell--Lease Agreement/Failure to Comply (Favorable, 19/0)
HB 0121 By Sample--Executive Clemency (Favorable, 13/0)
HB 0190 By Youth & others--Juvenile Delinquency/Detention (C/S, 22/0)
HB 0199 By Grindle & others--Homicide Prosecutions/Time Lapse (Favorable with 2 amendments, 19/0)
HB 0206 By Clements & others--Child Custody/Interference (C/S, 17/0)
HB 0241 By Deutsch & others--Controlled Substances/Schedule I (Favorable, 22/0)
HB 0344 By Youth & others--Minors' Protection/Guardian Ad Litem (Favorable, 21/0)
HB 0423 By Glickman & others--Child Abuse/Physical or Mental (Favorable, 15/0)
HM 0475 By Canady & others--Criminal Judgments Review (Favorable, 15/0)
HB 0536 By Clements & others--Vessels/Reckless Operation Penalty (C/S, 16/0)
HB 0555 By Harris & others--Fences/Breaking or Injuring (C/S, 13/0)
HB 0642 By Simon & others--False Impersonation of Law Officer (Favorable with 3 amendments, 16/0)
HB 1067 By Mackey & others--Burglary & Trespass/Posted Land (Favorable, 13/0)
HB 1098 By C.F. Jones & others--Trespass (C/S, 13/0)
PCB CJ 88-13a Liens on Cinematic or Literary Proceeds (Favorable with 1 amendment, 19/0)

PENDING ACTION IN SUBCOMMITTEE MEETINGS ON APRIL 19, 1988

HB 0157 By Thomas & others--Arrest Authority/Law Officers (Ratified to Subcommittee)
HB 0185 By Diaz-Balart & others--Fines/Traffic Infractions (Favorable, 16/1)
HB 0251 By Glickman & others--Vehicle Forfeiture/DUI (Not considered)
HB 0261 By Souto & others--Property Defacement/Paint & Markers (Not considered)

Distribution: Legislative Information
The consideration of this bill:
The following persons (other than Legislative Aides and staff) appeared before the Subcommittee during the committee's consideration:

<table>
<thead>
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<th>Subcommittee Chairman:</th>
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<td>X Smith</td>
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<tr>
<th>BILL NO. HB 423</th>
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<th>PILLAR REPS REPORT/INFORMATION RECORD</th>
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To: Chairman, Committee on Criminal Justice

House of Representatives

NOTE: Please indicate by an "x" any statement the following persons (other than Legislative Aides and staff) appeared before the Subcommittee during the committee's consideration:

- Favorable with Proposed Amendments
- Unfavorable
- Unavailable

DATE OF MEETING: April 14, 1988

SUBCOMMITTEE ON HUMAN RESOURCES
NOTICE OF COMMITTEE MEETING
House of Representatives

Criminal Justice

Human Resources

April 14 8:00 A.M. 217 HOB

HB 0190 by Youth & others--Juvenile Delinquency/Detention
HB 0344 by Youth & others--Minors' Protection/Guardian Ad Litem
HB 0358 by Youth & others--Children/Legal Representation
HB 0206 by Clements & others--Child Custody/Interference
HB 0423 by Glickman--Child Abuse/Physical or Mental
HB 0121 by Sample--Executive Clemency

Received in the Office of the Sergeant at Arms on April 12, 1988 at 5:00 p.m. (time).

Sergeant at Arms

Filed by me with the Sergeant at Arms and the Clerk on April 12, 1988 in compliance with Rule 6.

Committee Secretary

Distribution: Sergeant; Clerk (Calendar); Leg. Info.; others as required by Rule 6.

H-14(1987)
I. SUMMARY:

A. PRESENT SITUATION:

Currently, s. 827.04(1), F.S., provides that any person who willfully or by culpable negligence, deprives a child or allows a child to be deprived of necessary food, clothing, shelter, or medical treatment and causes great bodily harm, permanent disability, or permanent disfigurement to the child, shall be guilty of a felony of the third degree. This section also provides that any person who knowingly or by culpable negligence, permits physical or mental injury to a child causing great bodily harm, permanent disability, or permanent disfigurement to the child, shall be guilty of a felony of the third degree.

Section 827.04(2), F.S., provides that any person who willfully or by culpable negligence, deprives a child of necessary food, clothing, shelter, or medical treatment, or who knowingly or by culpable negligence, permits physical or mental injury to a child shall be guilty of a misdemeanor of the first degree.

B. EFFECT OF PROPOSED CHANGES:

HB 423 amends subsection (1) of s. 827.04, F.S., to provide that in addition to permitting physical or mental injury to a child, any person who knowingly or by culpable negligence, inflict or permits the infliction of physical or mental injury to a child resulting in great bodily harm, permanent disability, or permanent disfigurement, shall be guilty of a felony of the third degree punishable by a term of imprisonment not to exceed 5 years or a fine in an amount not to exceed $5,000.

HB 423 also amends subsection (2) of s. 827.04, F.S., to provide that in addition to permitting physical or mental injury to a child, any person who knowingly or by culpable negligence, inflict or permits the infliction of physical or mental injury to a child shall be guilty of a
misdemeanor of the first degree punishable by a term of imprisonment not to exceed 1 year or a fine in an amount not to exceed $1,000.

C. SECTION-BY-SECTION ANALYSIS:

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:
   Indeterminate

2. Recurring or Annualized Continuation Effects:
   Indeterminate

3. Long Run Effects Other Than Normal Growth:
   Indeterminate

4. Appropriations Consequences:
   Indeterminate

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:
   Indeterminate

2. Recurring or Annualized Continuation Effects:
   Indeterminate

3. Long Run Effects Other Than Normal Growth:
   Indeterminate

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:
   Indeterminate

2. Direct Private Sector Benefits:
   Indeterminate

3. Effects on Competition, Private Enterprise, and Employment Markets:
   Indeterminate

D. FISCAL COMMENTS:
Indeterminate

III. **LONG RANGE CONSEQUENCES:**

IV. **COMMENTS:**

The sponsor's purpose for this legislation is to correct the void in s. 827.04(2), F.S., which is a result of the opinion of Kama v. State, 507 So.2d 154(Fla. 1st DCA 1987). In Kama, the Court strictly construed the word "permit" to exclude those persons actually inflicting the abuse, but including those persons who may have been spectators to the abuse.

V. **AMENDMENTS:**

VI. **SIGNATURES:**

**SUBSTANTIVE COMMITTEE:**

Prepared by: ______________________

Karen Mann, Staff Analyst

Staff Director: ______________________

Bill Ryan

KM/vrj
Amendment 3—On page 108, line 11, before the period I insert except that if it becomes a law after July 1, 1988, section 25 shall operate retroactively to that date and shall be applicable to audits periods which remain open for final assessment on that date for which a proposed assessment has been issued.

Amendment 4—In title, on page 1, strike line 2 and insert An act relating to taxation, amending s 125.014, F.S., authorizing certain counties to levy an additional 2-percent tourist development tax on transactions involving living quarters or accommodations, creating ss

Amendment 5—In title, on page 2, line 16, after the semicolon(;) insert providing for retroactivity of certain provisions under certain circumstances,

On motion by Senator Derany, by two-thirds vote CS for SB 370 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was

Yeas—54
Baron
Beard Brown Childers, D Childers, W D Crawford Crenshaw Deraney Dudley Nays—2 Hollingsworth Langley Vote after roll call
Yea—Plummer, Weinstein

On motion by Senator Derany, the rules were waived and CS for SB 370 was ordered immediately certified to the House. The Senate resumed consideration of—

HB 1492—A bill to be entitled An act relating to The Division of Florida Land Sales, Condominiums, and Mobile Homes, amending s 498.003, F.S., clarifying legislative intent, amending s 498.005, F.S., clarifying various definitions and adding a definition of "common promotional plan," amending s 498.007, F.S., clarifying powers and duties of the Division of Florida Land Sales, Condominiums, and Mobile Homes, amending s 498.014, F.S., deleting obsolete language with respect to employees of the division, amending s 498.013, F.S., clarifying language with respect to the seal and authentication of certain records, amending s 498.017, F.S., revising provisions relating to fees, requiring the division to set fees by rule for filing notification of a material change of an offering, providing limits on such fees, amending s 498.019, F.S., requiring the division to maintain separate accounts within the trust fund for each of the businesses it regulates, amending s 498.021, F.S., clarifying language with respect to jurisdiction, creating s 498.022, F.S., providing for jurisdiction over fraudulent acts, amending s 498.023, F.S., clarifying language relating to prohibitions on dispositions of interests in subdivided lands, amending s 498.024, F.S., relating to reservation programs, amending s 498.025, F.S., relating to exemptions, providing clarifying language, providing for an exemption relative to sale of lands for recreational use, amending s 498.027, F.S., revising provisions relating to requirement for application for registration; requiring subdivisions to furnish evidence of waivers of jurisdiction or possession of required permits for certain subdivided lands prior to the entry of an order of registration, providing for hearings, providing alternatives to required waivers, approvals or permits, providing for consolidation of registrations for additional subdivided lands, deleting duplicative language, amending s 498.029, F.S., relating to notice of filing and registration, amending s 498.031, F.S., relating to the division's power to make inquiry and examine applicants, amending s 498.033, F.S., relating to post-registration requirements, amending s 498.035, F.S., relating to advertising materials, amending s 498.037, F.S., clarifying requirements for contents of public offering statements, amending s 498.039, F.S., relating to required assurances of trust and escrow accounts and required encumbrance reports; amending s 498.041, F.S., relating to annual renewal of registrations, deleting duplicative language, adding a requirement that registrants provide specified information on all real estate brokers and salesmen who work for them, amending s 498.047, F.S., providing that the division shall have the power to investigate registrants as necessary, amending s 498.049, F.S., providing for revocation or suspension of registrants and for civil penalties, amending s 498.051, F.S., providing for the issuance of cease and desist orders, amending s 498.053, F.S., providing for the issuance of notice to show cause orders; amending s 498.057, F.S., relating to service of process, amending s 498.059, F.S., relating to penalties, amending s 498.061, F.S., relating to civil remedies, deleting the 5-year statute of repose, amending s 498.063, F.S., eliminating duplicative and obsolete language in the saving clause, repealing s 498.015, F.S., relating to the advisory council appointed to advise the division in land sales matters, repealing s 498.045, F.S., relating to the registration and regulation of salesmen and brokers, repealing s 498.055, F.S., relating to reports of disciplinary action made to the Florida Real Estate Commission; amending s 508.013, F.S., revising an exclusion from the definition of the term "public lodging establishment"; amending s 509.215, F.S., delaying dates for installation of certain fire safety equipment, saving chapter 498, F.S., from Sunset repeal, providing for future review and repeal; providing an effective date

—was read the second time by title

The Committee on Personnel, Retirement and Collective Bargaining recommended the following amendment which was moved by Senator Malchon and adopted

Amendment 1—On page 2, strike all of lines 20-26 and renumber subsequent subsections.

Senator Malchon moved the following amendment which was adopted

Amendment 2—On page 1, line 20, strike "may" and insert shall

Senators Grant, Grizzle, Malchon and Frank offered the following amendments which were moved by Senator Grant and adopted

Amendment 3—On page 6, between lines 19 and 20, insert

Section 3 Section 787.04, Florida Statutes, is amended to read

787.04. Felony to remove minor child from state or to conceal minor child from contrary to state agency or court order —

(1) It is unlawful for any person, in violation of a court order, to lead, take, enter, or remove a minor child beyond the limits of the state, or to conceal the location of a minor child, with personal knowledge of the order
(2) It is unlawful for any person, with criminal intent, to lead, take, entice, or remove a minor child beyond the limits of this state, or to conceal the location of a minor child, during the pendency of any action or proceeding affecting custody of the minor child, after having received notice as required by law of the pendency of the action or proceeding, without the permission of the court in which the action or proceeding is pending.

(3) It is unlawful for any person, with criminal intent, to lead, take, entice, or remove a minor beyond the limits of this state, or to conceal the location of a minor, during the pendency of a dependency proceeding affecting such minor or during the pendency of any investigation, action, or proceeding concerning the alleged abuse or neglect of such minor, after having received notice of the pendency of such investigation, action, or proceeding and without the permission of the state agency or court in which the investigation, action, or proceeding is pending.

(4) It is unlawful for any person, who has caused any of the limits of this state for a minor child whose custody is involved in any action or proceeding pending in this state, pursuant to the order of the court in which the action or proceeding is pending, or pursuant to the permission of the court, thereafter, to fail to produce the minor child in the court or deliver the minor child to the person designated by the court.

(5) It is a defense under this section that a person who leads, takes, entices, or removes a minor beyond the limits of this state, believes that his action was necessary to protect the minor from child abuse as defined in § 827.04.

(6) Any person who violates convicted of a violation of this section as a felony of the third degree, punishable as provided in §§ 775.082, 775.083, or § 775.084.

Section 4 Subsections (1) and (2) of section 827.04, Florida Statutes, are amended to read:

827.04 Child abuse—

(1) Whoever, wilfully or by culpable negligence, deprives a child of, or allows a child to be deprived of, necessary food, clothing, shelter, or medical treatment, or who, knowingly or by culpable negligence, inflicts or permits the infliction of physical or mental injury to the child, and in so doing causes great bodily harm, permanent disability, or permanent disfigurement to such child, shall be guilty of a felony of the third degree, punishable as provided in §§ 775.082, 775.083, or § 775.084.

(2) Whoever, wilfully or by culpable negligence, deprives a child of, or allows a child to be deprived of, necessary food, clothing, shelter, or medical treatment, or who, knowingly or by culpable negligence, inflicts or permits the infliction of physical or mental injury to the child, shall be guilty of a misdemeanor of the first degree, punishable as provided in §§ 775.082, 775.083, or § 775.084.

(Renumber subsequent subsection.)

Amendment 4—On page 6, line 22, after "1986" insert "except sections 5 and 7 shall take effect October 1, 1988."

Senator Malchon moved the following amendment which was adopted:

Amendment 5—In title, on page 1, line 3, strike "authorizing" and insert "requiring"

Senators Grant, Grizzle, Malchon and Frank offered the following amendments which were moved by Senator Grant and adopted:

Amendment 6—In title, on page 1, line 10, after the semicolon (;) insert: "amending § 787.04, F.S., prohibiting the removal of a minor from the state or concealment of the location of a minor under specified circumstances, providing a penalty, amending § 827.04, F.S., providing that infliction of physical or mental injury to a child constitutes child abuse, providing penalties;"

Amendment 7—In title, on page 1, line 2, strike "child care" and insert "children"

The Committee on Personnel, Retirement and Collective Bargaining recommended the following amendment which was moved by Senator Malchon and adopted:

Amendment 8—In title, on page 1, lines 6-8, strike "requiring a statewide feasibility study of child care needs of state employees" and insert "requiring a survey of child care needs of certain state employees."

On motion by Senator Malchon, by two-thirds vote CS for SB 90 as amended was read the third time by title, passed, ordered engraved and then certified to the House. The vote on passage was:

Yea—38
Barron Girardeau Kirkpatrick Ros-Lehtmen
Beard Gordon Langley Scott
Brown Grant Lehtmen Stuart
Childers, D Grizzle Malchon Thomas
Childers, W D Hair Margolis Thurman
Crawford Hill McPherson Weinstock
Crenshaw Hollingsworth Meek Weinstock
Doraty Jenne Myers Woodson
Dudley Jennings Peterson
Frank Johnson Plummer
Nays—None

On motion by Senator Ros-Lehtmen, by two-thirds vote HB 796 was withdrawn from the Committees on Health and Rehabilitative Services, and Appropriations.

On motion by Senator Ros-Lehtmen—

HB 796—A bill to be entitled An act relating to application for social security numbers for newborns, directing the Department of Health and Rehabilitative Services, through the State Registrar, to provide for the participation by this state in the voluntary enumeration at-birth program of the United States Social Security Administration, under which program a parent may apply for a social security number for his newborn baby, when he submits the information needed for completion of the baby's birth certificate, authorizing and directing the State Registrar to take any actions necessary to administer the program in this state, providing an effective date—

—a companion measure, was substituted for SB 546 and read the second time by title. On motion by Senator Ros-Lehtmen, by two-thirds vote HB 796 was read the third time by title, passed and certified to the House. The vote on passage was:

Yea—34
Barron Gordon Lehtmen Scott
Beard Grizzle Malchon Stuart
Brown Hair Margolis Thomas
Childers, D Hill McPherson Thurman
Childers, W D Hollingsworth Meek Weinstock
Crenshaw Jenne Myers Woodson
Doraty Johnson Peterson Woodson
Dudley Kirkpatrick Plummer
Girardeau Langley Ros-Lehtmen

Nays—None

Vote after roll call

Yea—Crawford, Jennings

CS for SB 567—A bill to be entitled An act relating to displaced homemakers, amending § 410.30, F.S., requiring the Department of Health and Rehabilitative Services to contract with and make grants to entities that provide programs for displaced homemakers, revising the definition of the term "displaced homemaker", deleting certain duties of the department, providing for statewide availability of displaced homemaker service programs, providing criteria for contract and grant awards to entities providing displaced homemaker service programs, requiring a state plan and an annual report by the department, establishing the Displaced Homemaker Trust Fund to be used by the department to fund displaced homemaker service programs, amending § 28.101, F.S., providing an additional fee upon filing a petition for dissolution of marriage, providing that such fee be deposited in the Displaced Homemaker Trust Fund, providing for the waiver of the fee under certain circumstances, amending § 741.01, F.S., providing an additional fee for issuance of a marriage license, providing that such fee be deposited in the Displaced Homemaker Trust Fund, providing an effective date—

—was read the second time by title. On motion by Senator Malchon, by two-thirds vote CS for SB 567 was read the third time by title, passed and certified to the House. The vote on passage was:
The State Employee Child Care Revolving Trust Fund currently has a balance of approximately $19,000. Approximately $440 per month is paid into the trust fund by the center operator; $166.67 is paid per month for rent of the facilities adjacent to the Kirkman building and $273 per month to repay part of the state's initial subsidy to the center.

The Department of Administration estimates the following costs for starting each child care facility:

The cost of providing space is estimated at an average of $37.50 per square foot. The child care (State Purchase-Of-Service) standards require a minimum of 25 square feet of usable space per child. Space for bathrooms, kitchen, storage, and administrative areas add another 15 square feet per child, for a total of 40 square feet per child.

An enrollment of 50 children is necessary for financial self-sufficiency of the average child care center. The cost to provide furnished space for child care in existing state office buildings can be estimated as follows:

$37.50 per square foot X 40 square feet per child = $1,500 per child

$1,500 per child (space) + $408 per child (furnishings) = $1,908 per child

$1,908 per child X 50 children = $95,400 per site.

III. COMMENTS:

The bill would take effect on June 30, 1988; however, if it becomes law after June 30, it would operate retroactively to that date.

IV. AMENDMENTS:

#1 by Personnel, Retirement, and Collective Bargaining: Removes requirements for the Office of Labor Relations to conduct a feasibility study to determine the child care needs of all state employees and to establish guidelines to identify the most cost-effective method for meeting state employees' child care needs.

#2 by Personnel, Retirement, and Collective Bargaining: Title amendment.
**SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT**

<table>
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<th>ANALYST</th>
<th>STAFF DIRECTOR</th>
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<tr>
<td>1. Tinney</td>
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<td>2. Hanna</td>
<td>Jones</td>
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**SUBJECT:**

Child Care Services for State Officers and Employees

**BILL NO. AND SPONSOR:**

CS/SB 90 by Governmental Operations and Senator Malchon

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**I. SUMMARY:**

**A. Present Situation:**

In 1985, the Legislature enacted s. 110.151, F.S., creating the State Officers' and Employees' Pilot Child Care Program. The Department of Administration (DOA) was authorized to implement the pilot program and to establish a minimum of one and a maximum of three centers to provide child care services for dependents of state officers and employees. The law authorized centers to be located in state-owned office buildings or in privately owned buildings within a 1-mile radius of the office of the state employees who were to be the primary users of the child care center. As provided in the original act, the pilot program is repealed on July 1, 1988.

The law also directed DOA to conduct a needs assessment among employee parents who would be served by the center, in a building identified by the Department of General Services as able to accommodate renovations for a center, to determine whether the need for child care services was sufficient to warrant a center, and to select a site for a center based on the results of the needs assessment. The operator of the center was to be selected by DOA through competitive bid, with the advice and assistance of a ten-member parent advisory committee.
An act relating to children; amending s. 110.151, F.S.; requiring coordination of child care services; providing for the selection of service providers; setting standards for providers; requiring a survey of child care needs of certain state employees; authorizing the department to adopt rules; providing an appropriation; providing for retroactive application; amending s. 787.04, F.S.; prohibiting the removal of a minor from the state or concealment of the location of a minor under specified circumstances; providing a penalty; amending s. 827.04, F.S.; providing that infliction of physical or mental injury to a child constitutes child abuse; providing penalties; providing an effective date.

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

Section 1. Section 110.151, Florida Statutes, is amended to read:

110.151 State officers' and employees' pilot child care services program.--

(1) The Office of Labor Relations of the Department of Administration shall approve, administer, and coordinate child care services for state officers' and employees' children or dependents. Coordinating duties shall include, but not be limited to, reviewing requests from state agencies and state employee groups for child care services; providing technical...
standards for center licensure and operation, to maintain adequate liability insurance coverage, and to assume financial and legal responsibility for operating the center. The child care center was to be financially self-sufficient and required to offset operating costs with child care fees. The 1985 Legislature appropriated $100,000 to establish the State Employee Child Care Revolving Trust Fund. In 1986, an additional $100,000 was appropriated for renovations, project evaluation, and to upgrade the ratio of toys and equipment to children.

The contract for operation of the center was awarded to Big Bend 4-C Council, Inc., a private, nonprofit organization which operates other child care centers in Leon County. Operating costs for the center are met by average monthly fees of $170 per child and from a child care subsidy awarded through Title XX federal block grant funds. The center currently has 25 spaces which are filled by children receiving Title XX funds to pay for their care. Title XX contributes 75 percent of each dollar spent for the child; the state and local governments are each responsible for providing 12.5 cents for each dollar contributed by the federal government.

The Ina S. Thompson Center was financially self-sufficient by its seventh month of operation. Big Bend 4-C's current contract for operation of the Ina S. Thompson Child Care Center expires June 30, 1988, to coincide with the repeal of the pilot program. Currently, there is no statutory authority for the Thompson Center to continue offering child care services after June 30, 1988.

In its final evaluation report to the Legislature, DOA made several recommendations regarding child care services provided to state employees. Among these recommendations, DOA stressed a need to continue monitoring the short-term and long-term benefits afforded the state by offering its employees child care services. As well, DOA recommended that similar child care services be offered to all state employees. The department also indicated that it has received numerous requests from state agencies throughout the state who are interested in starting their own child care centers.

B. Effect of Proposed Changes:

The Office of Labor Relations of DOA would be authorized to approve, administer, and coordinate child care services for the dependents and children of state officers and employees. The coordinating duties of the Office would include such activities as reviewing requests for child care facilities from state agencies and state employee groups, providing technical assistance on starting and operating child care centers, assisting in assessing the needs for services, helping to design centers, and selecting service providers. The primary emphasis of child care would be given to children who are not subject to compulsory school attendance.

The Office of Labor Relations would be required to conduct a statewide feasibility study to determine the child care needs of state employees and to identify areas of the state where the greatest needs exist. In addition, the Office would establish guidelines for identifying the most cost-effective option for providing child care, e.g. job-site centers or contracts with existing off-site private service providers. The Office of Labor Relations, in cooperation with the Department of General Services, would also be required to assess the needs of state employees who will occupy newly constructed or newly leased office space. The Department of General Services would be required to identify space that could be renovated or designed to accommodate child care programs.
SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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SUBJECT: BILL NO. AND SPONSOR:
Child Care Services for State Officers and Employees
CS/SB 90 by Governmental Operations and Senator Malchon

I. SUMMARY:

A. Present Situation:

In 1985, the Legislature enacted s. 110.151, F.S., creating the State Officers' and Employees' Pilot Child Care Program. The Department of Administration (DOA) was authorized to implement the pilot program and to establish a minimum of one and a maximum of three centers to provide child care services for dependents of state officers and employees. The law authorized centers to be located in state-owned office buildings or in privately owned buildings within a 1-mile radius of the office of the state employees who were to be the primary users of the child care center. As provided in the original act, the pilot program is repealed on July 1, 1988.

The law also directed DOA to conduct a needs assessment among employee parents who would be served by the center, in a building identified by the Department of General Services as able to accommodate renovations for a center, to determine whether the need for child care services was sufficient to warrant a center, and to select a site for a center based on the results of the needs assessment. The operator of the center was to be selected by DOA through competitive bid, with the advice and assistance of a ten-member parent advisory committee. The law also required DOA to provide annual progress reports to the Legislature and to provide a final evaluation report of the pilot project by April 1, 1988.

Under the direction of the Office of Labor Relations of DOA, a single pilot child care center, the Ina S. Thompson Child Care Center, was opened on March 3, 1986 in a state-owned facility adjacent to the Neil Kirkman Building in Tallahassee. The Kirkman building houses the Department of Highway Safety and Motor Vehicles (DHSMV). Ms. Thompson was the first woman to head a state agency; she was appointed in 1955 to head the predecessor agency to DHSMV, the Florida Motor Vehicles Commission. Since the Kirkman building is not part of the Florida Facilities Pool, as defined in s. 255.505, F.S., the rents for the Kirkman building are not committed to the Supervision Trust Fund for maintenance, utilities, and debt service.

The Thompson center presently has approximately 85 children, and has a maximum capacity for 95. The parents of approximately 75 percent of the children enrolled at the center work for DHSMV. The parents of the other 25 percent work at various agencies housed at the Koger Executive Center, e.g., the departments of Community Affairs and Labor and Employment Security.

Section 110.151, F.S., required the center operator to comply with all state purchase-of-service standards and local
The State Employee Child Care Revolving Trust Fund currently has a balance of approximately $19,000. Approximately $440 per month is paid into the trust fund by the center operator; $166.67 is paid per month for rent of the facilities adjacent to the Kirkman building and $273 per month to repay part of the state's initial subsidy to the center.

The Department of Administration estimates the following costs for starting each child care facility:

The cost of providing space is estimated at an average of $37.50 per square foot. The child care (State Purchase-Of-Service) standards require a minimum of 25 square feet of usable space per child. Space for bathrooms, kitchen, storage, and administrative areas add another 15 square feet per child, for a total of 40 square feet per child.

An enrollment of 50 children is necessary for financial self-sufficiency of the average child care center. The cost to provide furnished space for child care in existing state office buildings can be estimated as follows:

$37.50 per square foot X 40 square feet per child = $1,500 per child

$1,500 per child (space) + $408 per child (furnishings) = $1,908 per child

$1,908 per child X 50 children = $95,400 per site.

III. COMMENTS:

The bill would take effect on June 30, 1988; however, if it becomes law after June 30, it would operate retroactively to that date.

IV. AMENDMENTS:

#1 by Personnel, Retirement, and Collective Bargaining: Removes requirements for the Office of Labor Relations to conduct a feasibility study to determine the child care needs of all state employees and to establish guidelines to identify the most cost-effective method for meeting state employees' child care needs.

#2 by Personnel, Retirement, and Collective Bargaining: Title amendment.
Providers of child care services would be selected by competitive bid. The Office would help agencies to develop, and would have final approval of, Requests for Proposals soliciting child care services. Management of the contract with the service provider would, however, be the responsibility of the state agency whose children use the service.

Operators of child care centers would still be required to meet all state and local requirements for licensure, to comply with all state purchase-of-service standards, to maintain adequate liability coverage, to be financially self-sufficient except for rent waivers, where applicable, and to assume financial and legal responsibility for operation of the centers. Neither center operators, nor any center employees, would be considered state employees.

Child care programs could be located in state-owned office buildings, educational facilities and institutions and, with the consent of the Speaker of the House of Representatives and the President of the Senate, in buildings used for legislative activities. A portion of the rent could be waived for centers located in buildings not included in the Florida Facilities Pool defined in s. 255.505, F.S. Child care centers for state employees could also be located in privately-owned buildings conveniently located to the offices of the employees who would use the services.

The funds in the State Employee Child Care Revolving Trust Fund would be retained for use in the start-up and operation of child care services. The Department of Administration would be granted rule-making authority necessary to achieve the purposes of this bill.

The Ina S. Thompson Child Care Center would be recognized statutorily and DHSMV would be authorized to manage the provider contract for the center. The center would be authorized to remain in the state-owned facility adjacent to the Kirkman building. Since the Kirkman building is not included in the Florida Facilities Pool, DHSMV would be authorized to waive part of the rent due for use of the state-owned facilities where the Thompson center is located.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

The Ina S. Thompson Child Care Center charges approximately $170 per month per child. Rates for child care in Central and South Florida would probably be higher.

B. Government:

The state has spent approximately $204,168 for the Ina S. Thompson Child Care Center. Of these costs, $121,154 was spent to renovate and furnish the physical space and $37,760 to equip the center. The center also operated on a subsidy of $15,119 for its first 7 months of operation; of the subsidy amount, the center is currently repaying approximately $5,000 at a rate of $73 per month. In addition, the state spent $30,135 for coordinating and evaluating the pilot project.

The Department of Highway Safety and Motor Vehicles estimates that the approximately 3,000 square feet of space that is used by the child care center has an estimated rental value of $30,800 per year, based on the rate of $9.60 per square foot. The $9.60 per square foot has been determined by the Department of General Services to be the fair market rate for comparable leased property in Leon County. Big Bend 4-C Council only pays an estimated $2,000 per year for the space. This means the state is essentially subsidizing an estimated $26,800 per year for the center.
An act relating to children; amending s. 110.151, F.S.; requiring coordination of child care services; providing for the selection of service providers; setting standards for providers; requiring a survey of child care needs of certain state employees; authorizing the department to adopt rules; providing an appropriation; providing for retroactive application; amending s. 787.04, F.S.; prohibiting the removal of a minor from the state or concealment of the location of a minor under specified circumstances; providing a penalty; amending s. 827.04, F.S.; providing that infliction of physical or mental injury to a child constitutes child abuse; providing penalties; providing an effective date.

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

Section 1. Section 110.151, Florida Statutes, is amended to read:

110.151 State officers' and employees' child care services program.--

(1) The Office of Labor Relations of the Department of Administration shall approve, administer, and coordinate child care services for state officers' and employees' children or dependents. Coordinating duties shall include, but not be limited to, reviewing requests from state agencies and state employee groups for child care services; providing technical assistance.
assistance on child care program start-up and operation;
assisting others in conducting needs-assessments, designing
centers, and selecting service providers. The department
shall implement a plan for a pilot program that will establish
a minimum of one and a maximum of three child care centers
designed to accommodate the needs for child care for state
officers' and employees' children or dependents. Primary
emphasis for child care services shall be given to children
who are not subject to compulsory school attendance pursuant
to chapter 232, and, to the extent possible, emphasis shall be
placed on child care for children aged 2 and under.

(2) Centers may be located in state-owned office
buildings, educational facilities and institutions; custodial
facilities and institutions; and, with the consent of the
President of the Senate and the Speaker of the House of
Representatives, in buildings or spaces used for legislative
activities. In the event that a center is to be located in a
state-owned office building, the Governor and Cabinet, as the
head of the Department of General Services, is authorized to
waive a portion of the rental fees that would otherwise be
required under the fee schedule adopted pursuant to section 255.245. Any waiver of fee shall be subject to a
demonstration that the waiver is necessary in order to provide
space to a day care provider at a rate comparable to the
market rate in that location for property utilized for child
care centers.

(3) The provider of proposed child care services shall
be selected by competitive contract. Requests for proposals
shall be developed with the assistance of, and subject to the
approval of, the Office of Labor Relations. Management of the
contract with the service provider shall be the responsibility
of the state agency whose employees use the service.

(4) An operator selected to provide services must
comply with all state purchase-of-service standards and local
standards for the licensure and operation of child care
facilities, maintain adequate liability insurance coverage,
and assume financial and legal responsibility for the
operation of the program. Neither the operator nor any
personnel employed by or at a child care facility shall be
deemed to be employees of the state.

(5) Except as otherwise provided in this section,
child care programs established under this section must be
financially self-sufficient, and operating costs must be
offset by fees charged to employees who use the child care
services. Requests for proposals may provide for a sliding
fee schedule, with fees charged on the basis of the employee's
household income.

(6) Child care programs may be located in state-owned
office buildings, educational facilities and institutions,
custodial facilities and institutions, and, with the consent
of the President of the Senate and the Speaker of the House of
Representatives, in buildings or spaces used for legislative
activities. If a child care program is located in a state-
owned building not included in the Florida Facilities Pool as
defined in s. 255.505, a portion of the rental fees may be
waived. In addition, centers may be located in privately
owned buildings conveniently located to within-a-mile-radius
of the place of employment of those officers and employees to
be served by the centers.
(7) The Office of Labor Relations shall survey the child care needs of state employees who will occupy any newly constructed, state-owned office space or newly leased, privately owned space. The child care needs assessment shall be conducted in conjunction with the Department of General Services and the state agency to occupy the new space. The Department of General Services shall identify the space that can reasonably be renovated or designed to accommodate a child care program.

(8) The State Employee Child Care Revolving Trust Fund is hereby reestablished in the Office of Labor Relations.

(9) The Department of Highway Safety and Motor Vehicles shall be responsible for managing the provider contract to continue operation of the Ina S. Thompson Child Care Center, established under this section.

(10) The Department of Administration may adopt any rules necessary to achieve the purposes of this section.

(11) The Department of General Services shall identify space that can reasonably be renovated to accommodate a child care center.

(12) The department shall conduct a needs assessment among employees and officers who are employed in a building identified as one that could reasonably be renovated to accommodate a child care center to determine whether the need for child care services is sufficient to warrant a child care center in that building.

(13) The department shall select a site for a proposed child care center on the basis of the results of the needs assessment.
(6) The operator of a proposed child-care center shall be selected by the department on a competitive contract basis.

Requests for proposals shall be developed by the department with the advice and assistance of a parent advisory committee.

Such committee shall be composed of 10 officers or employees appointed by the secretary who have expressed an interest in utilizing the services to be provided by the proposed child care center.

(7) An operator selected to administer a center shall be required to comply with all state purchase of service standards and local standards for the licensure and operation of child care facilities, to maintain adequate liability insurance coverage, and to assume financial and legal responsibility for the operations of the center. Neither the operator nor any personnel employed by or at the child-care center shall be deemed employees of the state.

(8) Except as otherwise provided herein, a child-care center established pursuant to this pilot program shall be financially self-sufficient, and operating costs shall be offset by fees charged to employees who utilize the child-care services provided by the center. Requests for proposals may provide for a sliding fee schedule with fees charged on the basis of the employee's household income.

(9) One hundred thousand dollars is hereby appropriated from the general revenue funds for the purpose of directly contracting for day-care services or establishing a State Employee-Child-Care-Revolving-Trust-Fund for the purpose of assisting in the operation of day-care centers.

(10) Moneys appropriated from the Administrative Expense Trust Fund for the purpose of establishing the pilot
program may be utilized by the department to establish time-limited positions within the department or to contract for consultant services to assist with the coordination of the pilot program:

{11}--The department may adopt any rules it determines necessary or convenient to achieve the purposes of this section.

{12}--The department shall provide progress reports annually on or before February 1 to the President of the Senate and the Speaker of the House of Representatives. -- A final evaluation report shall be delivered to the legislature not later than April 17, 1988.

{13}--Moneys appropriated for the implementation of this pilot program shall not be subject to reversion prior to June 30, 1988, notwithstanding the provisions of Chapter 216.

{14}--This section is repealed on July 1, 1988.

Section 2. The unexpended balance of funds remaining in the State Employee Revolving Trust Fund as of June 30, 1988, may be used by the Office of Labor Relations of the Department of Administration. The balance of such funds are hereby appropriated to the Department of Administration to be used for assisting in the start-up and operation of child care services.

Section 3. Section 787.04, Florida Statutes, is amended to read:

787.04 Felony to remove minors children from state or to conceal minors children contrary to state agency or court order.--

(1) It is unlawful for any person, in violation of a court order, to lead, take, entice, or remove a minor child

CODING: Words stricken are deletions; words underlined are additions.
Beyond the limits of this state, or to conceal the location of a minor child, with personal knowledge of the order.

(2) It is unlawful for any person, with criminal intent, to lead, take, entice, or remove a minor child beyond the limits of this state, or to conceal the location of a minor child, during the pendency of any action or proceeding affecting custody of the minor child, after having received notice as required by law of the pendency of the action or proceeding, without the permission of the court in which the action or proceeding is pending.

(3) It is unlawful for any person, with criminal intent, to lead, take, entice, or remove a minor beyond the limits of this state, or to conceal the location of a minor, during the pendency of a dependency proceeding affecting such minor or during the pendency of any investigation, action, or proceeding concerning the alleged abuse or neglect of such minor, after having received notice of the pendency of such investigation, action, or proceeding and without the permission of the state agency or court in which the investigation, action, or proceeding is pending.

(4) It is unlawful for any person, who has carried beyond the limits of this state any minor child whose custody is involved in any action or proceeding pending in this state, pursuant to the order of the court in which the action or proceeding is pending, or pursuant to the permission of the court, thereafter, to fail to produce the minor child in the court or deliver the minor child to the person designated by the court.

(5) It is a defense under this section that a person who leads, takes, entices, or removes a minor beyond the...
limits of the state reasonably believes that his action was
necessary to protect the minor from child abuse as defined in
s. 827.04.

(6)(4) Any person who violates convicted-of-a
violation-of this section is law-shall be guilty of a felony
of the third degree, punishable as provided in s. 775.082, s.
775.083, or s. 775.084.

Section 4. Subsections (1) and (2) of section 827.04,
Florida Statutes, are amended to read:

827.04 Child abuse.--

(1) Whoever, willfully or by culpable negligence,
deprives a child of, or allows a child to be deprived of,
necessary food, clothing, shelter, or medical treatment, or
who, knowingly or by culpable negligence, inflicts or permits
the infliction of physical or mental injury to the child, and
in so doing causes great bodily harm, permanent disability, or
permanent disfigurement to such child, shall be guilty of a
felony of the third degree, punishable as provided in s.
775.082, s. 775.083, or s. 775.084.

(2) Whoever, willfully or by culpable negligence,
deprives a child of, or allows a child to be deprived of,
necessary food, clothing, shelter, or medical treatment, or
who, knowingly or by culpable negligence, inflicts or permits
the infliction of physical or mental injury to the child,
shall be guilty of a misdemeanor of the first degree,
punishable as provided in s. 775.082, s. 775.083, or s.
775.084.

Section 5. This act shall take effect upon becoming a
law, and if it does not become a law before July 1, 1988, it

CODING: Words stricken are deletions; words underlined are additions.
shall operate retroactively to June 30, 1988, except sections 3 and 4 shall take effect October 1, 1988.
I. SUMMARY:

A. PRESENT SITUATION:

A pilot program for child care of children of state employees was created by the 1985 Legislature. (Chapter 85-118, Laws of Florida) The 1985 legislation allowed a minimum of one and a maximum of three child care centers to be established. The only child care center to be funded has been established at the Florida Department of Highway Safety and Motor Vehicles.

B. EFFECT OF PROPOSED CHANGES:

This bill would require a child care facility for state officers and employees' children or dependents to be provided in, or adjacent to a state owned office building with more than 100,000 square feet and 1000 anticipated employees constructed after October 1, 1988. The Department of Administration would be required to conduct a needs assessment to determine the child care needs of employees who will work in the state office building or adjacent buildings that do not contain a facility.

The bill also provides that:

1) Child care providers will be selected on a competitive contract basis;

2) Child care operators shall comply with all state purchase of...
service standards and local standards for the licensure and operation of child care facilities, shall maintain adequate liability insurance, and neither the operator or any personnel employed by the facility shall be employees of the state;

3) Child care programs shall be financially self sufficient;

4) Child care facilities in state owned buildings not included in the Florida Facilities Pool may have a portion of rental fees waived;

5) The Department of Administration shall establish guidelines to determine the most cost effective method or employer option for meeting child care needs when the facility does not meet guidelines for a center;

6) The State Employee Child Care Revolving Trust Fund shall be used for start-up and operation of child care services;

7) The Ina S. Thompson Child Care Center at the Department of Highway Safety and Motor Vehicles (DHSMV) shall be continued and DHSMV shall be responsible for operation of the center;

8) The Department of Administration may adopt necessary rules.

C. SECTION-BY-SECTION ANALYSIS:

Section 1 provides that child care facilities for state officers and employees children must be provided in or adjacent to a state office building with 100,000 square feet and 1000 anticipated employees constructed by the state after October 1, 1988.

This section also provides that:

1) Child care providers will be selected on a competitive contract basis;

2) Child care operators shall comply with all state purchase of service standards and local standards for the licensure and operation of child care facilities, shall maintain adequate liability insurance, and neither the operator or any personnel employed by the facility shall be employees of the state;

3) Child care programs shall be financially self sufficient;

4) Child care facilities in state owned buildings not included in the Florida Facilities Pool may have a portion of rental fees waived;

5) The Department of Administration shall establish guidelines
to determine most cost effective method or employer option for meeting child care needs when the facility does not meet guidelines for a center;

6) The State Employee Child Care Revolving Trust Fund shall be used for start-up and operation of child care services;

7) The Ina S. Thompson Child Care Center at the Department of Highway Safety and Motor Vehicles (DHSMV) shall be continued and DHSMV shall be responsible for operation of the center;

8) The Department of Administration may adopt necessary rules.

In addition, the Department of Administration shall conduct a needs assessment to determine the number of children that a child care center must be able to accommodate. The needs assessment must include those employees who will work in the planned state office building and employees of nearby state office buildings that do not contain such a facility.

Section 2 contains an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

The Department of Administration estimates the following costs for starting each child care facility:

The cost of providing space is estimated at an average of $37.50 per square foot. The child care (State-Purchase-Of-Service) standards require a minimum of 25 square feet of "useable" space per child. Space for bathrooms, kitchen, storage and administrative areas add another 15 square feet per child, for a total of 40 square feet per child.

An enrollment of 50 children is necessary for financial self-sufficiency of the average child care center. The cost to provide furnished space for child in existing state office buildings can then be estimated as follows:

$37.50 per square feet X 40 square feet per child = $1,500 per child.

$1,500 per child (space) + $408 per child (furnishings) = $1,908 per child

$1,908 per child X 50 children = $95,400 per site

However, the Department of General Services estimated that it costs $125 sq. ft. to construct a state owned office building.
The cost per day care center based upon this estimate would be $270,400.

2. Recurring or Annualized Continuation Effects:

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3. Long Run Effects Other Than Normal Growth:

See Section D. Fiscal Comments

4. Appropriations Consequences:

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<td>State Employee Child Care Revenue TF</td>
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<td>$1,450</td>
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Subsection (1) of Section 1 would require a child care facility be provided in, or adjacent to, state-owned buildings constructed after October 1, 1988 which have 100,000 or more square feet of space and 1,000 anticipated employees. According to the Department of General Services, the State presently owns two buildings which meet the square footage requirement.

The cost to provide a child care facility in any such state-owned buildings in the future could only be determined by current construction or renovation costs.

REVENUES:

The Department of General Services commented on the revenues generated by the bill, if any, as follows:

Rental from a facility in a state-owned office building would be generated on a uniform rate per square foot per year basis established by the Governor and Cabinet in an amount sufficient to meet the requirements set forth in Section 255.511, Florida Statutes.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None

2. Recurring or Annualized Continuation Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:
1. **Direct Private Sector Costs:**

None

2. **Direct Private Sector Benefits:**

None

3. **Effects on Competition, Private Enterprise, and Employment Markets:**

According to the Department of General Services, the impact of the day care service on existing private centers could be severe unless competitive fees are charged by the state. The state could subsidize the child care center which would have a negative impact upon the private centers in the market.

D. **FISCAL COMMENTS:**

The Department of General Services views the fiscal impact of implementation of this bill as follows:

1. There would be an increased cost to the government due to potentially higher rental rates and increased costs to structure a state-owned facility to house a child care center. Chapter 10M-12, F. A. C., prescribed very stringent facility requirements which must be met prior to a facility beginning operations, including playground facilities and security which would be difficult to comply with in a downtown area.

2. There would be increased costs and liability risks associated with the care of children.

3. There would be an additional fiscal impact on buildings currently under design, which do not include child care centers, the construction contract is not signed until after the effective date of this act.

The bill includes permissive language to allow child care centers in state facilities. Funding for such centers would be contingent upon a legislative appropriation.

The Appropriations Committee amended CS/HB 415 to clarify the meaning of dependents for whom day care will be provided by inserting minor before dependents.

III. **LONG RANGE CONSEQUENCES:**

None

IV. **COMMENTS:**

CS/HB 415 did not pass. CS/SB 90 as passed deleted the requirement for the state to construct a child care facility in a state owned building with more than 100,000 square fee and 1000 employees. Instead, the Department of Administration would be responsible for
approving, administering, and coordinating child care services and conducting technical assistance and needs assessments. The remainder of CS/SB 90 relating to child care services remains substantially the same as CS/HB 415.

The Department of Administration conducted a study of the pilot child care project at the Department of Highway Safety and Motor Vehicles. The results of a survey found that state employees said that the program:

- Positively affects work behaviors 95%
- Helps reduce turnover 93%
- Improves employee attitude about employer 87%
- Improves state's ability to attract employees 84%
- Reduces employee absenteeism 62%

V. SIGNATURES:

SUBSTANTIVE COMMITTEE:
Prepared by: Susan G. Bisbee
Staff Director: Jack M. Holland

FINANCE & TAXATION:
Prepared by:
Staff Director:

APPROPRIATIONS:
Prepared by:
Staff Director:
I. SUMMARY:

A. PRESENT SITUATION:

Section 787.04, F.S., provides that it is unlawful for anyone, with knowledge of and in violation of a court order, to lead, take, entice, or remove a child beyond the limits of the state or to conceal the location of a child. This also applies in circumstances pending a proceeding affecting the custody of the child. Persons convicted of violating this section shall be guilty of a felony of the third degree.

B. EFFECT OF PROPOSED CHANGES:

CS/HB 1123 amends s. 787.04, F.S., replacing the references to "child" or "children" with "minor" or "minors." This bill provides that it is unlawful for any person to lead, take, entice, or remove a minor beyond the limits of this state, or to conceal the location of a minor, when there is a dependency proceeding regarding alleged abuse or neglect of the minor pending. The bill provides that the person had to have received notice of the pending matter and the action was conducted without the permission of the state agency or the court. An exception is provided for persons who lead, take, entice or remove a minor beyond the limits of the state for the purpose of protecting the child or preventing child abuse.

C. SECTION-BY-SECTION ANALYSIS:

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:
Indeterminate

2. Recurring or Annualized Continuation Effects:
   Indeterminate

3. Long Run Effects Other Than Normal Growth:
   Indeterminate

4. Appropriations Consequences:
   Indeterminate

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:
   Indeterminate

2. Recurring or Annualized Continuation Effects:
   Indeterminate

3. Long Run Effects Other Than Normal Growth:
   Indeterminate

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:
   Indeterminate

2. Direct Private Sector Benefits:
   Indeterminate

3. Effects on Competition, Private Enterprise, and Employment Markets:
   Indeterminate

D. FISCAL COMMENTS:

III. LONG RANGE CONSEQUENCES:

IV. COMMENTS:

V. AMENDMENTS:

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE: