

1 A bill to be entitled
2 An act relating to adoption and child protection; amending
3 s. 39.001, F.S.; redesignating the Office of Child Abuse
4 Prevention as the Office of Adoption and Child Protection;
5 revising the purpose of the office; providing for a Chief
6 Child Advocate and providing duties therefor; providing
7 duties and responsibilities of the office; providing for
8 the promotion of adoption and support of adoptive families
9 in the state plan of the office; establishing the Child
10 Abuse Prevention and Permanency Advisory Council and
11 providing for composition thereof; requiring the office,
12 in conjunction with the Department of Children and Family
13 Services and the Department of Education, to develop a
14 certification program for certain professionals who
15 provide services related to adoption and support of
16 adoptive families; providing additional purposes for
17 district plans of action; creating s. 39.0011, F.S.;
18 authorizing the office to establish a direct-support
19 organization; providing purposes, requirements, and
20 objectives; providing for members of a board of directors
21 of the direct-support organization; requiring the
22 organization to operate under contract with the office;
23 providing guidelines for the use of funds; amending ss.
24 39.0014 and 39.01, F.S.; conforming references to changes
25 made by the act; creating s. 409.1661, F.S.; establishing
26 a subsidized adoption program; providing legislative
27 intent; providing definitions; providing for
28 administration of the program; providing for waiver of

29 certain adoption fees; requiring the Department of
 30 Children and Family Services to adopt rules; providing an
 31 effective date.

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33 Be It Enacted by the Legislature of the State of Florida:

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35 Section 1. Subsections (6) through (9) of section 39.001,
 36 Florida Statutes, are amended to read:

37 39.001 Purposes and intent; personnel standards and
 38 screening.--

39 (6) LEGISLATIVE INTENT FOR THE PREVENTION OF ABUSE,
 40 ABANDONMENT, AND NEGLECT OF CHILDREN.--The incidence of known
 41 child abuse, abandonment, and neglect has increased rapidly over
 42 the past 5 years. The impact that abuse, abandonment, or neglect
 43 has on the victimized child, siblings, family structure, and
 44 inevitably on all citizens of the state has caused the
 45 Legislature to determine that the prevention of child abuse,
 46 abandonment, and neglect shall be a priority of this state. To
 47 further this end, it is the intent of the Legislature that an
 48 Office of Adoption and Child Protection ~~Abuse Prevention~~ be
 49 established.

50 (7) OFFICE OF ADOPTION AND CHILD PROTECTION ~~ABUSE~~
 51 ~~PREVENTION~~.--

52 (a) For purposes of establishing a comprehensive statewide
 53 approach for the promotion of adoption, support of adoptive
 54 families, and prevention of child abuse, abandonment, and
 55 neglect, the Office of Adoption and Child Protection ~~Abuse~~
 56 ~~Prevention~~ is created within the Executive Office of the

57 Governor. The Governor shall appoint a Chief Child Advocate
 58 ~~director~~ for the office ~~who shall be subject to confirmation by~~
 59 ~~the Senate.~~

60 (b) The Chief Child Advocate ~~director~~ shall:

61 1. Assist in developing rules pertaining to the promotion
 62 of adoption, support of adoptive families, and implementation of
 63 child abuse prevention efforts.

64 2. Act as the Governor's liaison with state agencies,
 65 other state governments, and the public and private sectors on
 66 matters that relate to the promotion of adoption, support of
 67 adoptive families, and child abuse prevention.

68 3. Work to secure funding and other support for the
 69 state's promotion of adoption, support of adoptive families, and
 70 child abuse prevention efforts, including, but not limited to,
 71 establishing cooperative relationships among state and private
 72 agencies.

73 4. Develop a strategic program and funding initiative that
 74 links the separate jurisdictional activities of state agencies
 75 with respect to promotion of adoption, support of adoptive
 76 families, and child abuse prevention. The office may designate
 77 lead and contributing agencies to develop such initiatives.

78 5. Advise the Governor and the Legislature on statistics
 79 related to the promotion of adoption, support of adoptive
 80 families, and child abuse prevention trends in this state, the
 81 status of current adoption programs and services, current child
 82 abuse prevention programs and services, the funding of adoption,
 83 support of adoptive families, and child abuse prevention ~~these~~
 84 programs and services, and the status of the office with regard

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85 to the development and implementation of the state strategy for
86 the promotion of adoption, support of adoptive families, and
87 child abuse prevention strategy.

88 6. Develop ~~child abuse prevention~~ public awareness
89 campaigns to be implemented throughout the state for the
90 promotion of adoption, support of adoptive families, and child
91 abuse prevention.

92 (c) The office is authorized and directed to:

93 1. Oversee the preparation and implementation of the state
94 plan established under subsection (8) and revise and update the
95 state plan as necessary.

96 2. Provide for or make available continuing professional
97 education and training in the prevention of child abuse and
98 neglect.

99 3. Work to secure funding in the form of appropriations,
100 gifts, and grants from the state, the Federal Government, and
101 other public and private sources in order to ensure that
102 sufficient funds are available for the promotion of adoption,
103 support of adoptive families, and child abuse prevention
104 efforts.

105 4. Make recommendations pertaining to agreements or
106 contracts for the establishment and development of:

107 a. Programs and services for the promotion of adoption,
108 support of adoptive families, and prevention of child abuse and
109 neglect.

110 b. Training programs for the prevention of child abuse and
111 neglect.

112 c. Multidisciplinary and discipline-specific training
 113 programs for professionals with responsibilities affecting
 114 children, young adults, and families.

115 d. Efforts to promote adoption.

116 e. Postadoptive services to support adoptive families.

117 5. Monitor, evaluate, and review the development and
 118 quality of local and statewide services and programs for the
 119 promotion of adoption, support of adoptive families, and
 120 prevention of child abuse and neglect and shall publish and
 121 distribute an annual report of its findings on or before January
 122 1 of each year to the Governor, the Speaker of the House of
 123 Representatives, the President of the Senate, the secretary of
 124 each state agency affected by the report, and the appropriate
 125 substantive committees of the Legislature. The report shall
 126 include:

127 a. A summary of the activities of the office.

128 b. A summary of the adoption data collected and reported
 129 to the federal Adoption and Foster Care Analysis and Reporting
 130 System (AFCARS) and the federal Administration for Children and
 131 Families.

132 c. A summary of the child abuse prevention data collected
 133 and reported to the National Child Abuse and Neglect Data System
 134 (NCANDS) and the federal Administration for Children and
 135 Families.

136 ~~d.b.~~ A summary detailing the timeliness of the adoption
 137 process for children adopted from within the child welfare
 138 system ~~demographic and geographic characteristics of families~~
 139 ~~served by the prevention programs.~~

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140 ~~e.e.~~ Recommendations, by state agency, for the further
141 development and improvement of services and programs for the
142 promotion of adoption, support of adoptive families, and
143 prevention of child abuse and neglect.

144 ~~f.d.~~ The Budget requests, adoption promotion and support
145 needs, and child abuse prevention program needs by state agency.

146 6. Work with the direct-support organization established
147 under s. 39.0011 to receive financial assistance.

148 (8) PLAN FOR COMPREHENSIVE APPROACH.--

149 (a) The office shall develop a state plan for the
150 promotion of adoption, support of adoptive families, and
151 prevention of abuse, abandonment, and neglect of children and
152 shall submit the state plan to the Speaker of the House of
153 Representatives, the President of the Senate, and the Governor
154 no later than December 31, 2008 ~~2007~~. The Department of Children
155 and Family Services, the Department of Corrections, the
156 Department of Education, the Department of Health, the
157 Department of Juvenile Justice, the Department of Law
158 Enforcement, the Agency for Persons with Disabilities, and the
159 Agency for Workforce Innovation shall participate and fully
160 cooperate in the development of the state plan at both the state
161 and local levels. Furthermore, appropriate local agencies and
162 organizations shall be provided an opportunity to participate in
163 the development of the state plan at the local level.

164 Appropriate local groups and organizations shall include, but
165 not be limited to, community mental health centers; guardian ad
166 litem programs for children under the circuit court; the school
167 boards of the local school districts; the Florida local advocacy

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168 councils; community-based care lead agencies; private or public
169 organizations or programs with recognized expertise in working
170 with child abuse prevention programs for children and families;
171 private or public organizations or programs with recognized
172 expertise in working with children who are sexually abused,
173 physically abused, emotionally abused, abandoned, or neglected
174 and with expertise in working with the families of such
175 children; private or public programs or organizations with
176 expertise in maternal and infant health care; multidisciplinary
177 child protection teams; child day care centers; law enforcement
178 agencies; and the circuit courts, when guardian ad litem
179 programs are not available in the local area. The state plan to
180 be provided to the Legislature and the Governor shall include,
181 as a minimum, the information required of the various groups in
182 paragraph (b).

183 (b) The development of the state plan shall be
184 accomplished in the following manner:

185 1. The office shall establish a Child Abuse Prevention and
186 Permanency Advisory Council composed of an adoptive parent who
187 has adopted a child from within the child welfare system and
188 representatives from each state agency and appropriate local
189 agencies and organizations specified in paragraph (a). The
190 advisory council shall serve as the research arm of the office
191 and shall be responsible for:

192 a. Assisting in developing a plan of action for better
193 coordination and integration of the goals, activities, and
194 funding pertaining to the promotion and support of adoption and
195 the prevention of child abuse, abandonment, and neglect

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196 conducted by the office in order to maximize staff and resources
197 at the state level. The plan of action shall be included in the
198 state plan.

199 b. Assisting in providing a basic format to be utilized by
200 the districts in the preparation of local plans of action in
201 order to provide for uniformity in the district plans and to
202 provide for greater ease in compiling information for the state
203 plan.

204 c. Providing the districts with technical assistance in
205 the development of local plans of action, if requested.

206 d. Assisting in examining the local plans to determine if
207 all the requirements of the local plans have been met and, if
208 they have not, informing the districts of the deficiencies and
209 requesting the additional information needed.

210 e. Assisting in preparing the state plan for submission to
211 the Legislature and the Governor. Such preparation shall include
212 the incorporation into the state plan of information obtained
213 from the local plans, the cooperative plans with the members of
214 the advisory council, and the plan of action for coordination
215 and integration of state departmental activities. The state plan
216 shall include a section reflecting general conditions and needs,
217 an analysis of variations based on population or geographic
218 areas, identified problems, and recommendations for change. In
219 essence, the state plan shall provide an analysis and summary of
220 each element of the local plans to provide a statewide
221 perspective. The state plan shall also include each separate
222 local plan of action.

223 f. Conducting a feasibility study on the establishment of
224 a Children's Cabinet.

225 g. Working with the specified state agency in fulfilling
226 the requirements of subparagraphs 2., 3., 4., and 5.

227 2. The office, the department, the Department of
228 Education, and the Department of Health shall work together in
229 developing ways to inform and instruct parents of school
230 children and appropriate district school personnel in all school
231 districts in the detection of child abuse, abandonment, and
232 neglect and in the proper action that should be taken in a
233 suspected case of child abuse, abandonment, or neglect, and in
234 caring for a child's needs after a report is made. The plan for
235 accomplishing this end shall be included in the state plan.

236 3. The office, the department, the Department of Law
237 Enforcement, and the Department of Health shall work together in
238 developing ways to inform and instruct appropriate local law
239 enforcement personnel in the detection of child abuse,
240 abandonment, and neglect and in the proper action that should be
241 taken in a suspected case of child abuse, abandonment, or
242 neglect.

243 4. Within existing appropriations, the office shall work
244 with other appropriate public and private agencies to emphasize
245 efforts to educate the general public about the problem of and
246 ways to detect child abuse, abandonment, and neglect and in the
247 proper action that should be taken in a suspected case of child
248 abuse, abandonment, or neglect. The plan for accomplishing this
249 end shall be included in the state plan.

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250 5. The office, the department, the Department of
251 Education, and the Department of Health shall work together on
252 the enhancement or adaptation of curriculum materials to assist
253 instructional personnel in providing instruction through a
254 multidisciplinary approach on the identification, intervention,
255 and prevention of child abuse, abandonment, and neglect. The
256 curriculum materials shall be geared toward a sequential program
257 of instruction at the four progressional levels, K-3, 4-6, 7-9,
258 and 10-12. Strategies for encouraging all school districts to
259 utilize the curriculum are to be included in the state plan for
260 the prevention of child abuse, abandonment, and neglect.

261 6. The office, the department, and the Department of
262 Education shall work together to develop a postgraduate
263 certification program for mental health and education
264 professionals who provide services to adoptive children and
265 their families.

266 ~~7.6-~~ Each district of the department shall develop a plan
267 for its specific geographical area. The plan developed at the
268 district level shall be submitted to the advisory council for
269 utilization in preparing the state plan. The district local plan
270 of action shall be prepared with the involvement and assistance
271 of the local agencies and organizations listed in this
272 paragraph, as well as representatives from those departmental
273 district offices participating in the promotion of adoption,
274 support of adoptive families, and treatment and prevention of
275 child abuse, abandonment, and neglect. In order to accomplish
276 this, the office shall establish a task force on the promotion
277 of adoption, support of adoptive families, and prevention of

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278 child abuse, abandonment, and neglect. The office shall appoint
279 the members of the task force in accordance with the membership
280 requirements of this section. The office shall ensure that
281 individuals from both urban and rural areas and an adoptive
282 parent who has adopted a child from within the child welfare
283 system are represented on the task force. The task force shall
284 develop a written statement clearly identifying its operating
285 procedures, purpose, overall responsibilities, and method of
286 meeting responsibilities. The district plan of action to be
287 prepared by the task force shall include, but shall not be
288 limited to:

289 a. Documentation of the magnitude of the problems of child
290 abuse, including sexual abuse, physical abuse, and emotional
291 abuse, and child abandonment and neglect in its geographical
292 area.

293 b. A description of programs currently serving abused,
294 abandoned, and neglected children and their families and a
295 description of programs for the prevention of child abuse,
296 abandonment, and neglect, including information on the impact,
297 cost-effectiveness, and sources of funding of such programs.

298 c. Information on the number and associated demographics
299 of children within the child welfare system available for
300 adoption who need child-specific adoption promotion efforts.

301 d. A description of programs currently promoting and
302 supporting adoptive families, including information on the
303 impact, cost-effectiveness, and sources of funding of such
304 programs.

305 e. A description of a comprehensive approach for providing
 306 postadoption services. The continuum of services shall include,
 307 but not be limited to, sufficient and accessible parent and teen
 308 support groups; case management, information, and referral
 309 services; and educational advocacy.

310 ~~f.e.~~ A continuum of programs and services necessary for a
 311 comprehensive approach to the promotion of adoption and the
 312 prevention of all types of child abuse, abandonment, and neglect
 313 as well as a brief description of such programs and services.

314 ~~g.d.~~ A description, documentation, and priority ranking of
 315 local needs related to the promotion of adoption, support of
 316 adoptive families, and prevention of child abuse, abandonment,
 317 and neglect ~~prevention~~ based upon the continuum of programs and
 318 services.

319 ~~h.e.~~ A plan for steps to be taken in meeting identified
 320 needs, including the coordination and integration of services to
 321 avoid unnecessary duplication and cost, and for alternative
 322 funding strategies for meeting needs through the reallocation of
 323 existing resources, utilization of volunteers, contracting with
 324 local universities for services, and local government or private
 325 agency funding.

326 ~~i.f.~~ A description of barriers to the accomplishment of a
 327 comprehensive approach to the promotion of adoption, support of
 328 adoptive families, and prevention of child abuse, abandonment,
 329 and neglect.

330 ~~j.g.~~ Recommendations for changes that can be accomplished
 331 only at the state program level or by legislative action.

332 (9) FUNDING AND SUBSEQUENT PLANS.--

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333 (a) All budget requests submitted by the office, the
334 department, the Department of Health, the Department of
335 Education, the Department of Juvenile Justice, the Department of
336 Corrections, the Agency for Persons with Disabilities, the
337 Agency for Workforce Innovation, or any other agency to the
338 Legislature for funding of efforts for the promotion of
339 adoption, support of adoptive families, and prevention of child
340 abuse, abandonment, and neglect shall be based on the state plan
341 developed pursuant to this section.

342 (b) The office and the other agencies and organizations
343 listed in paragraph (8)(a) shall readdress the state plan and
344 make necessary revisions every 5 years, at a minimum. Such
345 revisions shall be submitted to the Speaker of the House of
346 Representatives and the President of the Senate no later than
347 June 30 of each year divisible by 5. At least biennially, the
348 office shall review the state plan and make any necessary
349 revisions based on changing needs and program evaluation
350 results. An annual progress report shall be submitted to update
351 the state plan in the years between the 5-year intervals. In
352 order to avoid duplication of effort, these required plans may
353 be made a part of or merged with other plans required by either
354 the state or Federal Government, so long as the portions of the
355 other state or Federal Government plan that constitute the state
356 plan for the promotion of adoption, support of adoptive
357 families, and prevention of child abuse, abandonment, and
358 neglect are clearly identified as such and are provided to the
359 Speaker of the House of Representatives and the President of the
360 Senate as required above.

361 Section 2. Section 39.0011, Florida Statutes, is created
 362 to read:

363 39.0011 Direct-support organization.--

364 (1) The Office of Adoption and Child Protection may
 365 establish a direct-support organization to assist the state in
 366 carrying out its purposes and responsibilities regarding the
 367 promotion of adoption, support of adoptive families, and
 368 prevention of child abuse, abandonment, and neglect by raising
 369 money; submitting requests for and receiving grants from the
 370 Federal Government, the state or its political subdivisions,
 371 private foundations, and individuals; and making expenditures to
 372 or for the benefit of the office. The sole purpose for the
 373 direct-support organization is to support the office. Such a
 374 direct-support organization is an organization that is:

375 (a) Incorporated under chapter 617 and approved by the
 376 Department of State as a Florida corporation not for profit;

377 (b) Organized and operated to make expenditures to or for
 378 the benefit of the office; and

379 (c) Approved by the office to be operating for the benefit
 380 of and in a manner consistent with the goals of the office and
 381 in the best interest of the state.

382 (2) The number of members on the board of directors of the
 383 direct-support organization shall be determined by the Chief
 384 Child Advocate. Membership on the board of directors of the
 385 direct-support organization shall include, but not be limited
 386 to, a guardian ad litem; a member of a local advocacy council; a
 387 representative from a community-based care lead agency; a
 388 representative from a private or public organization or program

389 with recognized expertise in working with child abuse prevention
 390 programs for children and families; a representative of a
 391 private or public organization or program with recognized
 392 expertise in working with children who are sexually abused,
 393 physically abused, emotionally abused, abandoned, or neglected
 394 and with expertise in working with the families of such
 395 children; an individual working at a state adoption agency; and
 396 the parent of a child adopted from within the child welfare
 397 system.

398 (3) The direct-support organization shall operate under
 399 written contract with the office.

400 (4) All moneys received by the direct-support organization
 401 shall be deposited into an account of the direct-support
 402 organization and shall be used by the organization in a manner
 403 consistent with the goals of the office.

404 Section 3. Section 39.0014, Florida Statutes, is amended
 405 to read:

406 39.0014 Responsibilities of public agencies.--All state,
 407 county, and local agencies shall cooperate, assist, and provide
 408 information to the Office of Adoption and Child Protection ~~Abuse~~
 409 ~~Prevention~~ and the department as will enable them to fulfill
 410 their responsibilities under this chapter.

411 Section 4. Subsection (45) of section 39.01, Florida
 412 Statutes, is amended to read:

413 39.01 Definitions.--When used in this chapter, unless the
 414 context otherwise requires:

415 (45) "Office" means the Office of Adoption and Child
 416 Protection ~~Abuse Prevention~~ within the Executive Office of the
 417 Governor.

418 Section 5. Section 409.1661, Florida Statutes, is created
 419 to read:

420 409.1661 Subsidized adoption program.--

421 (1) LEGISLATIVE INTENT.--It is the intent of the
 422 Legislature to protect and promote every child's right to the
 423 security and stability of a permanent family home. The
 424 Legislature intends to make available to prospective adoptive
 425 parents financial aid that will enable them to adopt a child. It
 426 is also the intent of the Legislature that the best interest of
 427 the child shall be the deciding factor in every case.

428 (2) DEFINITIONS.--As used in this section, the term:

429 (a) "Child within the child welfare system" means a
 430 special needs child as defined in s. 409.166 and any other child
 431 who was removed from the child's caregiver due to abuse or
 432 neglect and whose permanent custody has been awarded to the
 433 department or to a licensed child-placing agency.

434 (b) "Child not within the child welfare system" means a
 435 child residing in Florida, who was born in the United States or
 436 born to a United States citizen who was serving in a branch of
 437 the Armed Forces of the United States or working overseas at the
 438 time of the child's birth, and whose biological parents have had
 439 their parental rights terminated.

440 (c) "Subsidy" means money payments.

441 (3) ADMINISTRATION OF PROGRAM.--

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442 (a) The department shall pay the following subsidies to
443 adoptive parents:

444 1. For support and maintenance of a child within the child
445 welfare system until the 18th birthday of the child, a payment
446 in an amount of \$5,000 annually or an amount less than \$5,000
447 annually as determined by the adoptive parents and memorialized
448 in a written agreement with the department. However, the amount
449 of the adoption subsidy payment shall only exceed \$5,000
450 annually when the secretary approves a higher enhanced rate due
451 to circumstances such as, but not limited to, a child's need for
452 extensive care and supervision.

453 2. For support and maintenance of a child not within the
454 child welfare system for 3 years following the finalization of
455 the adoption, a payment in an amount of \$3,000 annually or an
456 amount less than \$3,000 annually as determined by the adoptive
457 parents and memorialized in a written agreement with the
458 department. To be eligible for a subsidy under this
459 subparagraph, an adoptive parent must be a legal resident of the
460 state and have made a statement of domicile pursuant to s.
461 222.17. A stepparent who is legally married to a child's
462 biological parent is not eligible for a subsidy under this
463 subparagraph.

464 (b) The department shall keep the necessary records to
465 evaluate the effectiveness of the program in promoting adoption
466 and supporting adoptive families. The department shall provide
467 this information to the Office of Adoption and Child Protection.

468 (4) WAIVER OF ADOPTION FEES FOR A CHILD WITHIN THE CHILD
469 WELFARE SYSTEM.--Adoption fees shall be waived for an adoptive

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470 parent in the program who adopts a child who is in the custody
471 of the department. Adoption fees may be waived for families who
472 adopt children in the custody of licensed child-placing
473 agencies, or who adopt children through independent adoptions,
474 and who receive or may be eligible for subsidies through the
475 department. Retroactive reimbursement of fees may not be
476 required for families who adopt children in the custody of
477 licensed child-placing agencies.

478 (5) RULEMAKING.--The department shall adopt rules pursuant
479 to ss. 120.536(1) and 120.54 to implement the provisions of this
480 section.

481 Section 6. This act shall take effect July 1, 2007.