

ENROLLED
CS/HB 315

2010 Legislature

1 A bill to be entitled
2 An act relating to adoption; creating s. 63.0422, F.S.;
3 prohibiting an adoption agency or entity from making
4 suitability determinations based on, requiring disclosure
5 relating to, or restricting the lawful possession,
6 storage, or use of a firearm or ammunition; amending s.
7 409.175, F.S.; providing additional requirements for
8 child-placing agencies; providing additional rulemaking
9 requirements for the Department of Children and Family
10 Services; creating additional grounds for denial,
11 suspension, or revocation of a license; providing an
12 effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Section 63.0422, Florida Statutes, is created
17 to read:

18 63.0422 Prohibited conditions on adoptions; firearms and
19 ammunition.—An adoption agency or entity, whether public or
20 private, may not:

21 (1) Make a determination that a person is unsuitable to
22 adopt based on the lawful possession, storage, or use of a
23 firearm or ammunition by any member of the adoptive home.

24 (2) Require an adoptive parent or prospective adoptive
25 parent to disclose information relating to a person's lawful
26 possession, storage, or use of a firearm or ammunition as a
27 condition to adopt.

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28 | (3) Restrict the lawful possession, storage, or use of a
29 | firearm or ammunition as a condition for a person to adopt.

30 | Section 2. Subsections (5) and (9) of section 409.175,
31 | Florida Statutes, are amended to read:

32 | 409.175 Licensure of family foster homes, residential
33 | child-caring agencies, and child-placing agencies; public
34 | records exemption.—

35 | (5)(a) The department shall adopt and amend licensing
36 | rules for family foster homes, residential child-caring
37 | agencies, and child-placing agencies. The department may also
38 | adopt rules relating to the screening requirements for summer
39 | day camps and summer 24-hour camps. The requirements for
40 | licensure and operation of family foster homes, residential
41 | child-caring agencies, and child-placing agencies shall include:

42 | 1. The operation, conduct, and maintenance of these homes
43 | and agencies and the responsibility which they assume for
44 | children served and the evidence of need for that service.

45 | 2. The provision of food, clothing, educational
46 | opportunities, services, equipment, and individual supplies to
47 | assure the healthy physical, emotional, and mental development
48 | of the children served.

49 | 3. The appropriateness, safety, cleanliness, and general
50 | adequacy of the premises, including fire prevention and health
51 | standards, to provide for the physical comfort, care, and well-
52 | being of the children served.

53 | 4. The ratio of staff to children required to provide
54 | adequate care and supervision of the children served and, in the
55 | case of foster homes, the maximum number of children in the

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56 | home.

57 | 5. The good moral character based upon screening,

58 | education, training, and experience requirements for personnel.

59 | 6. The department may grant exemptions from

60 | disqualification from working with children or the

61 | developmentally disabled as provided in s. 435.07.

62 | 7. The provision of preservice and inservice training for

63 | all foster parents and agency staff.

64 | 8. Satisfactory evidence of financial ability to provide

65 | care for the children in compliance with licensing requirements.

66 | 9. The maintenance by the agency of records pertaining to

67 | admission, progress, health, and discharge of children served,

68 | including written case plans and reports to the department.

69 | 10. The provision for parental involvement to encourage

70 | preservation and strengthening of a child's relationship with

71 | the family.

72 | 11. The transportation safety of children served.

73 | 12. The provisions for safeguarding the cultural,

74 | religious, and ethnic values of a child.

75 | 13. Provisions to safeguard the legal rights of children

76 | served.

77 | (b) The requirements for the licensure and operation of a

78 | child-placing agency shall also include compliance with the

79 | requirements of ss. 63.0422 and 790.335.

80 | (c)~~(b)~~ In promulgating licensing rules pursuant to this

81 | section, the department may make distinctions among types of

82 | care; numbers of children served; and the physical, mental,

83 | emotional, and educational needs of the children to be served by

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84 a home or agency.

85 (d)~~(e)~~ The department shall not adopt rules which
86 interfere with the free exercise of religion or which regulate
87 religious instruction or teachings in any child-caring or child-
88 placing home or agency; however, nothing herein shall be
89 construed to allow religious instruction or teachings that are
90 inconsistent with the health, safety, or well-being of any
91 child; with public morality; or with the religious freedom of
92 children, parents, or legal guardians who place their children
93 in such homes or agencies.

94 (e) The department's rules shall include adoption of a
95 form to be used by child-placing agencies during an adoption
96 home study that requires all prospective adoptive applicants to
97 acknowledge in writing the receipt of a document containing
98 solely and exclusively the language provided for in s. 790.174
99 verbatim.

100 (9) (a) The department may deny, suspend, or revoke a
101 license.

102 (b) Any of the following actions by a home or agency or
103 its personnel is a ground for denial, suspension, or revocation
104 of a license:

105 1. An intentional or negligent act materially affecting
106 the health or safety of children in the home or agency.

107 2. A violation of the provisions of this section or of
108 licensing rules promulgated pursuant to this section.

109 3. Noncompliance with the requirements for good moral
110 character as specified in paragraph (5) (a).

111 4. Failure to dismiss personnel found in noncompliance

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112 | with requirements for good moral character.

113 | 5. Failure to comply with the requirements of ss. 63.0422
114 | and 790.335.

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