

By the Committee on Children, Families, and Elder Affairs; and  
Senators Altman, Peaden, Negron, Dockery, and Thrasher

586-02490-10

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1 A bill to be entitled

2 An act relating to adoption; creating s. 63.0422,  
3 F.S.; prohibiting an adoption agency or entity from  
4 making suitability determinations based on, requiring  
5 disclosure relating to, or restricting the lawful  
6 possession, storage, or use of a firearm or  
7 ammunition; amending s. 409.175, F.S.; providing  
8 additional requirements for child-placing agencies;  
9 providing additional rulemaking requirements for the  
10 Department of Children and Family Services; creating  
11 additional grounds for denial, suspension, or  
12 revocation of a license; providing an effective date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

15  
16 Section 1. Section 63.0422, Florida Statutes, is created to  
17 read:

18 63.0422 Prohibited conditions on adoptions; firearms and  
19 ammunition.—An adoption agency or entity, whether public or  
20 private, may not:

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

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

28 (3) Restrict the lawful possession, storage, or use of a  
29 firearm or ammunition as a condition for a person to adopt.

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

32 409.175 Licensure of family foster homes, residential  
33 child-caring agencies, and child-placing agencies; public  
34 records exemption.—

35 (5) (a) The department shall adopt and amend licensing rules  
36 for family foster homes, residential child-caring agencies, and  
37 child-placing agencies. The department may also adopt rules  
38 relating to the screening requirements for summer day camps and  
39 summer 24-hour camps. The requirements for licensure and  
40 operation of family foster homes, residential child-caring  
41 agencies, and child-placing agencies shall include:

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

45 2. The provision of food, clothing, educational  
46 opportunities, services, equipment, and individual supplies to  
47 assure the healthy physical, emotional, and mental development  
48 of the children served.

49 3. The appropriateness, safety, cleanliness, and general  
50 adequacy of the premises, including fire prevention and health  
51 standards, to provide for the physical comfort, care, and well-  
52 being of the children served.

53 4. The ratio of staff to children required to provide  
54 adequate care and supervision of the children served and, in the  
55 case of foster homes, the maximum number of children in the  
56 home.

57 5. The good moral character based upon screening,  
58 education, training, and experience requirements for personnel.

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59           6. The department may grant exemptions from  
60 disqualification from working with children or the  
61 developmentally disabled as provided in s. 435.07.

62           7. The provision of preservice and inservice training for  
63 all foster parents and agency staff.

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

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

69           10. The provision for parental involvement to encourage  
70 preservation and strengthening of a child's relationship with  
71 the family.

72           11. The transportation safety of children served.

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

75           13. Provisions to safeguard the legal rights of children  
76 served.

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

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

85           (d)~~(e)~~ The department shall not adopt rules which interfere  
86 with the free exercise of religion or which regulate religious  
87 instruction or teachings in any child-caring or child-placing

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88 home or agency; however, nothing herein shall be construed to  
89 allow religious instruction or teachings that are inconsistent  
90 with the health, safety, or well-being of any child; with public  
91 morality; or with the religious freedom of children, parents, or  
92 legal guardians who place their children in such homes or  
93 agencies.

94 (e) The department's rules shall include adoption of a form  
95 to be used by child-placing agencies during an adoption home  
96 study which requires all prospective adoptive applicants to  
97 acknowledge in writing the receipt of a document containing  
98 solely and exclusively the language provided for in s. 790.174  
99 verbatim.

100 (9) (a) The department may deny, suspend, or revoke a  
101 license.

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

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

107 2. A violation of the provisions of this section or of  
108 licensing rules promulgated pursuant to this section.

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

111 4. Failure to dismiss personnel found in noncompliance with  
112 requirements for good moral character.

113 5. Failure to comply with the requirements of ss. 63.0422  
114 and 790.335.

115 Section 3. This act shall take effect upon becoming a law.