

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Children, Families &
2 Seniors Subcommittee
3 Representative Rodrigues, R. offered the following:
4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (e) of subsection (2) and paragraph
8 (d) of subsection (4) of section 409.175, Florida Statutes, are
9 amended to read:

10 409.175 Licensure of family foster homes, residential
11 child-caring agencies, and child-placing agencies; public
12 records exemption.—

13 (2) As used in this section, the term:

14 (e) "Family foster home" means a private residence in
15 which children who are unattended by a parent or legal guardian
16 are provided 24-hour care. Such homes include emergency shelter

Amendment No.

17 family homes and specialized foster homes for children with
18 special needs. A person who cares for a child of a friend for a
19 period not to exceed 90 days, a relative who cares for a child
20 and does not receive reimbursement for such care from the state
21 or federal government, ~~or~~ an adoptive home which has been
22 approved by the department or by a licensed child-placing agency
23 for children placed for adoption, or an agent caring for
24 children under s. 709.2209, F.S., is not considered a family
25 foster home.

26 (4)

27 (d) This license requirement does not apply to boarding
28 schools, recreation and summer camps, nursing homes, hospitals,
29 ~~or~~ to persons who care for children of friends, ~~or~~ neighbors in
30 their homes for periods not to exceed 90 days, ~~or~~ to persons who
31 have received a child for adoption from a licensed child-placing
32 agency, or to agents caring for children under s. 709.2209, F.S.

33 Section 2. Section 709.2209, Florida Statutes, is created
34 to read:

35 709.2209 Power of attorney for temporary care of minor
36 child.-

37 (1) The Legislature finds that in circumstances in which a
38 parent or legal guardian of a child is temporarily unable to
39 provide care for the child, but does not need the full support
40 of the child welfare system, a less intrusive alternative to
41 supervision by the Department of Children and Families and the
42 Dependency Court under ch. 39. F.S. should be available. In such

Amendment No.

43 circumstances, the parent or legal guardian may delegate
44 temporary care of the child to another natural person through a
45 properly executed power of attorney.

46 (2) As used in this section, the term:

47 (a) "Agent" means any natural person granted authority to
48 act for a principal under a power of attorney, whether
49 denominated an agent, attorney in fact, or otherwise. The term
50 includes an original agent and co-agent. Successor agents are
51 not permitted under this section. Agents acting pursuant to this
52 section shall serve without compensation.

53 (b) "Department" means the Department of Children and
54 Families.

55 (c) "Qualified nonprofit organization" means a charity or
56 religious institution organized under s. 501(c)(3) of the United
57 States Internal Revenue Code that assists parents and legal
58 guardians with the provision of volunteer temporary care of
59 children, without payment, pursuant to a power of attorney
60 executed under this section. Duties of the qualified nonprofit
61 organizations include training for all agent families and
62 volunteers, identifying appropriate and safe placements for
63 children based on background screenings and home visits, and
64 providing services and resources to support the child, parents,
65 and agents authorized to provide temporary care for the child.

66 (d) "Serving parent" means a parent or legal guardian who
67 is a member of the United States Armed Forces, the Florida
68 National Guard, the United States Reserve Forces, the

Amendment No.

69 commissioned corps of the National Oceanic and Atmospheric
70 Administration, or the public health service of the United
71 States Department of Health and Human Services detailed by
72 proper authority for duty with the United States Armed Forces.

73 (3) (a) A parent or legal guardian of a child, by a
74 properly executed power of attorney authorized under this
75 section, may provide for temporary care of his or her child by
76 delegating to an agent, for a period not to exceed 1 year, any
77 of the powers regarding the care and custody of the child.

78 (b) The parent or legal guardian shall execute a new power
79 of attorney for each year beyond the first year that the
80 delegation exists, unless the parent or legal guardian is a
81 serving parent.

82 (c) A serving parent may delegate temporary care of his or
83 her child by a power of attorney authorized under this section
84 for a period longer than 1 year if the serving parent is on
85 active duty service. The term of delegation may not exceed 30
86 days beyond the term of active duty service.

87 (4) A power of attorney executed under this section that
88 substantially complies with the following required information
89 and is acknowledged before a notary public is deemed to be
90 legally sufficient to delegate temporary parental or legal
91 authority:

92 (a) Identification of the child.

93 (b) Identification of the parent or legal guardian
94 delegating authority.

Amendment No.

95 (c) Identification of the attorney in fact to whom powers
96 are delegated.

97 (d) A statement of the powers delegated to the attorney in
98 fact for the care and custody of the child.

99 (e) A statement that the delegation does not include
100 authority to consent to marriage or adoption of the child, the
101 performance or inducement of an abortion on or for the child, or
102 the termination of parental rights to the child.

103 (f) The effective date for the power of attorney.

104 (g) The expiration date for the power of attorney.

105 (h) A statement that the power of attorney shall only be
106 effective for 1 year and automatically expire after the
107 expiration of 1 year from the effective date.

108 (i) The signature of the parent or legal guardian
109 delegating powers.

110 (j) The signature of the attorney in fact accepting
111 delegation.

112 (k) Space for authorization by a notary public.

113 (5) (a) The power of attorney may not delegate the power to
114 consent to marriage or adoption of the child, the performance or
115 inducement of an abortion on or for the child, or the
116 termination of parental rights to the child.

117 (b) This subsection does not limit the ability of a parent
118 or guardian to appoint a guardian for a child pursuant to
119 chapter 744. This section does not change or modify parental or
120 legal rights, obligations, or authority established by an

Amendment No.

121 existing court order; and does not deprive the parent or legal
122 guardian of parental or legal rights, obligations, or authority
123 regarding the custody, visitation, or support of the child.

124 (6) (a) The parent or legal guardian of the child may
125 revoke or withdraw the power of attorney authorized under this
126 section at any time. Upon such revocation or withdrawal, the
127 child shall be returned to the custody of the parent or legal
128 guardian as soon as practicable.

129 (b) Unless the authority is revoked or withdrawn by the
130 parent or legal guardian or otherwise terminated, an agent shall
131 exercise parental or legal authority for the duration of the
132 power of attorney.

133 (7) (a) A qualified nonprofit organization shall complete a
134 state and national criminal history record check, pursuant to s.
135 943.0542, on all employees or volunteers who may have
136 unsupervised contact with a child placed with an agent pursuant
137 to this section, including the agent and all members of the
138 agent's household who are 12 years of age and older.

139 (b) At the execution of the power of attorney, the parties
140 to the power of attorney shall present the notary public with
141 evidence that the background checks required under paragraph (a)
142 have been completed. Such evidence shall be a notarized letter
143 signed by a representative of the qualified nonprofit
144 organization attesting to the existence of a favorable
145 background screening of the agent and the other appropriate
146 members of the agent's household.

Amendment No.

147 (8) A qualified nonprofit organization shall require a
148 parent or legal guardian seeking its services to disclose if the
149 department is conducting an ongoing investigation of abuse or
150 neglect involving the child or the child's parent or legal
151 guardian, or is otherwise providing services to the parent or
152 legal guardian.

153 (a) The qualified nonprofit organization shall notify the
154 parent or legal guardian that providing false information
155 regarding the status of an investigation or services by the
156 department may be grounds for termination of the qualified
157 nonprofit organization's services or reporting to the
158 department.

159 (b) If the qualified nonprofit organization learns that
160 the department has an open investigation of abuse or neglect
161 involving the child or the child's parent or legal guardian and
162 the parent or legal guardian failed to disclose this
163 information, the qualified nonprofit organization shall
164 immediately notify the department.

165 (9) (a) A qualified nonprofit organization is not a child-
166 placing agency as defined in s. 409.175(2) (d) and is not
167 required to be licensed as such unless the qualified nonprofit
168 organization pursues child-placing activities as provided in s.
169 409.175(2) (d) .

170 (b) A power of attorney executed under this section may
171 not be construed as placing the child in foster care, and an
172 agent is not required to meet foster care licensing requirements

Amendment No.

173 under chapter 409 and does not constitute a family foster home
174 as defined in s. 409.175(2) (e) for purposes of caring for a
175 child placed pursuant to this section.

176 (10) Except as otherwise provided by law, the execution of
177 a power of attorney by a parent or legal guardian may not,
178 without other evidence, be construed as abandonment, abuse, or
179 neglect as defined in s. 39.01. Nothing in this subsection shall
180 be interpreted to prevent the department or law enforcement from
181 investigating allegations of abandonment, abuse, neglect, or
182 unlawful desertion of a child.

183 (11) During a child protective investigation that does not
184 result in an out-of-home placement, if the child protective
185 investigator feels it is appropriate, the department shall
186 provide information to the parent or legal guardian about
187 available community service programs that provide respite care,
188 voluntary temporary placement pursuant to this section, or other
189 support services for families in crisis.

190 Section 3. This act shall take effect July 1, 2016.

191
192 -----
193 **T I T L E A M E N D M E N T**

194 Remove everything before the enacting clause and insert:
195 An act relating to powers of attorney; amending s. 409.175,
196 F.S.; exempting agents from licensure; creating s. 709.2209,
197 F.S.; providing definitions; authorizing a parent or legal
198 guardian of a child to provide for temporary care of his or her

Amendment No.

199 child by delegating care to an agent by a properly executed
200 power of attorney; providing limitations; providing for
201 revocation or withdrawal of a power of attorney; requiring a
202 power of attorney to be executed each year of delegation of
203 care; providing construction; providing requirements for a
204 qualified nonprofit organization that assists a parent or legal
205 guardian in delegating parental or legal authority; requiring a
206 criminal history background check for certain employees or
207 volunteers; requiring notification of the Department of Children
208 and Families under certain circumstances; providing for
209 extension of delegation of care under certain circumstances;
210 providing requirements for a power of attorney to be legally
211 sufficient; requiring the department to provide information to a
212 parent or legal guardian in certain investigations; providing an
213 effective date.