



583560

LEGISLATIVE ACTION

Senate . House

.

.

Floor: 1/WD/3R

.

04/07/2011 03:13 PM

.

.

Senator Lynn moved the following:

Senate Amendment (with title amendment)

Delete lines 21 - 22

and insert:

Section 1. Subsections (6), (7), (8), (9), and (12) of section 39.001, Florida Statutes, are amended to read:

39.001 Purposes and intent; personnel standards and screening.—

(6) LEGISLATIVE INTENT FOR THE PREVENTION OF ABUSE, ABANDONMENT, AND NEGLECT OF CHILDREN.—The incidence of known child abuse, abandonment, and neglect has continued to increase ~~increased rapidly over the past 5 years~~. The impact that abuse, abandonment, or neglect has on the victimized child, siblings,



583560

14 family structure, and inevitably on all citizens of the state
15 has caused the Legislature to determine that the prevention of
16 child abuse, abandonment, and neglect shall be a priority of
17 this state. To further this end, it is the intent of the
18 Legislature that the Florida Prevention of Child Abuse,
19 Abandonment and Neglect Plan: July 2010 - June 2015, be
20 implemented and monitored by the agencies and organizations
21 named within the plan. The Legislature finds that the plan
22 contains low-cost and no cost cross-agency strategies adopted by
23 the Children and Youth Cabinet. These activities are already
24 underway and are privately and federally funded where necessary.
25 No additional funds from the state are being requested for these
26 activities. By February 1, 2015, the Department of Children and
27 Family Services shall report to the Legislature whether the plan
28 has been effective and whether it should be updated and
29 continued ~~an Office of Adoption and Child Protection be~~
30 ~~established.~~

31 ~~(7) OFFICE OF ADOPTION AND CHILD PROTECTION.—~~

32 ~~(a) For purposes of establishing a comprehensive statewide~~
33 ~~approach for the promotion of adoption, support of adoptive~~
34 ~~families, and prevention of child abuse, abandonment, and~~
35 ~~neglect, the Office of Adoption and Child Protection is created~~
36 ~~within the Executive Office of the Governor. The Governor shall~~
37 ~~appoint a Chief Child Advocate for the office.~~

38 ~~(b) The Chief Child Advocate shall:~~

39 ~~1. Assist in developing rules pertaining to the promotion~~
40 ~~of adoption, support of adoptive families, and implementation of~~
41 ~~child abuse prevention efforts.~~

42 ~~2. Act as the Governor's liaison with state agencies, other~~



583560

43 ~~state governments, and the public and private sectors on matters~~
44 ~~that relate to the promotion of adoption, support of adoptive~~
45 ~~families, and child abuse prevention.~~

46 ~~3. Work to secure funding and other support for the state's~~
47 ~~promotion of adoption, support of adoptive families, and child~~
48 ~~abuse prevention efforts, including, but not limited to,~~
49 ~~establishing cooperative relationships among state and private~~
50 ~~agencies.~~

51 ~~4. Develop a strategic program and funding initiative that~~
52 ~~links the separate jurisdictional activities of state agencies~~
53 ~~with respect to promotion of adoption, support of adoptive~~
54 ~~families, and child abuse prevention. The office may designate~~
55 ~~lead and contributing agencies to develop such initiatives.~~

56 ~~5. Advise the Governor and the Legislature on statistics~~
57 ~~related to the promotion of adoption, support of adoptive~~
58 ~~families, and child abuse prevention trends in this state; the~~
59 ~~status of current adoption programs and services, current child~~
60 ~~abuse prevention programs and services, the funding of adoption,~~
61 ~~support of adoptive families, and child abuse prevention~~
62 ~~programs and services; and the status of the office with regard~~
63 ~~to the development and implementation of the state strategy for~~
64 ~~the promotion of adoption, support of adoptive families, and~~
65 ~~child abuse prevention.~~

66 ~~6. Develop public awareness campaigns to be implemented~~
67 ~~throughout the state for the promotion of adoption, support of~~
68 ~~adoptive families, and child abuse prevention.~~

69 ~~(c) The office is authorized and directed to:~~

70 ~~1. Oversee the preparation and implementation of the state~~
71 ~~plan established under subsection (8) and revise and update the~~



583560

72 ~~state plan as necessary.~~

73 ~~2. Provide for or make available continuing professional~~
74 ~~education and training in the prevention of child abuse and~~
75 ~~neglect.~~

76 ~~3. Work to secure funding in the form of appropriations,~~
77 ~~gifts, and grants from the state, the Federal Government, and~~
78 ~~other public and private sources in order to ensure that~~
79 ~~sufficient funds are available for the promotion of adoption,~~
80 ~~support of adoptive families, and child abuse prevention~~
81 ~~efforts.~~

82 ~~4. Make recommendations pertaining to agreements or~~
83 ~~contracts for the establishment and development of:~~

84 ~~a. Programs and services for the promotion of adoption,~~
85 ~~support of adoptive families, and prevention of child abuse and~~
86 ~~neglect.~~

87 ~~b. Training programs for the prevention of child abuse and~~
88 ~~neglect.~~

89 ~~e. Multidisciplinary and discipline-specific training~~
90 ~~programs for professionals with responsibilities affecting~~
91 ~~children, young adults, and families.~~

92 ~~d. Efforts to promote adoption.~~

93 ~~e. Postadoptive services to support adoptive families.~~

94 ~~5. Monitor, evaluate, and review the development and~~
95 ~~quality of local and statewide services and programs for the~~
96 ~~promotion of adoption, support of adoptive families, and~~
97 ~~prevention of child abuse and neglect and shall publish and~~
98 ~~distribute an annual report of its findings on or before January~~
99 ~~1 of each year to the Governor, the Speaker of the House of~~
100 ~~Representatives, the President of the Senate, the head of each~~



583560

101 ~~state agency affected by the report, and the appropriate~~
102 ~~substantive committees of the Legislature. The report shall~~
103 ~~include:~~
104 ~~a. A summary of the activities of the office.~~
105 ~~b. A summary of the adoption data collected and reported to~~
106 ~~the federal Adoption and Foster Care Analysis and Reporting~~
107 ~~System (AFCARS) and the federal Administration for Children and~~
108 ~~Families.~~
109 ~~c. A summary of the child abuse prevention data collected~~
110 ~~and reported to the National Child Abuse and Neglect Data System~~
111 ~~(NCANDS) and the federal Administration for Children and~~
112 ~~Families.~~
113 ~~d. A summary detailing the timeliness of the adoption~~
114 ~~process for children adopted from within the child welfare~~
115 ~~system.~~
116 ~~e. Recommendations, by state agency, for the further~~
117 ~~development and improvement of services and programs for the~~
118 ~~promotion of adoption, support of adoptive families, and~~
119 ~~prevention of child abuse and neglect.~~
120 ~~f. Budget requests, adoption promotion and support needs,~~
121 ~~and child abuse prevention program needs by state agency.~~
122 ~~6. Work with the direct support organization established~~
123 ~~under s. 39.0011 to receive financial assistance.~~
124 ~~(8) PLAN FOR COMPREHENSIVE APPROACH.—~~
125 ~~(a) The office shall develop a state plan for the promotion~~
126 ~~of adoption, support of adoptive families, and prevention of~~
127 ~~abuse, abandonment, and neglect of children and shall submit the~~
128 ~~state plan to the Speaker of the House of Representatives, the~~
129 ~~President of the Senate, and the Governor no later than December~~



583560

130 ~~31, 2008. The Department of Children and Family Services, the~~
131 ~~Department of Corrections, the Department of Education, the~~
132 ~~Department of Health, the Department of Juvenile Justice, the~~
133 ~~Department of Law Enforcement, the Agency for Persons with~~
134 ~~Disabilities, and the Agency for Workforce Innovation shall~~
135 ~~participate and fully cooperate in the development of the state~~
136 ~~plan at both the state and local levels. Furthermore,~~
137 ~~appropriate local agencies and organizations shall be provided~~
138 ~~an opportunity to participate in the development of the state~~
139 ~~plan at the local level. Appropriate local groups and~~
140 ~~organizations shall include, but not be limited to, community~~
141 ~~mental health centers; guardian ad litem programs for children~~
142 ~~under the circuit court; the school boards of the local school~~
143 ~~districts; the Florida local advocacy councils; community-based~~
144 ~~care lead agencies; private or public organizations or programs~~
145 ~~with recognized expertise in working with child abuse prevention~~
146 ~~programs for children and families; private or public~~
147 ~~organizations or programs with recognized expertise in working~~
148 ~~with children who are sexually abused, physically abused,~~
149 ~~emotionally abused, abandoned, or neglected and with expertise~~
150 ~~in working with the families of such children; private or public~~
151 ~~programs or organizations with expertise in maternal and infant~~
152 ~~health care; multidisciplinary child protection teams; child day~~
153 ~~care centers; law enforcement agencies; and the circuit courts,~~
154 ~~when guardian ad litem programs are not available in the local~~
155 ~~area. The state plan to be provided to the Legislature and the~~
156 ~~Governor shall include, as a minimum, the information required~~
157 ~~of the various groups in paragraph (b).~~

158 ~~(b) The development of the state plan shall be accomplished~~



583560

159 ~~in the following manner:~~

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

167 ~~a. Assisting in developing a plan of action for better~~
168 ~~coordination and integration of the goals, activities, and~~
169 ~~funding pertaining to the promotion and support of adoption and~~
170 ~~the prevention of child abuse, abandonment, and neglect~~
171 ~~conducted by the office in order to maximize staff and resources~~
172 ~~at the state level. The plan of action shall be included in the~~
173 ~~state plan.~~

174 ~~b. Assisting in providing a basic format to be utilized by~~
175 ~~the districts in the preparation of local plans of action in~~
176 ~~order to provide for uniformity in the district plans and to~~
177 ~~provide for greater ease in compiling information for the state~~
178 ~~plan.~~

179 ~~e. Providing the districts with technical assistance in the~~
180 ~~development of local plans of action, if requested.~~

181 ~~d. Assisting in examining the local plans to determine if~~
182 ~~all the requirements of the local plans have been met and, if~~
183 ~~they have not, informing the districts of the deficiencies and~~
184 ~~requesting the additional information needed.~~

185 ~~e. Assisting in preparing the state plan for submission to~~
186 ~~the Legislature and the Governor. Such preparation shall include~~
187 ~~the incorporation into the state plan of information obtained~~



583560

188 ~~from the local plans, the cooperative plans with the members of~~
189 ~~the advisory council, and the plan of action for coordination~~
190 ~~and integration of state departmental activities. The state plan~~
191 ~~shall include a section reflecting general conditions and needs,~~
192 ~~an analysis of variations based on population or geographic~~
193 ~~areas, identified problems, and recommendations for change. In~~
194 ~~essence, the state plan shall provide an analysis and summary of~~
195 ~~each element of the local plans to provide a statewide~~
196 ~~perspective. The state plan shall also include each separate~~
197 ~~local plan of action.~~

198 ~~f. Conducting a feasibility study on the establishment of a~~
199 ~~Children's Cabinet.~~

200 ~~g. Working with the specified state agency in fulfilling~~
201 ~~the requirements of subparagraphs 2., 3., 4., and 5.~~

202 ~~2. The office, the department, the Department of Education,~~
203 ~~and the Department of Health shall work together in developing~~
204 ~~ways to inform and instruct parents of school children and~~
205 ~~appropriate district school personnel in all school districts in~~
206 ~~the detection of child abuse, abandonment, and neglect and in~~
207 ~~the proper action that should be taken in a suspected case of~~
208 ~~child abuse, abandonment, or neglect, and in caring for a~~
209 ~~child's needs after a report is made. The plan for accomplishing~~
210 ~~this end shall be included in the state plan.~~

211 ~~3. The office, the department, the Department of Law~~
212 ~~Enforcement, and the Department of Health shall work together in~~
213 ~~developing ways to inform and instruct appropriate local law~~
214 ~~enforcement personnel in the detection of child abuse,~~
215 ~~abandonment, and neglect and in the proper action that should be~~
216 ~~taken in a suspected case of child abuse, abandonment, or~~



583560

217 neglect.

218 ~~4. Within existing appropriations, the office shall work~~
219 ~~with other appropriate public and private agencies to emphasize~~
220 ~~efforts to educate the general public about the problem of and~~
221 ~~ways to detect child abuse, abandonment, and neglect and in the~~
222 ~~proper action that should be taken in a suspected case of child~~
223 ~~abuse, abandonment, or neglect. The plan for accomplishing this~~
224 ~~end shall be included in the state plan.~~

225 ~~5. The office, the department, the Department of Education,~~
226 ~~and the Department of Health shall work together on the~~
227 ~~enhancement or adaptation of curriculum materials to assist~~
228 ~~instructional personnel in providing instruction through a~~
229 ~~multidisciplinary approach on the identification, intervention,~~
230 ~~and prevention of child abuse, abandonment, and neglect. The~~
231 ~~curriculum materials shall be geared toward a sequential program~~
232 ~~of instruction at the four progressional levels, K-3, 4-6, 7-9,~~
233 ~~and 10-12. Strategies for encouraging all school districts to~~
234 ~~utilize the curriculum are to be included in the state plan for~~
235 ~~the prevention of child abuse, abandonment, and neglect.~~

236 ~~6. Each district of the department shall develop a plan for~~
237 ~~its specific geographical area. The plan developed at the~~
238 ~~district level shall be submitted to the advisory council for~~
239 ~~utilization in preparing the state plan. The district local plan~~
240 ~~of action shall be prepared with the involvement and assistance~~
241 ~~of the local agencies and organizations listed in this~~
242 ~~paragraph, as well as representatives from those departmental~~
243 ~~district offices participating in the promotion of adoption,~~
244 ~~support of adoptive families, and treatment and prevention of~~
245 ~~child abuse, abandonment, and neglect. In order to accomplish~~



583560

246 ~~this, the office shall establish a task force on the promotion~~
247 ~~of adoption, support of adoptive families, and prevention of~~
248 ~~child abuse, abandonment, and neglect. The office shall appoint~~
249 ~~the members of the task force in accordance with the membership~~
250 ~~requirements of this section. The office shall ensure that~~
251 ~~individuals from both urban and rural areas and an adoptive~~
252 ~~parent who has adopted a child from within the child welfare~~
253 ~~system are represented on the task force. The task force shall~~
254 ~~develop a written statement clearly identifying its operating~~
255 ~~procedures, purpose, overall responsibilities, and method of~~
256 ~~meeting responsibilities. The district plan of action to be~~
257 ~~prepared by the task force shall include, but shall not be~~
258 ~~limited to:~~

259 ~~a. Documentation of the magnitude of the problems of child~~
260 ~~abuse, including sexual abuse, physical abuse, and emotional~~
261 ~~abuse, and child abandonment and neglect in its geographical~~
262 ~~area.~~

263 ~~b. A description of programs currently serving abused,~~
264 ~~abandoned, and neglected children and their families and a~~
265 ~~description of programs for the prevention of child abuse,~~
266 ~~abandonment, and neglect, including information on the impact,~~
267 ~~cost-effectiveness, and sources of funding of such programs.~~

268 ~~e. Information concerning the number of children within the~~
269 ~~child welfare system available for adoption who need child-~~
270 ~~specific adoption promotion efforts.~~

271 ~~d. A description of programs currently promoting and~~
272 ~~supporting adoptive families, including information on the~~
273 ~~impact, cost-effectiveness, and sources of funding of such~~
274 ~~programs.~~



583560

275 ~~e. A description of a comprehensive approach for providing~~
276 ~~postadoption services. The continuum of services shall include,~~
277 ~~but not be limited to, sufficient and accessible parent and teen~~
278 ~~support groups; case management, information, and referral~~
279 ~~services; and educational advocacy.~~

280 ~~f. A continuum of programs and services necessary for a~~
281 ~~comprehensive approach to the promotion of adoption and the~~
282 ~~prevention of all types of child abuse, abandonment, and neglect~~
283 ~~as well as a brief description of such programs and services.~~

284 ~~g. A description, documentation, and priority ranking of~~
285 ~~local needs related to the promotion of adoption, support of~~
286 ~~adoptive families, and prevention of child abuse, abandonment,~~
287 ~~and neglect based upon the continuum of programs and services.~~

288 ~~h. A plan for steps to be taken in meeting identified~~
289 ~~needs, including the coordination and integration of services to~~
290 ~~avoid unnecessary duplication and cost, and for alternative~~
291 ~~funding strategies for meeting needs through the reallocation of~~
292 ~~existing resources, utilization of volunteers, contracting with~~
293 ~~local universities for services, and local government or private~~
294 ~~agency funding.~~

295 ~~i. A description of barriers to the accomplishment of a~~
296 ~~comprehensive approach to the promotion of adoption, support of~~
297 ~~adoptive families, and prevention of child abuse, abandonment,~~
298 ~~and neglect.~~

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

301 ~~(9) FUNDING AND SUBSEQUENT PLANS.—~~

302 ~~(a) All budget requests submitted by the office, the~~
303 ~~department, the Department of Health, the Department of~~



583560

304 ~~Education, the Department of Juvenile Justice, the Department of~~
305 ~~Corrections, the Agency for Persons with Disabilities, the~~
306 ~~Agency for Workforce Innovation, or any other agency to the~~
307 ~~Legislature for funding of efforts for the promotion of~~
308 ~~adoption, support of adoptive families, and prevention of child~~
309 ~~abuse, abandonment, and neglect shall be based on the state plan~~
310 ~~developed pursuant to this section.~~

311 ~~(b) The office and the other agencies and organizations~~
312 ~~listed in paragraph (8)(a) shall readdress the state plan and~~
313 ~~make necessary revisions every 5 years, at a minimum. Such~~
314 ~~revisions shall be submitted to the Speaker of the House of~~
315 ~~Representatives and the President of the Senate no later than~~
316 ~~June 30 of each year divisible by 5. At least biennially, the~~
317 ~~office shall review the state plan and make any necessary~~
318 ~~revisions based on changing needs and program evaluation~~
319 ~~results. An annual progress report shall be submitted to update~~
320 ~~the state plan in the years between the 5-year intervals. In~~
321 ~~order to avoid duplication of effort, these required plans may~~
322 ~~be made a part of or merged with other plans required by either~~
323 ~~the state or Federal Government, so long as the portions of the~~
324 ~~other state or Federal Government plan that constitute the state~~
325 ~~plan for the promotion of adoption, support of adoptive~~
326 ~~families, and prevention of child abuse, abandonment, and~~
327 ~~neglect are clearly identified as such and are provided to the~~
328 ~~Speaker of the House of Representatives and the President of the~~
329 ~~Senate as required above.~~

330 ~~(12) EVALUATION.—By February 1, 2009, the Legislature shall~~
331 ~~evaluate the office and determine whether it should continue to~~
332 ~~be housed in the Executive Office of the Governor or transferred~~



583560

333 ~~to a state agency.~~

334

335 ===== T I T L E A M E N D M E N T =====

336 And the title is amended as follows:

337 Delete lines 2 - 3

338 and insert:

339 An act relating to the welfare of children; amending
340 s. 39.001, F.S.; requiring certain agencies and
341 organizations named in the Florida Prevention of Child
342 Abuse, Abandonment and Neglect Plan: July 2010 - 2015
343 to implement and monitor the plan; providing
344 legislative findings; requiring the Department of
345 Children and Family Services to report to the
346 Legislature; deleting certain provisions relating to