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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/04/2010	.	
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The Committee on Children, Families, and Elder Affairs (Detert) recommended the following:

Senate Amendment (with title amendment)

Delete lines 16 - 24
and insert:

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

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

(3) Restrict the lawful possession, storage, or use of a



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13 firearm or ammunition as a condition for a person to adopt.

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

16 409.175 Licensure of family foster homes, residential
17 child-caring agencies, and child-placing agencies; public
18 records exemption.—

19 (5) (a) The department shall adopt and amend licensing rules
20 for family foster homes, residential child-caring agencies, and
21 child-placing agencies. The department may also adopt rules
22 relating to the screening requirements for summer day camps and
23 summer 24-hour camps. The requirements for licensure and
24 operation of family foster homes, residential child-caring
25 agencies, and child-placing agencies shall include:

26 1. The operation, conduct, and maintenance of these homes
27 and agencies and the responsibility which they assume for
28 children served and the evidence of need for that service.

29 2. The provision of food, clothing, educational
30 opportunities, services, equipment, and individual supplies to
31 assure the healthy physical, emotional, and mental development
32 of the children served.

33 3. The appropriateness, safety, cleanliness, and general
34 adequacy of the premises, including fire prevention and health
35 standards, to provide for the physical comfort, care, and well-
36 being of the children served.

37 4. The ratio of staff to children required to provide
38 adequate care and supervision of the children served and, in the
39 case of foster homes, the maximum number of children in the
40 home.

41 5. The good moral character based upon screening,



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42 education, training, and experience requirements for personnel.

43 6. The department may grant exemptions from
44 disqualification from working with children or the
45 developmentally disabled as provided in s. 435.07.

46 7. The provision of preservice and inservice training for
47 all foster parents and agency staff.

48 8. Satisfactory evidence of financial ability to provide
49 care for the children in compliance with licensing requirements.

50 9. The maintenance by the agency of records pertaining to
51 admission, progress, health, and discharge of children served,
52 including written case plans and reports to the department.

53 10. The provision for parental involvement to encourage
54 preservation and strengthening of a child's relationship with
55 the family.

56 11. The transportation safety of children served.

57 12. The provisions for safeguarding the cultural,
58 religious, and ethnic values of a child.

59 13. Provisions to safeguard the legal rights of children
60 served.

61 (b) The requirements for the licensure and operation of a
62 child-placing agency shall also include compliance with the
63 requirements of ss. 63.0422 and 790.335.

64 (c) ~~(b)~~ In promulgating licensing rules pursuant to this
65 section, the department may make distinctions among types of
66 care; numbers of children served; and the physical, mental,
67 emotional, and educational needs of the children to be served by
68 a home or agency.

69 (d) ~~(e)~~ The department shall not adopt rules which interfere
70 with the free exercise of religion or which regulate religious



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71 instruction or teachings in any child-caring or child-placing
72 home or agency; however, nothing herein shall be construed to
73 allow religious instruction or teachings that are inconsistent
74 with the health, safety, or well-being of any child; with public
75 morality; or with the religious freedom of children, parents, or
76 legal guardians who place their children in such homes or
77 agencies.

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

84 (9) (a) The department may deny, suspend, or revoke a
85 license.

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

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

91 2. A violation of the provisions of this section or of
92 licensing rules promulgated pursuant to this section.

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

95 4. Failure to dismiss personnel found in noncompliance with
96 requirements for good moral character.

97 5. Failure to comply with the requirements of ss. 63.0422 and
98 790.335.

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100 ===== T I T L E A M E N D M E N T =====

101 And the title is amended as follows:

102 Delete lines 3 - 7

103 and insert:

104 F.S.; prohibiting an adoption agency or entity from
105 making suitability determinations based on, requiring
106 disclosure relating to, or restricting the lawful
107 possession, storage, or use of a firearm or
108 ammunition; amending s. 409.175, F.S.; providing
109 additional requirements for child-placing agencies;
110 providing additional rulemaking requirements for the
111 Department of Children and Family Services; creating
112 additional grounds for denial, suspension, or
113 revocation of a license; providing an effective date.