



1                                   A bill to be entitled  
2           An act relating to conscience protection for actions  
3           of private child-placing agencies; amending s.  
4           409.175, F.S.; providing that a private child-placing  
5           agency is not required to place a child or be involved  
6           in the placement of a child or facilitate the  
7           licensure of a foster home which would violate the  
8           agency's written religious or moral convictions or  
9           policies; prohibiting the Department of Children and  
10          Families from taking actions related to licensure  
11          based on the agency's refusal to place a child or be  
12          involved in the placement of a child or facilitate the  
13          licensure of a foster home which violates the agency's  
14          written religious or moral convictions or policies;  
15          prohibiting certain entities from withholding grants,  
16          contracts, or participation in government programs  
17          from a private child-placing agency or affiliated  
18          agencies or homes based on the agency's refusal to  
19          place a child or be involved in the placement of a  
20          child or the licensure of a foster home which violates  
21          the agency's written religious or moral convictions or  
22          policies; providing that such refusal does not provide  
23          the basis for a claim for injunctive relief or  
24          compensatory or punitive damages; specifying that  
25          certain acts by a private child-placing agency do not  
26          constitute discrimination; providing for the



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27 |       preemption of specified laws; providing an effective  
28 |       date.

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

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32 |       Section 1. Subsection (18) is added to section 409.175,  
33 | Florida Statutes, to read:

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

37 |       (18) (a) A private child-placing agency is not required to  
38 | perform, assist in, recommend, consent to, or participate in the  
39 | placement of a child or to facilitate the licensure of a family  
40 | foster home when the proposed placement or licensure would  
41 | violate the agency's written religious or moral convictions or  
42 | policies.

43 |       (b) The department may not deny an application for, deny  
44 | the renewal of, or revoke the license of a private child-placing  
45 | agency, or the license of a family foster home or residential  
46 | child-caring agency affiliated with a private child-placing  
47 | agency, because of the refusal of the private child-placing  
48 | agency to perform, assist in, recommend, consent to, or  
49 | participate in the placement of a child or to facilitate the  
50 | licensure of a family foster home which violates the agency's  
51 | written religious or moral convictions or policies.



52        (c) The state or a local government or community-based  
53 care lead agency may not withhold a grant, contract, or  
54 participation in a government program from a licensed private  
55 child-placing agency, or from a family foster home or  
56 residential child-caring agency affiliated with such a private  
57 child-placing agency, because of the refusal of the private  
58 child-placing agency to perform, assist in, recommend, consent  
59 to, or participate in the placement of a child or to facilitate  
60 the licensure of a family foster home which violates the  
61 agency's written religious or moral convictions or policies.

62        (d) Refusal of a private child-placing agency to perform,  
63 assist in, recommend, consent to, or participate in the  
64 placement of a child or to facilitate the licensure of a family  
65 foster home which violates the agency's written religious or  
66 moral convictions or policies does not provide the basis for a  
67 claim for injunctive relief or compensatory or punitive damages  
68 against such private child-placing agency or any operator,  
69 owner, or personnel thereof.

70        (e) An act by a private child-placing agency under this  
71 subsection does not constitute discrimination.

72        (f) This subsection expressly preempts to the state the  
73 subject matter hereof. Any provision of law, ordinance,  
74 regulation, rule, or policy of any county, municipality,  
75 district, school district, political subdivision, or agency of  
76 the state that contravenes this subsection or restricts a  
77 private child-placing agency's exercise of authority under this



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78 | subsection is void.

79 |       Section 2. This act shall take effect July 1, 2015.