

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; providing additional
12 purposes for district plans of action; creating s.
13 39.0011, F.S.; authorizing the office to establish a
14 direct-support organization; providing purposes,
15 requirements, and objectives; providing for members of a
16 board of directors of the direct-support organization;
17 requiring the organization to operate under contract with
18 the office; providing guidelines for the use of funds;
19 amending ss. 39.0014 and 39.01, F.S.; conforming
20 references to changes made by the act; creating s.
21 409.1661, F.S.; establishing a subsidized adoption
22 program; providing legislative intent; providing
23 definitions; providing for administration of the program;
24 providing for waiver of certain adoption fees; requiring
25 the Department of Children and Family Services to adopt
26 rules; providing an appropriation; providing a contingent
27 effective date.

28

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

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

33 39.001 Purposes and intent; personnel standards and
 34 screening.--

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

46 (7) OFFICE OF ADOPTION AND CHILD PROTECTION ~~ABUSE~~
 47 ~~PREVENTION~~.--

48 (a) For purposes of establishing a comprehensive statewide
 49 approach for the promotion of adoption, support of adoptive
 50 families, and prevention of child abuse, abandonment, and
 51 neglect, the Office of Adoption and Child Protection ~~Abuse~~
 52 ~~Prevention~~ is created within the Executive Office of the
 53 Governor. The Governor shall appoint a Chief Child Advocate
 54 ~~director~~ for the office ~~who shall be subject to confirmation by~~
 55 ~~the Senate~~.

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

57 1. Assist in developing rules pertaining to the promotion
58 of adoption, support of adoptive families, and implementation of
59 child abuse prevention efforts.

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

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

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

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

84 6. Develop ~~child abuse prevention~~ public awareness
 85 campaigns to be implemented throughout the state for the
 86 promotion of adoption, support of adoptive families, and child
 87 abuse prevention.

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

89 1. Oversee the preparation and implementation of the state
 90 plan established under subsection (8) and revise and update the
 91 state plan as necessary.

92 2. Provide for or make available continuing professional
 93 education and training in the prevention of child abuse and
 94 neglect.

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

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

103 a. Programs and services for the promotion of adoption,
 104 support of adoptive families, and prevention of child abuse and
 105 neglect.

106 b. Training programs for the prevention of child abuse and
 107 neglect.

108 c. Multidisciplinary and discipline-specific training
 109 programs for professionals with responsibilities affecting
 110 children, young adults, and families.

111 d. Efforts to promote adoption.

112 e. Postadoptive services to support adoptive families.
 113 5. Monitor, evaluate, and review the development and
 114 quality of local and statewide services and programs for the
 115 promotion of adoption, support of adoptive families, and
 116 prevention of child abuse and neglect and shall publish and
 117 distribute an annual report of its findings on or before January
 118 1 of each year to the Governor, the Speaker of the House of
 119 Representatives, the President of the Senate, the secretary of
 120 each state agency affected by the report, and the appropriate
 121 substantive committees of the Legislature. The report shall
 122 include:
 123 a. A summary of the activities of the office.
 124 b. A summary of the adoption data collected and reported
 125 to the federal Adoption and Foster Care Analysis and Reporting
 126 System (AFCARS) and the federal Administration for Children and
 127 Families.
 128 c. A summary of the child abuse prevention data collected
 129 and reported to the National Child Abuse and Neglect Data System
 130 (NCANDS) and the federal Administration for Children and
 131 Families.
 132 ~~d.b.~~ A summary detailing the timeliness of the adoption
 133 process for children adopted from within the child welfare
 134 system demographic and geographic characteristics of families
 135 ~~served by the prevention programs.~~
 136 ~~e.e.~~ Recommendations, by state agency, for the further
 137 development and improvement of services and programs for the
 138 promotion of adoption, support of adoptive families, and
 139 prevention of child abuse and neglect.

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

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

144 (8) PLAN FOR COMPREHENSIVE APPROACH.--

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

160 Appropriate local groups and organizations shall include, but
 161 not be limited to, community mental health centers; guardian ad
 162 litem programs for children under the circuit court; the school
 163 boards of the local school districts; the Florida local advocacy
 164 councils; community-based care lead agencies; private or public
 165 organizations or programs with recognized expertise in working
 166 with child abuse prevention programs for children and families;
 167 private or public organizations or programs with recognized

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

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

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

188 a. Assisting in developing a plan of action for better
189 coordination and integration of the goals, activities, and
190 funding pertaining to the promotion and support of adoption and
191 the prevention of child abuse, abandonment, and neglect
192 conducted by the office in order to maximize staff and resources
193 at the state level. The plan of action shall be included in the
194 state plan.

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

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

202 d. Assisting in examining the local plans to determine if
203 all the requirements of the local plans have been met and, if
204 they have not, informing the districts of the deficiencies and
205 requesting the additional information needed.

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

219 f. Conducting a feasibility study on the establishment of
220 a Children's Cabinet.

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

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

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

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

246 5. The office, the department, the Department of
247 Education, and the Department of Health shall work together on
248 the enhancement or adaptation of curriculum materials to assist
249 instructional personnel in providing instruction through a
250 multidisciplinary approach on the identification, intervention,

251 and prevention of child abuse, abandonment, and neglect. The
252 curriculum materials shall be geared toward a sequential program
253 of instruction at the four progressional levels, K-3, 4-6, 7-9,
254 and 10-12. Strategies for encouraging all school districts to
255 utilize the curriculum are to be included in the state plan for
256 the prevention of child abuse, abandonment, and neglect.

257 6. Each district of the department shall develop a plan
258 for its specific geographical area. The plan developed at the
259 district level shall be submitted to the advisory council for
260 utilization in preparing the state plan. The district local plan
261 of action shall be prepared with the involvement and assistance
262 of the local agencies and organizations listed in this
263 paragraph, as well as representatives from those departmental
264 district offices participating in the promotion of adoption,
265 support of adoptive families, and treatment and prevention of
266 child abuse, abandonment, and neglect. In order to accomplish
267 this, the office shall establish a task force on the promotion
268 of adoption, support of adoptive families, and prevention of
269 child abuse, abandonment, and neglect. The office shall appoint
270 the members of the task force in accordance with the membership
271 requirements of this section. The office shall ensure that
272 individuals from both urban and rural areas and an adoptive
273 parent who has adopted a child from within the child welfare
274 system are represented on the task force. The task force shall
275 develop a written statement clearly identifying its operating
276 procedures, purpose, overall responsibilities, and method of
277 meeting responsibilities. The district plan of action to be

278 prepared by the task force shall include, but shall not be
279 limited to:

280 a. Documentation of the magnitude of the problems of child
281 abuse, including sexual abuse, physical abuse, and emotional
282 abuse, and child abandonment and neglect in its geographical
283 area.

284 b. A description of programs currently serving abused,
285 abandoned, and neglected children and their families and a
286 description of programs for the prevention of child abuse,
287 abandonment, and neglect, including information on the impact,
288 cost-effectiveness, and sources of funding of such programs.

289 c. Information concerning the number of children within
290 the child welfare system available for adoption who need child-
291 specific adoption promotion efforts.

292 d. A description of programs currently promoting and
293 supporting adoptive families, including information on the
294 impact, cost-effectiveness, and sources of funding of such
295 programs.

296 e. A description of a comprehensive approach for providing
297 postadoption services. The continuum of services shall include,
298 but not be limited to, sufficient and accessible parent and teen
299 support groups; case management, information, and referral
300 services; and educational advocacy.

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

305 ~~g.d.~~ A description, documentation, and priority ranking of
306 local needs related to the promotion of adoption, support of
307 adoptive families, and prevention of child abuse, abandonment,
308 and neglect ~~prevention~~ based upon the continuum of programs and
309 services.

310 ~~h.e.~~ A plan for steps to be taken in meeting identified
311 needs, including the coordination and integration of services to
312 avoid unnecessary duplication and cost, and for alternative
313 funding strategies for meeting needs through the reallocation of
314 existing resources, utilization of volunteers, contracting with
315 local universities for services, and local government or private
316 agency funding.

317 ~~i.f.~~ A description of barriers to the accomplishment of a
318 comprehensive approach to the promotion of adoption, support of
319 adoptive families, and prevention of child abuse, abandonment,
320 and neglect.

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

323 (9) FUNDING AND SUBSEQUENT PLANS.--

324 (a) All budget requests submitted by the office, the
325 department, the Department of Health, the Department of
326 Education, the Department of Juvenile Justice, the Department of
327 Corrections, the Agency for Persons with Disabilities, the
328 Agency for Workforce Innovation, or any other agency to the
329 Legislature for funding of efforts for the promotion of
330 adoption, support of adoptive families, and prevention of child
331 abuse, abandonment, and neglect shall be based on the state plan
332 developed pursuant to this section.

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

352 Section 2. Section 39.0011, Florida Statutes, is created
 353 to read:

354 39.0011 Direct-support organization.--

355 (1) The Office of Adoption and Child Protection may
 356 establish a direct-support organization to assist the state in
 357 carrying out its purposes and responsibilities regarding the
 358 promotion of adoption, support of adoptive families, and
 359 prevention of child abuse, abandonment, and neglect by raising
 360 money; submitting requests for and receiving grants from the

361 Federal Government, the state or its political subdivisions,
362 private foundations, and individuals; and making expenditures to
363 or for the benefit of the office. The sole purpose for the
364 direct-support organization is to support the office. Such a
365 direct-support organization is an organization that is:

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

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

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

373 (2) The number of members on the board of directors of the
374 direct-support organization shall be determined by the Chief
375 Child Advocate. Membership on the board of directors of the
376 direct-support organization shall include, but not be limited
377 to, a guardian ad litem; a member of a local advocacy council; a
378 representative from a community-based care lead agency; a
379 representative from a private or public organization or program
380 with recognized expertise in working with child abuse prevention
381 programs for children and families; a representative of a
382 private or public organization or program with recognized
383 expertise in working with children who are sexually abused,
384 physically abused, emotionally abused, abandoned, or neglected
385 and with expertise in working with the families of such
386 children; an individual working at a state adoption agency; and
387 the parent of a child adopted from within the child welfare
388 system.

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

391 (4) All moneys received by the direct-support organization
 392 shall be deposited into an account of the direct-support
 393 organization and shall be used by the organization in a manner
 394 consistent with the goals of the office.

395 Section 3. Section 39.0014, Florida Statutes, is amended
 396 to read:

397 39.0014 Responsibilities of public agencies.--All state,
 398 county, and local agencies shall cooperate, assist, and provide
 399 information to the Office of Adoption and Child Protection ~~Abuse~~
 400 ~~Prevention~~ and the department as will enable them to fulfill
 401 their responsibilities under this chapter.

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

404 39.01 Definitions.--When used in this chapter, unless the
 405 context otherwise requires:

406 (45) "Office" means the Office of Adoption and Child
 407 Protection ~~Abuse Prevention~~ within the Executive Office of the
 408 Governor.

409 Section 5. Section 409.1661, Florida Statutes, is created
 410 to read:

411 409.1661 Subsidized adoption program.--

412 (1) LEGISLATIVE INTENT.--It is the intent of the
 413 Legislature to protect and promote every child's right to the
 414 security and stability of a permanent family home. The
 415 Legislature intends to make available to prospective adoptive
 416 parents financial aid that will enable them to adopt a child. It

417 is also the intent of the Legislature that the best interest of
418 the child shall be the deciding factor in every case.

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

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

425 (b) "Subsidy" means money payments.

426 (3) ADMINISTRATION OF PROGRAM.--

427 (a) The department shall provide to adoptive parents for
428 the support and maintenance of a child within the child welfare
429 system until the 18th birthday of the child a subsidy payment in
430 an amount of \$5,000 annually or an amount less than \$5,000
431 annually as determined by the adoptive parents and the
432 department and memorialized in a written agreement with the
433 department. However, the amount of the adoption subsidy payment
434 shall only exceed \$5,000 annually when the secretary approves a
435 higher enhanced rate due to circumstances such as, but not
436 limited to, a child's need for extensive care and supervision.

437 (b) The department shall keep the necessary data and
438 records to evaluate the effectiveness of the program in
439 promoting adoption and supporting adoptive families. The
440 department shall provide this information to the Office of
441 Adoption and Child Protection.

442 (4) WAIVER OF ADOPTION FEES FOR A CHILD WITHIN THE CHILD
443 WELFARE SYSTEM.--Adoption fees shall be waived for an adoptive
444 parent in the program who adopts a child who is in the custody

445 of the department. Adoption fees may be waived for families who
446 adopt children in the custody of licensed child-placing
447 agencies, or who adopt children through independent adoptions,
448 and who receive or may be eligible for subsidies through the
449 department. Retroactive reimbursement of fees may not be
450 required for families who adopt children in the custody of
451 licensed child-placing agencies.

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

455 Section 6. The sum of \$1,519,811 in recurring funds is
456 appropriated from the General Revenue Fund to the Executive
457 Office of the Governor for the purposes of implementing the
458 Office of Adoption and Child Protection as provided in sections
459 39.001, 39.0014, and 39.01, Florida Statutes, as amended by this
460 act, and section 39.0011, Florida Statutes, as created by this
461 act.

462 Section 7. This act shall take effect July 1, 2007, except
463 that section 409.1661, Florida Statutes, as created by this act,
464 shall only take effect subject to a specific appropriation in
465 the General Appropriations Act for fiscal year 2007-2008.