

By the Committees on Health and Human Services Appropriations; Children, Families, and Elder Affairs; and Senators Storms, Fasano, Baker, Joyner and Gaetz

603-2630-07

1 A bill to be entitled
2 An act relating to adoption and child
3 protection; amending s. 39.001, F.S.;
4 redesignating the Office of Child Abuse
5 Prevention as the Office of Adoption and Child
6 Protection; revising the purpose of the office;
7 redesignating the director of the office as the
8 Chief Child Advocate; providing for the
9 promotion of adoption and support of adoptive
10 families in the state plan of the office;
11 revising the content requirement of an annual
12 report; establishing the Child Abuse Prevention
13 and Permanency Advisory Council and providing
14 for its composition; providing additional
15 purposes for district plans of action; creating
16 s. 39.0011, F.S.; authorizing the office to
17 establish a direct-support organization;
18 providing purposes, requirements, and
19 objectives; providing for members of a board of
20 directors of the direct-support organization;
21 requiring the organization to operate under
22 contract with the office; providing guidelines
23 for the use of funds; amending ss. 39.0014 and
24 39.01, F.S.; conforming references to changes
25 made by the act; providing an effective date.

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

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29 Section 1. Subsections (6) through (9) of section
30 39.001, Florida Statutes, are amended to read:

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1 39.001 Purposes and intent; personnel standards and
2 screening.--

3 (6) LEGISLATIVE INTENT FOR THE PREVENTION OF ABUSE,
4 ABANDONMENT, AND NEGLECT OF CHILDREN.--The incidence of known
5 child abuse, abandonment, and neglect has increased rapidly
6 over the past 5 years. The impact that abuse, abandonment, or
7 neglect has on the victimized child, siblings, family
8 structure, and inevitably on all citizens of the state has
9 caused the Legislature to determine that the prevention of
10 child abuse, abandonment, and neglect shall be a priority of
11 this state. To further this end, it is the intent of the
12 Legislature that an Office of Adoption and Child Protection
13 ~~Abuse Prevention~~ be established.

14 (7) OFFICE OF ADOPTION AND CHILD PROTECTION ~~ABUSE~~
15 ~~PREVENTION~~.--

16 (a) For purposes of establishing a comprehensive
17 statewide approach for the promotion of adoption, support of
18 adoptive families, and prevention of child abuse, abandonment,
19 and neglect, the Office of Adoption and Child Protection ~~Abuse~~
20 ~~Prevention~~ is created within the Executive Office of the
21 Governor. The Governor shall appoint a Chief Child Advocate
22 ~~director~~ for the office ~~who shall be subject to confirmation~~
23 ~~by the Senate~~.

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

25 1. Assist in the development of ~~developing~~ rules
26 pertaining to the promotion of adoption, support of adoptive
27 families, and implementation of child abuse prevention
28 efforts.

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

3 3. Work to secure funding and other support for the
4 state's efforts to promote adoption, support adoptive
5 families, and prevent child abuse ~~prevention efforts~~,
6 including, but not limited to, establishing cooperative
7 relationships among state and private agencies.

8 4. Develop a strategic program and funding initiative
9 that links the separate jurisdictional activities of state
10 agencies with respect to the promotion of adoption, support of
11 adoptive families, and child abuse prevention. The office may
12 designate lead and contributing agencies to develop such
13 initiatives.

14 5. Advise the Governor and the Legislature on
15 statistics related to adoption and child abuse trends in this
16 state, the status of current adoption programs and services,
17 current child abuse prevention programs and services, the
18 funding of those programs and services, and the status of the
19 office with regard to the development and implementation of a
20 ~~the~~ state strategy for the promotion of adoption, support of
21 adoptive families, and child abuse prevention ~~strategy~~.

22 6. Develop ~~child abuse prevention~~ public awareness
23 campaigns for the promotion of adoption, the support of
24 adoptive families, and child abuse prevention to be
25 implemented throughout the state.

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

27 1. Oversee the preparation and implementation of the
28 state plan established under subsection (8) and revise and
29 update the state plan as necessary.

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1 2. Provide for or make available continuing
2 professional education and training in the prevention of child
3 abuse and neglect.

4 3. Work to secure funding in the form of
5 appropriations, gifts, and grants from the state, the Federal
6 Government, and other public and private sources in order to
7 ensure that sufficient funds are available for the promotion
8 of adoption, support of adoptive families, and child abuse
9 prevention efforts.

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

12 a. Programs and services for the promotion of
13 adoption, support of adoptive families, and the prevention of
14 child abuse and neglect.

15 b. Training programs for the prevention of child abuse
16 and neglect.

17 c. Multidisciplinary and discipline-specific training
18 programs for professionals with responsibilities affecting
19 children, young adults, and families.

20 d. Efforts to promote adoption.

21 e. Postadoptive services to support adoptive families.

22 5. Monitor, evaluate, and review the development and
23 quality of local and statewide services and programs for the
24 promotion of adoption, support of adoptive families, and
25 prevention of child abuse and neglect and ~~shall~~ publish and
26 distribute an annual report of its findings on or before
27 January 1 of each year to the Governor, the Speaker of the
28 House of Representatives, the President of the Senate, the
29 secretary of each state agency affected by the report, and the
30 appropriate substantive committees of the Legislature. The
31 report shall include:

- 1 a. A summary of the activities of the office.
- 2 b. A summary of adoption data collected and reported
3 to the Adoption and Foster Care Analysis and Reporting System
4 (AFCARS) and the federal Administration for Children and
5 Families.
- 6 c. A summary of abuse prevention data collected and
7 reported to the National Child Abuse and Neglect Data System
8 (NCANDS) and the federal Administration for Children and
9 Families.
- 10 ~~d.b.~~ A summary detailing the timelines of the adoption
11 process for children adopted from within the child welfare
12 system demographic and geographic characteristics of families
13 served by the prevention programs.
- 14 ~~e.e.~~ Recommendations, by state agency, for the further
15 development and improvement of services and programs for the
16 promotion of adoption, support of adoptive families, and
17 prevention of child abuse and neglect.
- 18 ~~f.f.~~ The budget requests, adoption promotion and
19 support needs, and child abuse prevention program needs by
20 state agency.
- 21 6. Work with the direct-support organization
22 established under s. 39.0011 and receive financial support
23 from the organization.
- 24 (8) PLAN FOR COMPREHENSIVE APPROACH.--
- 25 (a) The office shall develop a state plan for the
26 promotion of adoption, support of adoptive families, and
27 prevention of abuse, abandonment, and neglect of children and
28 shall submit the state plan to the Speaker of the House of
29 Representatives, the President of the Senate, and the Governor
30 no later than December 31, 2008 ~~2007~~. The Department of
31 Children and Family Services, the Department of Corrections,

1 | the Department of Education, the Department of Health, the
2 | Department of Juvenile Justice, the Department of Law
3 | Enforcement, the Agency for Persons with Disabilities, and the
4 | Agency for Workforce Innovation shall participate and fully
5 | cooperate in the development of the state plan at both the
6 | state and local levels. Furthermore, appropriate local
7 | agencies and organizations must ~~shall~~ be provided an
8 | opportunity to participate in the development of the state
9 | plan at the local level. Appropriate local groups and
10 | organizations includes ~~shall include~~, but is not ~~be~~ limited
11 | to, community mental health centers; guardian ad litem
12 | programs for children under the circuit court; the school
13 | boards of the local school districts; the Florida local
14 | advocacy councils; community-based care lead agencies; private
15 | or public organizations or programs with recognized expertise
16 | in working with child abuse prevention programs for children
17 | and families; private or public organizations or programs with
18 | recognized expertise in working with children who are sexually
19 | abused, physically abused, emotionally abused, abandoned, or
20 | neglected and with expertise in working with the families of
21 | such children; private or public programs or organizations
22 | with expertise in maternal and infant health care;
23 | multidisciplinary child protection teams; child day care
24 | centers; law enforcement agencies; and the circuit courts,
25 | when guardian ad litem programs are not available in the local
26 | area. The state plan ~~to be provided to the Legislature and the~~
27 | ~~Governor~~ shall include, as a minimum, the information required
28 | under ~~of the various groups in~~ paragraph (b).

29 | (b) The development of the state plan shall be
30 | accomplished in the following manner:
31 |

1 1. The office shall establish a Child Abuse Prevention
2 and Permanency Advisory Council composed of representatives
3 from each state agency and appropriate local agencies and
4 organizations specified in paragraph (a) and an adoptive
5 parent who has adopted a child from within the child welfare
6 system. The advisory council shall serve as the research arm
7 of the office and ~~shall~~ be responsible for:

8 a. Assisting in developing a plan of action for better
9 coordination and integration of the goals, activities, and
10 funding pertaining to the promotion and support of adoption
11 and the prevention of child abuse, abandonment, and neglect
12 conducted by the office in order to maximize staff and
13 resources at the state level. The plan of action must ~~shall~~ be
14 included in the state plan.

15 b. Assisting in providing a basic format to be used
16 ~~utilized~~ by the districts in the preparation of local plans of
17 action in order to provide for uniformity in the district
18 plans and to provide for greater ease in compiling information
19 for the state plan.

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

22 d. Assisting in examining the local plans to determine
23 if all the requirements of the local plans have been met and,
24 if ~~they have~~ not, informing the districts of the deficiencies
25 and requesting the additional information needed.

26 e. Assisting in preparing the state plan for
27 submission to the Legislature and the Governor. Such
28 preparation must ~~shall~~ include incorporating ~~the incorporation~~
29 ~~into the state plan~~ of information ~~obtained~~ from the local
30 plans into the state plan, the cooperative plans with the
31 members of the advisory council, and the plan of action for

1 coordination and integration of state departmental activities.
2 The state plan must ~~shall~~ include a section reflecting general
3 conditions and needs, an analysis of variations based on
4 population or geographic areas, identified problems, and
5 recommendations for change. In essence, the state plan must
6 ~~shall~~ provide an analysis and summary of each element of the
7 local plans to provide a statewide perspective. The state plan
8 must ~~shall~~ also include each separate local plan of action.

9 f. Conducting a feasibility study on the establishment
10 of a Children's Cabinet.

11 g. Working with the specified state agency in
12 fulfilling the requirements of subparagraphs 2., 3., 4., and
13 5.

14 2. The office, the department, the Department of
15 Education, and the Department of Health shall work together in
16 developing ways to inform and instruct parents of school
17 children and appropriate district school personnel in all
18 school districts in the detection of child abuse, abandonment,
19 and neglect and in the proper action that should be taken in a
20 suspected case of child abuse, abandonment, or neglect, and in
21 caring for a child's needs after a report is made. The plan
22 for accomplishing this end must ~~shall~~ be included in the state
23 plan.

24 3. The office, the department, the Department of Law
25 Enforcement, and the Department of Health shall work together
26 in developing ways to inform and instruct appropriate local
27 law enforcement personnel in the detection of child abuse,
28 abandonment, and neglect and in the proper action that should
29 be taken in a suspected case of child abuse, abandonment, or
30 neglect.

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1 4. Within existing appropriations, the office shall
2 work with other appropriate public and private agencies to
3 support ~~emphasize~~ efforts to educate the general public about
4 the problem of and ways to detect child abuse, abandonment,
5 and neglect and in the proper action that should be taken in a
6 suspected case of child abuse, abandonment, or neglect. The
7 plan for accomplishing this end must ~~shall~~ be included in the
8 state plan.

9 5. The office, the department, the Department of
10 Education, and the Department of Health shall work together on
11 enhancing or adapting ~~the enhancement or adaptation of~~
12 curriculum materials to assist instructional personnel in
13 providing instruction through a multidisciplinary approach on
14 the identification, intervention, and prevention of child
15 abuse, abandonment, and neglect. The curriculum materials must
16 ~~shall~~ be geared toward a sequential program of instruction at
17 the four progressional levels, K-3, 4-6, 7-9, and 10-12.
18 Strategies for encouraging all school districts to use ~~utilize~~
19 the curriculum are to be included in the state plan ~~for the~~
20 ~~prevention of child abuse, abandonment, and neglect.~~

21 6. Each district of the department shall develop a
22 local plan of action for its specific geographical area. The
23 ~~plan developed at the district level~~ shall be submitted to the
24 advisory council for utilization in preparing the state plan.
25 The ~~district~~ local plan of action shall be prepared with the
26 involvement and assistance of the local agencies and
27 organizations listed in this paragraph, as well as
28 representatives from those departmental district offices
29 participating in the promotion of adoption, support of
30 adoptive families, and treatment and prevention of child
31 abuse, abandonment, and neglect. In order to accomplish this,

1 | the office shall establish a task force on the promotion of
2 | adoption, support of adoptive families, and prevention of
3 | child abuse, abandonment, and neglect. The office shall
4 | appoint the members of the task force in accordance with the
5 | membership requirements of this section. The office shall
6 | ensure that individuals from both urban and rural areas and an
7 | adoptive parent who has adopted a child from within the child
8 | welfare system are represented on the task force. The task
9 | force shall develop a written statement clearly identifying
10 | its operating procedures, purpose, overall responsibilities,
11 | and method of meeting responsibilities. The local district
12 | plan of action to be prepared by the task force must shall
13 | include, but ~~shall~~ not be limited to:

14 | a. Documentation of the magnitude of the problems of
15 | child abuse, including sexual abuse, physical abuse, and
16 | emotional abuse, and child abandonment and neglect in its
17 | geographical area.

18 | b. A description of programs currently serving abused,
19 | abandoned, and neglected children and their families and a
20 | description of programs for the prevention of child abuse,
21 | abandonment, and neglect, including information on the impact,
22 | cost-effectiveness, and sources of funding of such programs.

23 | c. Information concerning the number of children
24 | within the child welfare system who are available for adoption
25 | and who need child-specific adoption promotion efforts.

26 | d. A description of programs currently promoting and
27 | supporting adoptive families, including information concerning
28 | the results, cost-effectiveness, and sources of funding of
29 | such programs.

30 | e. A description of a comprehensive strategy for
31 | providing postadoption services. The continuum of services

1 must include, but need not be limited to, sufficient and
2 accessible parent and teen support groups; case management,
3 information, and referral services; and educational advocacy.

4 f.e. A continuum of programs and services necessary
5 for providing a comprehensive approach to the promotion of
6 adoption and the prevention of all types of child abuse,
7 abandonment, and neglect as well as a brief description of
8 such programs and services.

9 g.d. A description, documentation, and priority
10 ranking of local needs related to the promotion of adoption,
11 support of adoptive parents, and prevention of child abuse,
12 abandonment, and neglect ~~prevention~~ based upon the continuum
13 of programs and services.

14 h.e. A plan for steps to be taken in meeting
15 identified needs, including the coordination and integration
16 of services to avoid unnecessary duplication and cost, and for
17 alternative funding strategies for meeting needs through the
18 reallocation of existing resources, utilization of volunteers,
19 contracting with local universities for services, and local
20 government or private agency funding.

21 i.f. A description of barriers to the accomplishment
22 of a comprehensive approach to the promotion of adoption,
23 support of adoptive families, and prevention of child abuse,
24 abandonment, and neglect.

25 i.g. Recommendations for changes that can be
26 accomplished only at the state program level or by legislative
27 action.

28 (9) FUNDING AND SUBSEQUENT PLANS.--

29 (a) All budget requests submitted by the office, the
30 department, the Department of Health, the Department of
31 Education, the Department of Juvenile Justice, the Department

1 of Corrections, the Agency for Persons with Disabilities, the
2 Agency for Workforce Innovation, or any other agency to the
3 Legislature for funding of efforts for the promotion of
4 adoption, support of adoptive families, and prevention of
5 child abuse, abandonment, and neglect ~~must shall~~ be based on
6 the state plan developed pursuant to this section.

7 (b) The office and the other agencies and
8 organizations listed in paragraph (8)(a) shall readdress the
9 state plan and make necessary revisions every 5 years, at a
10 minimum. Such revisions shall be submitted to the Speaker of
11 the House of Representatives and the President of the Senate
12 no later than June 30 of each year divisible by 5. At least
13 biennially, the office shall review the state plan and make
14 any necessary revisions based on changing needs and program
15 evaluation results. An annual progress report shall be
16 submitted to update the state plan in the years between the
17 5-year intervals. In order to avoid duplication of effort,
18 these ~~required~~ plans may be made a part of or merged with
19 other plans required by either the state or Federal
20 Government, so long as the portions of the other state or
21 Federal Government plan that constitute the state plan for the
22 promotion of adoption, support of adoptive families, and
23 prevention of child abuse, abandonment, and neglect are
24 clearly identified as such and are provided to the Speaker of
25 the House of Representatives and the President of the Senate
26 as required above.

27 Section 2. Section 39.0011, Florida Statutes, is
28 created to read:

29 39.0011 Direct-support organization.--

30 (1) The Office of Adoption and Child Protection,
31 established under s. 39.001, may establish a direct-support

1 organization to assist the state in carrying out its purposes
2 and responsibilities regarding the promotion of adoption,
3 support of adoptive families, and prevention of child abuse,
4 abandonment, and neglect by raising money; submitting requests
5 for and receiving grants from the Federal Government, the
6 state or its political subdivisions, private foundations, and
7 individuals; and making expenditures to or for the benefit of
8 the office. The sole purpose for the direct-support
9 organization is to support the office. The direct-support
10 organization must be:
11 (a) Incorporated under chapter 617 and approved by the
12 Department of State as a Florida not-for-profit corporation;
13 (b) Organized and operated to make expenditures to or
14 for the benefit of the office; and
15 (c) Approved by the office to be operating for the
16 benefit of and in a manner consistent with the goals of the
17 office and in the best interest of the state.
18 (2) The number of members on the board of directors of
19 the direct-support organization shall be determined by the
20 Chief Child Advocate. Membership on the board of directors of
21 the direct-support organization shall include, but need not be
22 limited to, a guardian ad litem; a member of a local advocacy
23 council; a representative from a community-based care lead
24 agency; a representative from a private or public organization
25 or program having recognized expertise in working with child
26 abuse prevention programs for children and families; a
27 representative of a private or public organization or program
28 with recognized expertise in working with children who are
29 sexually abused, physically abused, emotionally abused,
30 abandoned, or neglected and having expertise in working with
31 the families of such children; an individual working at a

1 state adoption agency; and the parent of a child adopted from
2 within the child welfare system.

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

5 (4) All moneys received by the direct-support
6 organization must be deposited into an account of the
7 direct-support organization and be used by the organization in
8 a manner consistent with the goals of the office.

9 Section 3. Section 39.0014, Florida Statutes, is
10 amended to read:

11 39.0014 Responsibilities of public agencies.--All
12 state, county, and local agencies shall cooperate, assist, and
13 provide information to the Office of Adoption and Child
14 Protection ~~Abuse Prevention~~ and the department as will enable
15 them to fulfill their responsibilities under this chapter.

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

18 39.01 Definitions.--When used in this chapter, unless
19 the context otherwise requires:

20 (45) "Office" means the Office of Adoption and Child
21 Protection ~~Abuse Prevention~~ within the Executive Office of the
22 Governor.

23 Section 5. This act shall take effect July 1, 2007.

24
25 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
26 COMMITTEE SUBSTITUTE FOR
27 CS for SB 1388

28 Removes the requirement to develop postgraduate education for
29 professionals providing adoption services.

30 Eliminates enhanced subsidy payments for special needs
31 children and children who are in the custody of the state due
to abuse, neglect or abandonment.

Removes adoption fee waivers.