

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 259 (2016)

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WITHDRAWN	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>	

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1 Committee/Subcommittee hearing bill: Health & Human Services  
2 Committee

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

9 409.1761 Organizations providing respite care for children  
10 not in the child welfare system.- The Legislature finds that in  
11 circumstances in which the parent of a minor child is  
12 temporarily unable to provide care for the child, but does not  
13 need the full support of the child welfare system, a less  
14 intrusive alternative to supervision by the Department of  
15 Children and Families or involvement of the judiciary should be  
16 available. A qualified nonprofit organization may establish a  
17 program which assists parents and legal guardians in providing

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18 temporary respite care for a child by a volunteer respite  
19 family.

20 (1) DEFINITIONS.— As used in this section, the term:

21 (a) "Qualified nonprofit organization" or "organization" -  
22 means a Florida private nonprofit organization that assists  
23 parents and legal guardians in the provision of temporary  
24 respite care for a child by a volunteer respite family under a  
25 contract for care. The organization shall provide assistance and  
26 support to parents and legal guardians as well as training and  
27 support for volunteer respite families.

28 (b) "Volunteer respite family" means an individual or  
29 family who voluntarily agrees to provide, without compensation,  
30 temporary care for a child under a contract for care with the  
31 child's parent or legal guardian with the assistance of a  
32 qualified nonprofit organization.

33 (2) REGISTRATION.—

34 (a) The organization must register with the department  
35 annually by filing with the department:

36 1. The name, address, telephone number, email address, and  
37 other contact information for the organization;

38 2. The name of the organization's director;

39 3. The names and addresses of the officers and board of  
40 directors or other governing body of the organization;

41 4. A description of the methods used by the organization  
42 to recruit, train, and support volunteer respite families in

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43 caring for children and the standards used for evaluating  
44 whether a volunteer respite home is safe for children.

45 5. If the organization provides volunteer respite family  
46 services in affiliation with another entity, such as an entity  
47 whose volunteer respite family program model the organization  
48 uses, the organization must provide the entity's name and  
49 contact information, a description of the program model, and  
50 documentation that the organization is in compliance with the  
51 entity's minimum standards;

52 6. An attestation, with any supporting documentation, that  
53 the employees and volunteers of the organization are in  
54 compliance with the requirements for screening of personnel in  
55 s. 409.175 and chapter 435 as provided in subsection (4).

56 7. An attestation, with any supporting documentation, that  
57 the volunteer respite families are in compliance with the  
58 requirements for screening of personnel in s. 409.175 and  
59 chapter 435 as provided in subsection (4), and that the  
60 organization has inspected the volunteer respite family homes  
61 and considers the homes safe for the placement of children.

62 8. The number of volunteer respite families working with  
63 the organization and the total number of children the  
64 organization is able to serve and currently serves;

65 (b) The department shall develop a system of registration,  
66 maintain a registration record on each nonprofit organization,  
67 and issue a registration number to each qualified nonprofit

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68 organization that meets the registration requirements of this  
69 section.

70 (c) The organization shall maintain information about each  
71 volunteer respite family and child served that includes, at  
72 minimum:

73 1. The name and age of the child;

74 2. The name, address, telephone numbers, and other contact  
75 information for the child's parent or legal guardian;

76 3. The name, address, telephone numbers, and other contact  
77 information for the child's volunteer respite family;

78 4. A copy of the contract for care of the child executed  
79 pursuant to subsection (5); and

80 5. Proof of the volunteer respite family's compliance with  
81 the screening requirements of s. 409.175 and chapter 435 as  
82 provided in subsection (4).

83 (d) The department shall have the right to access and  
84 inspect the organization's records related to this section at  
85 any time to ensure compliance with this section and any  
86 standards established by any entity with which the organization  
87 is affiliated pursuant to subparagraph (2) (a)4.

88 (3) EXEMPTION FROM LICENSURE.—The licensing provisions of  
89 s. 409.175 shall not apply to a volunteer respite family home or  
90 a private nonprofit organization that is registered with the  
91 department which assists parents and legal guardians in  
92 providing temporary respite care for a child by a volunteer  
93 caregiver pursuant to a properly executed contract under this

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94 section, unless the qualified nonprofit organization attempts to  
95 place or arrange for the placement of a child as provided in  
96 that subsection. However, such organizations and volunteer  
97 respite homes shall meet the screening requirements pursuant to  
98 s. 409.175 and chapter 435 as provided in subsection (4).

99 (a) Any organization registered under this section shall  
100 make every effort to not accept or place a child with a  
101 volunteer respite family that is not qualified or able to  
102 adequately care for the child, such as due to the child's  
103 disabilities, health condition, or behavioral challenges. If the  
104 organization chooses not to accept a child due to inability of  
105 any volunteer respite family to meet the child's needs, the  
106 qualified nonprofit organization shall assist that family in  
107 finding community-based assistance that will meet the needs of  
108 that particular child.

109 (b) The provisions of chapters 39 and 827 regarding the  
110 reporting of child abuse, abandonment, and neglect apply to any  
111 organization registered under this section.

112 (4) SCREENING REQUIREMENTS FOR PERSONNEL.- The department  
113 shall attest to the good moral character of the personnel of the  
114 organization and members of the volunteer respite family home by  
115 conducting background screening in compliance with the screening  
116 requirements of s. 409.175 and chapter 435. Individuals required  
117 to be screened under this section include:

118 a. Employees of the organization that have direct contact  
119 with children while assisting parents in providing respite care;

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120 b. Members of the volunteer respite family, or persons  
121 residing with the volunteer respite family who are over the age  
122 of 12 years;

123 c. Members of a volunteer respite family or persons  
124 residing with the volunteer respite family who are between the  
125 ages of 12 years and 18 years are not required to be  
126 fingerprinted, but must be screened for delinquency records;

127 d. A volunteer who assists on an intermittent basis for  
128 fewer than 10 hours per month is not required to be screened if  
129 a person who meets the screening requirement of this section is  
130 always present and has the volunteer in his or her line of  
131 sight.

132 (5) CONTRACT FOR CARE.— A parent or legal guardian of a  
133 child may provide for the temporary respite care of a child  
134 under this section by entering into a written contract for care,  
135 executed at the time of admission or prior thereto, with a  
136 volunteer respite family working with a qualified nonprofit  
137 organization. Under a contract for care, the parent or legal  
138 guardian may delegate to the volunteer respite family any of the  
139 powers regarding the care and custody of the child, except the  
140 power to consent to the marriage or adoption of the child, the  
141 performance of or inducement of an abortion on or for the child,  
142 or the termination of parental rights to the child.

143 (a) The contract shall at a minimum:

144 1. Be signed by both parents, if both parents are living  
145 and have shared responsibility and timesharing of the child as a

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146 matter of law or pursuant to a court order. If the parents do  
147 not have shared responsibility and time sharing of the child,  
148 the parent having sole custody of the child has the authority to  
149 enter into the contract for care but shall notify the  
150 noncustodial parent in writing of the address and names of the  
151 volunteer respite family. Such notification must be provided by  
152 certified mail, return receipt requested, to the noncustodial  
153 parent at his or her last known address within 5 days after the  
154 contract for care is signed. Notification is not required to a  
155 noncustodial parent whose parental rights have been terminated.

156 2. Be signed by all household members of the volunteer  
157 respite family who are 18 years of age or older.

158 3. Be signed by a representative of the qualified  
159 nonprofit organization who assisted with the child's placement  
160 with a volunteer respite family.

161 4. Be signed by two subscribing witnesses.

162 5. Be acknowledged by the parent or parents, as applicable  
163 under subparagraph 1., and the representative of the qualified  
164 nonprofit organization before a notary public.

165 (b) The following information must be in the contract for  
166 care:

167 1. A statement that the contract does not deprive any  
168 parent or legal guardian of any parental or legal authority  
169 regarding the care and custody of the child nor supersede any  
170 court order regarding the care and custody of the child.

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171 2. A statement that the contract may be revoked or  
172 withdrawn at any time by either parent or legal guardian, and  
173 custody of the child shall be returned to the parent or legal  
174 guardian as soon as reasonably possible.

175 3. An enumeration of basic services and accommodations  
176 provided by the volunteer respite family and organization.

177 4. Identification of the child, parents or legal guardian,  
178 and volunteer respite family, including necessary contact  
179 information for all parties.

180 5. Identification of the organization, including the  
181 address, telephone number and primary point of contact.

182 6. A statement regarding disciplinary procedures that are  
183 used by the volunteer respite family and expectations regarding  
184 interactions between the volunteer respite family and the child,  
185 including any known behavioral or emotional issues, and how  
186 those issues are currently addressed by the child's parent or  
187 guardian.

188 7. A statement of the minimum expected frequency of  
189 contact between the parents or legal guardian and the child,  
190 expectations for the volunteer respite family to facilitate any  
191 reasonable request for contact outside of any schedule, and the  
192 minimum expected frequency of contact between the parents or  
193 legal guardian and the volunteer respite family to discuss the  
194 child's well-being and health.



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195 8. A statement regarding the child's educational needs,  
196 including at a minimum the name and address of the child's  
197 school and names of the child's teachers.

198 9. A list of extra-curricular, religious, or community  
199 activities and programs in which the child participates.

200 10. A list of any special dietary or nutritional  
201 requirements of the child.

202 11. A description of the child's medical needs, including  
203 any diagnoses, allergies, and any therapies, treatments, or  
204 medication prescribed to the child, and the expectations for the  
205 volunteer respite family to address them.

206 12. A statement that the volunteer respite family agrees  
207 to act in the best interest of the child and to consider all  
208 reasonable wishes and expectations of the parent or legal  
209 guardian concerning the care and comfort of the child.

210 13. A statement that all appropriate members of the  
211 volunteer respite family have successfully completed the  
212 background screening required under subsection (4).

213 14. The expiration date of the contract for care, which  
214 may not be longer than 6 months from the date of execution.

215 15. A statement that the goal of the organization,  
216 volunteer respite family, and parent or legal guardian is to  
217 return the child receiving respite care to the parent or legal  
218 guardian as soon as the situation requiring care has been  
219 resolved.

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220       16. A requirement that the volunteer respite family  
221 immediately notify the parent or legal guardian of the child's  
222 need for medical care. Authorization for the volunteer respite  
223 family to consent to routine and emergency medical care on  
224 behalf of the parent or legal guardian shall be granted only  
225 upon the separate consent of the parent or legal guardian  
226 pursuant to s. 743.0645.

227       (6) The department may, at any time, inspect any documents  
228 held by the organization relating to children placed pursuant to  
229 this section.

230       (7) Only a child who has not been removed from the child's  
231 parent or legal guardian due to abuse or neglect and placed in  
232 the custody of the department is eligible to be cared for under  
233 this section.

234       (8) The department may refer children to an organization  
235 under this section if the department determines that the needs  
236 of the family do not rise to the level of requiring an out-of-  
237 home safety plan or other formal involvement of the department  
238 but determine that the family may benefit from the respite care  
239 and services provided by the organization.

240       (9) Placement of a child under this section, without any  
241 additional evidence, does not constitute abuse, neglect or  
242 abandonment as defined in s. 39.01, F.S., and is not considered  
243 to be placement of the child in foster care, however, nothing in  
244 this section shall be interpreted to prevent the department or  
245 law enforcement from investigating allegations of abandonment,

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246 abuse, neglect, unlawful desertion of a child, or human  
247 trafficking.

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250 **T I T L E A M E N D M E N T**

251 Remove everything before the enacting clause and insert:  
252 An act relating to the temporary care of a child; creating s.  
253 409.1761, F.S.: authorizing certain organizations to establish  
254 programs for the purpose of assisting parents and legal  
255 guardians in providing temporary respite care for a child;  
256 defining terms; providing requirements for an organization to  
257 register with the Department of Children and Families; providing  
258 an exemption from licensure; prescribing background screening  
259 requirements for personnel and volunteers; requiring a contract  
260 to be entered into between a volunteer family and a parent or  
261 legal guardian; specifying the requirements to be included in a  
262 contract; allowing inspection of records by the department;  
263 restricting care under this section to specified children;  
264 allowing referral to the organization by the department;  
265 providing that receiving services under this section does not  
266 constitute abuse, neglect or abandonment; providing an effective  
267 date.