



202660

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/04/2016	.	
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The Committee on Children, Families, and Elder Affairs (Altman) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 409.1761, Florida Statutes, is created  
to read:

409.1761 Organizations providing respite care for children  
not in the child welfare system.— A qualified nonprofit  
organization may establish a program which assists parents and  
legal guardians in providing temporary respite care for a child



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11 by a volunteer respite family. Only a child who has not been  
12 removed from the child's parent or legal guardian due to abuse  
13 or neglect and placed in the custody of the department is  
14 eligible to be cared for under this section. Placement of a  
15 child under this section, without any additional evidence, does  
16 not constitute abuse, neglect or abandonment as defined in s.  
17 39.01, F.S., and is not considered to placement of the child in  
18 foster care. However, the department may refer children to a  
19 program under this section if the department determines that the  
20 services are appropriate for addressing the needs of a family in  
21 crisis, preventing children from being placed in the custody of  
22 the department or achieving reunification of a child with his or  
23 her biological family.

24 (1) DEFINITIONS.- As used in this section, the term:

25 (a) "Qualified association" means an organization that  
26 establishes, publishes, and requires compliance with best  
27 practice standards for operating a program that assists parents  
28 and legal guardian in providing temporary respite care for a  
29 child by a volunteer respite family.

30 (b) "Qualified nonprofit organization" or "organization" -  
31 means a Florida private nonprofit organization that assists  
32 parents and legal guardians in providing temporary respite care  
33 for a child by a volunteer respite family under an agreement  
34 with a qualified association.

35 (c) "Volunteer respite family" means an individual or  
36 family who voluntarily agrees to provide temporary care for a  
37 child under a contract for care with the child's parent or legal  
38 guardian with the assistance of a qualified nonprofit  
39 organization.



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40           (2) REGISTRATION.-

41           (a) Registration shall consist of annually filing with the  
42 qualified association the name and address of the organization;  
43 the capacity of, and the number of children being cared for; the  
44 names and addresses of the officers and the board of directors  
45 or other governing body of the organization, if applicable; the  
46 name of person in charge of the organization; and proof that the  
47 organization is in compliance with the minimum health, sanitary,  
48 and safety standards required by applicable state law or local  
49 ordinance, and the uniform fire safety standards required by  
50 chapter 633, and is in compliance with the requirements for  
51 screening of personnel in s. 409.175 and chapter 435.

52           (b) As part of the registration, each organization shall  
53 annually provide to the qualified association relevant data on  
54 the services provided by the organization including, the number  
55 of approved volunteer respite families, the number and ages of  
56 children being cared for through the organization; the number of  
57 children who have left the care of the organization during the  
58 past year, the lengths of their stays, and the reason for their  
59 care; the names of all personnel. The organization shall  
60 maintain files on all children served that include, at minimum,  
61 (1) the name and age of the child; (2) the name, address and  
62 contact information for the child's parent or legal guardian;  
63 (3) the name, address and contact information for the child's  
64 volunteer respite family; (4) a copy of the contract for care of  
65 the child executed pursuant to paragraph 5 of this section; and  
66 (5) proof of the volunteer respite family's compliance with the  
67 screening requirements of s. 409.175 and chapter 435. The  
68 organization shall maintain on site and provide, upon request,



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69 proof that the organization is in compliance with published  
70 minimum standards that are filed with the department under the  
71 provisions of paragraph subsection (2). The department shall  
72 also attest to the good moral character of the personnel of the  
73 organization and members of the volunteer family home by  
74 maintaining and providing, upon request, proof of compliance  
75 with the screening requirements of s. 409.175 and chapter 435.  
76 The qualified association shall have the right to access and  
77 review the organization's files at any time to ensure compliance  
78 with this section and standards established by the qualified  
79 association.

80 (c) Upon verification that all requirements for  
81 registration have been met, the qualified association shall  
82 issue without charge a certificate of registration valid for 1  
83 year.

84 (3) EXEMPTION FROM LICENSURE.—The licensing provisions of  
85 s. 409.175 shall not apply to a private organization that is  
86 certified with a qualified association which assists parents and  
87 legal guardians in providing temporary respite care for a child  
88 by a volunteer caregiver pursuant to a properly executed  
89 contract under this section. However, such organizations shall  
90 meet the screening requirements pursuant to s.409.175 and  
91 chapter 435.

92 (a) Any organization registered under the provisions of  
93 this section shall notify the department immediately if it has  
94 in its care a child with serious developmental disabilities or a  
95 physical, emotional, or mental handicap for which the  
96 organization is not qualified or able to provide care.

97 (b) The provisions of chapters 39 and 827 regarding the



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98 reporting of child abuse, abandonment, and neglect apply to any  
99 organization registered under this section.

100 (4) SCREENING REQUIREMENTS FOR PERSONNEL.- Individuals  
101 required to be screened under this section include:

102 a. All employees of the organization assisting parents in  
103 providing respite care;

104 b. Members of the family, or persons residing with the  
105 family that is providing respite care for a child who are over  
106 the age of 12 years;

107 c. Members of a family providing respite care under this  
108 section, or persons residing with the family, who are between  
109 the ages of 12 years and 18 years are not required to be  
110 fingerprinted, but must be screened for delinquency records;

111 d. A volunteer who assists on an intermittent basis for  
112 less than 10 hours per month is not required to be screened if a  
113 person who meets the screening requirement of this section is  
114 always present and has the volunteer in his or her line of  
115 sight.

116 (5) CONTRACT FOR CARE.- A parent of legal guardian of a  
117 child may provide for the temporary respite care of a child  
118 under this section by entering into a written contract for care,  
119 executed at the time of admission or prior thereto, with a  
120 volunteer respite family and organization. Under a contract for  
121 care, the parent or legal guardian may delegate to the volunteer  
122 family any of the powers regarding the care and custody of the  
123 child, except the power to consent to the marriage or adoption  
124 of the child, the performance of or inducement of an abortion on  
125 or for the child, or the termination of parental rights to the  
126 child. The parent or legal guardian may revoke or withdraw the



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127 contract for care at any time, and the child shall be returned  
128 to the custody of the parent or legal guardian as soon as  
129 reasonably possible. A contract for care executed under this  
130 section shall automatically expire after one year, and shall not  
131 operate to deprive any parent or legal guardian of any parental  
132 or legal authority regarding the care and custody of the child  
133 nor supersede any court order regarding the care and custody of  
134 the child. Each contract shall:

135 (a) Enumerate the basic services and accommodations  
136 provided by the volunteer respite family and organization.

137 (b) Identify the child, parent or legal guardian, and  
138 volunteer respite family, including necessary contact  
139 information for all parties

140 (c) Identify the organization, including the address,  
141 telephone number and primary point of contact

142 (d) Contain a clear statement regarding disciplinary  
143 procedures.

144 (e) State that the goal of the organization is to return  
145 the child receiving respite care to the parent or legal guardian  
146 as soon as the situation requiring care has been resolved.

147 (f) Authorize the volunteer respite family to consent to  
148 routine and emergency medical care on behalf of the parent or  
149 legal guardian, provided the volunteer family shall immediately  
150 notify the parent or legal guardian of medical care being  
151 provided on his or her behalf. Authorization of this power shall  
152 be granted only upon the separate consent in the contract of the  
153 parent or legal guardian.

154  
155 ===== T I T L E A M E N D M E N T =====



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156 And the title is amended as follows:

157 Delete everything before the enacting clause  
158 and insert:

159 A bill to be entitled

160 An act relating to the temporary care of a child;  
161 creating s. 409.1761, F.S.: authorizing certain  
162 organizations to establish programs for the purpose of  
163 assisting parents and legal guardians in providing  
164 temporary respite care for a child; restricting care  
165 under this section to specified children; providing  
166 that receiving services under this section does not  
167 constitute abuse, neglect or abandonment; defining  
168 terms; providing requirements for an organization to  
169 register with the Department of Children and Families;  
170 providing an exemption from licensure if certain  
171 specified conditions are met; prescribing background  
172 screening requirements for personnel and volunteers;  
173 requiring a contract to be entered into between a  
174 volunteer family and a parent or legal guardian;  
175 specifying the requirements to be included in a  
176 contract; providing; providing an effective date.