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CS/CS/HB 1309

2007 Legislature

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; amending s.
21 409.166, F.S.; providing an adoption assistance program
22 for children within the child welfare system; revising
23 legislative intent; revising and providing definitions;
24 requiring the Department of Children and Family Services
25 to collect and maintain certain data; providing adoption
26 assistance in the form of maintenance subsidies, subject
27 to specific appropriations; specifying conditions under
28 which such subsidies are granted; providing for

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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29 reimbursement for certain expenses; requiring the
30 department to adopt rules; providing appropriations;
31 providing an effective date.

32
33 Be It Enacted by the Legislature of the State of Florida:

34
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

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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.

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- 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.

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

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278 system are represented on the task force. The task force shall
279 develop a written statement clearly identifying its operating
280 procedures, purpose, overall responsibilities, and method of
281 meeting responsibilities. The district plan of action to be
282 prepared by the task force shall include, but shall not be
283 limited to:

284 a. Documentation of the magnitude of the problems of child
285 abuse, including sexual abuse, physical abuse, and emotional
286 abuse, and child abandonment and neglect in its geographical
287 area.

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

293 c. Information concerning the number of children within
294 the child welfare system available for adoption who need child-
295 specific adoption promotion efforts.

296 d. A description of programs currently promoting and
297 supporting adoptive families, including information on the
298 impact, cost-effectiveness, and sources of funding of such
299 programs.

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

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

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

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

321 ~~i.f.~~ A description of barriers to the accomplishment of a
322 comprehensive approach to the promotion of adoption, support of
323 adoptive families, and prevention of child abuse, abandonment,
324 and neglect.

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

327 (9) FUNDING AND SUBSEQUENT PLANS.--

328 (a) All budget requests submitted by the office, the
329 department, the Department of Health, the Department of
330 Education, the Department of Juvenile Justice, the Department of
331 Corrections, the Agency for Persons with Disabilities, the
332 Agency for Workforce Innovation, or any other agency to the

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333 Legislature for funding of efforts for the promotion of
334 adoption, support of adoptive families, and prevention of child
335 abuse, abandonment, and neglect shall be based on the state plan
336 developed pursuant to this section.

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

356 Section 2. Section 39.0011, Florida Statutes, is created
357 to read:

358 39.0011 Direct-support organization.--

359 (1) The Office of Adoption and Child Protection may
360 establish a direct-support organization to assist the state in

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361 carrying out its purposes and responsibilities regarding the
362 promotion of adoption, support of adoptive families, and
363 prevention of child abuse, abandonment, and neglect by raising
364 money; submitting requests for and receiving grants from the
365 Federal Government, the state or its political subdivisions,
366 private foundations, and individuals; and making expenditures to
367 or for the benefit of the office. The sole purpose for the
368 direct-support organization is to support the office. Such a
369 direct-support organization is an organization that is:
370 (a) Incorporated under chapter 617 and approved by the
371 Department of State as a Florida corporation not for profit;
372 (b) Organized and operated to make expenditures to or for
373 the benefit of the office; and
374 (c) Approved by the office to be operating for the benefit
375 of and in a manner consistent with the goals of the office and
376 in the best interest of the state.
377 (2) The number of members on the board of directors of the
378 direct-support organization shall be determined by the Chief
379 Child Advocate. Membership on the board of directors of the
380 direct-support organization shall include, but not be limited
381 to, a guardian ad litem; a member of a local advocacy council; a
382 representative from a community-based care lead agency; a
383 representative from a private or public organization or program
384 with recognized expertise in working with child abuse prevention
385 programs for children and families; a representative of a
386 private or public organization or program with recognized
387 expertise in working with children who are sexually abused,
388 physically abused, emotionally abused, abandoned, or neglected

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389 and with expertise in working with the families of such
390 children; an individual working at a state adoption agency; and
391 the parent of a child adopted from within the child welfare
392 system.

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

395 (4) All moneys received by the direct-support organization
396 shall be deposited into an account of the direct-support
397 organization and shall be used by the organization in a manner
398 consistent with the goals of the office.

399 Section 3. Section 39.0014, Florida Statutes, is amended
400 to read:

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

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

408 39.01 Definitions.--When used in this chapter, unless the
409 context otherwise requires:

410 (45) "Office" means the Office of Adoption and Child
411 Protection ~~Abuse Prevention~~ within the Executive Office of the
412 Governor.

413 Section 5. Section 409.166, Florida Statutes, is amended
414 to read:

415 409.166 Children within the child welfare system ~~Special~~
416 ~~needs children; subsidized adoption assistance~~ program.--

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417 (1) LEGISLATIVE INTENT.--It is the intent of the
418 Legislature to protect and promote each ~~every~~ child's right to
419 the security and stability of a permanent family home. The
420 Legislature intends to make adoption assistance, including
421 financial aid, available to prospective adoptive parents to
422 ~~financial aid which will~~ enable them to adopt a child in the
423 state's foster care system who, because of his or her ~~special~~
424 needs, has proven difficult to place in an adoptive home. ~~In~~
425 ~~providing subsidies for children with special needs in foster~~
426 ~~homes, it is the intent of the Legislature to reduce state~~
427 ~~expenditures for long term foster care. It is also the intent of~~
428 ~~the Legislature that placement without subsidy be the placement~~
429 ~~of choice unless it can be shown that such placement is not in~~
430 ~~the best interest of the child.~~

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

432 (a) "Special needs child" means:

- 433 1. A child whose permanent custody has been awarded to the
434 department or to a licensed child-placing agency; ~~and~~
- 435 ~~2.1.~~ A child who has established significant emotional
436 ties with his or her foster parents; ~~or~~
- 437 ~~2.~~ is not likely to be adopted because he or she is:
- 438 a. Eight years of age or older;
- 439 b. Developmentally disabled ~~Mentally retarded~~;
- 440 c. Physically or emotionally handicapped;
- 441 d. Of black or racially mixed parentage; or
- 442 e. A member of a sibling group of any age, provided two or
443 more members of a sibling group remain together for purposes of
444 adoption; and

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445 3. Except when the child is being adopted by the child's
446 foster parents or relative caregivers, a child for whom a
447 reasonable but unsuccessful effort has been made to place the
448 child without providing a maintenance subsidy.

449 (b) "Adoption assistance" means financial assistance and
450 services provided to a child and his or her adoptive family.
451 Such assistance may include a maintenance subsidy, medical
452 assistance, Medicaid assistance, and reimbursement of
453 nonrecurring expenses associated with the legal adoption. The
454 term also includes a tuition exemption at a postsecondary career
455 program, community college, or state university, and a state
456 employee adoption benefit under s. 110.152.

457 (c) "Child within the child welfare system" or "child"
458 means a special needs child and any other child who was removed
459 from the child's caregiver due to abuse or neglect and whose
460 permanent custody has been awarded to the department or to a
461 licensed child-placing agency.

462 (d)~~(b)~~ "Department" means the Department of Children and
463 Family Services.

464 (e) "Licensed child-placing agency" has the same meaning
465 as in s. 39.01.

466 (f)~~(e)~~ "Maintenance subsidy" means a monthly payment as
467 provided in subsection (4) ~~special services or money payments.~~

468 (3) ADMINISTRATION OF PROGRAM.--

469 (a) The department shall establish and administer an
470 adoption program for ~~special needs~~ children to be carried out by
471 the department or by contract with a licensed child-placing
472 agency. The program shall attempt to increase the number of

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473 persons seeking to adopt ~~special-needs~~ children and the number
474 of finalized adoptions ~~adoption placements~~ and shall extend
475 adoption assistance ~~subsidies and services~~, when needed, to the
476 adoptive ~~adopting~~ parents of a ~~special-needs~~ child.

477 (b) The department shall collect and maintain the
478 necessary data and records to evaluate the effectiveness of the
479 program in encouraging and promoting the adoption of children.

480 (4) ADOPTION ASSISTANCE.--

481 (a) ~~(b)~~ A maintenance subsidy shall ~~Authorization for~~
482 ~~subsidized adoption placement is to be granted only when all~~
483 other resources available to a ~~place the child in question~~ have
484 been thoroughly explored and ~~when~~ it can be clearly established
485 that this is the most acceptable plan for providing permanent
486 placement for the child. The maintenance ~~Adoption~~ subsidy may
487 ~~will~~ not be used as a substitute for adoptive parent recruitment
488 or as an inducement to adopt a child who might be placed without
489 providing a subsidy through nonsubsidized means. However, it
490 shall be the policy of the department that no child be denied
491 adoption if providing a maintenance ~~when~~ subsidy would make
492 adoption possible. The best interest of the child shall be the
493 deciding factor in every case. This section does not ~~Nothing~~
494 ~~contained herein shall~~ prohibit foster parents from applying to
495 adopt a ~~special-needs~~ child placed in their care. Foster parents
496 or relative caregivers must be asked if they would adopt without
497 a maintenance subsidy.

498 ~~(c) The department shall keep the necessary records to~~
499 ~~evaluate the effectiveness of the program in encouraging and~~
500 ~~promoting the adoption of special-needs children.~~

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501 ~~(4) ELIGIBILITY FOR SERVICES.~~

502 (b)(a) The department shall provide adoption assistance

503 ~~may pay either one or both of the following subsidies to the~~

504 adoptive adopting parents, subject to specific appropriation, ~~+~~

505 1. in the amount of \$5,000 annually, paid on a monthly

506 basis, for the support and maintenance of a ~~special-needs~~ child

507 until the 18th birthday of such child ~~or, a monthly payment~~ in

508 an amount other than \$5,000 annually as determined by ~~through~~

509 agreement between the adoptive parents and the department ~~and~~

510 memorialized in a written agreement between the adoptive parents

511 and the department. The agreement shall take into consideration

512 the circumstances of the adoptive adopting parents and the needs

513 of the child being adopted. ~~and~~ The amount of subsidy may be

514 adjusted readjusted periodically based upon changes in the needs

515 of the child or circumstances of the adoptive parents. Changes

516 shall not be made without the concurrence of the adoptive

517 parents ~~those circumstances.~~ However, in no case shall the

518 amount of the ~~adoption subsidy~~ monthly payment exceed the foster

519 care maintenance payment that ~~which~~ would have been paid during

520 the same period if the child had been in a foster family home.

521 ~~Such payment shall be negotiated yearly between the parents and~~

522 ~~the department.~~

523 (c)2. The department may provide adoption assistance to

524 the adoptive parents, subject to specific appropriation, for

525 medical assistance initiated after the adoption of the child for

526 medical, surgical, hospital, and related services needed as a

527 result of a physical or mental condition of the child which

528 existed before the adoption ~~and is not covered by Medicaid,~~

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529 Children's Medical Services, or Children's Mental Health
530 Services. Such assistance, a subsidy which may be initiated at
531 any time but shall terminate on or before the child's 18th
532 birthday.

533 (5) ELIGIBILITY FOR SERVICES.--

534 (a) ~~(b)~~ As a condition of providing adoption assistance
535 under this section for continuation of the subsidy, the adoptive
536 parents must enter into an adoption-assistance agreement with
537 the department which specifies the financial assistance and
538 other services to be provided shall file a sworn statement with
539 the department at least once each year to include any social or
540 financial conditions which may have changed.

541 (b) ~~(c)~~ A child who is handicapped at the time of adoption
542 shall be eligible for services through of the Division of
543 Children's Medical Services network established under part I of
544 chapter 391 if the child was eligible for such services prior to
545 the adoption.

546 (6) ~~(5)~~ WAIVER OF ADOPTION FEES.--The adoption fees shall
547 be waived for all adoptive parents who participate in the
548 program who adopt children in the custody of the department.
549 Fees may be waived for families who adopt children in the
550 custody of a licensed child-placing agency agencies or who adopt
551 children through independent adoptions, and who receive or may
552 be eligible for maintenance subsidies through the department.
553 Retroactive reimbursement of fees is ~~may not be~~ required for
554 families who adopt children in the custody of licensed child-
555 placing agencies.

556 (7) ~~(6)~~ REIMBURSEMENT FOR EXPENSES.--The department is

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557 authorized to reimburse, retroactive to January 1, 1987, up to
 558 \$1,000 in nonrecurring expenses related to the adoption of a
 559 child which have been incurred by adoptive parents ~~who~~
 560 ~~participate in the program for up to \$1,000 in nonrecurring~~
 561 ~~expenses the parents incurred relating to the adoption.~~ For
 562 purposes of this subsection, "nonrecurring expenses" means one-
 563 time expenses, such as attorney's fees, court costs, birth
 564 certificate fees, travel expenses, agency fees, and physical
 565 examination fees.

566 ~~(8)(7)~~ RULES. --The department shall adopt ~~promulgate~~ all
 567 ~~necessary~~ rules to administer ~~implement~~ the provisions of this
 568 section.

569 Section 6. The sum of \$2,991,305 in recurring funds from
 570 the General Revenue Fund, \$2,335,445 in recurring funds from the
 571 Federal Grants Trust Fund, and \$346,772 in recurring funds from
 572 the Welfare Transition Trust Fund are appropriated to the
 573 Department of Children and Family Services for the purpose of
 574 providing maintenance subsidies as provided in s. 409.166,
 575 Florida Statutes.

576 Section 7. This act shall take effect July 1, 2007.