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Proposed Committee Substitute by the Committee on Fiscal Policy
(Appropriations Subcommittee on Health and Human Services)

A bill to be entitled

An act relating to adoption and foster care; amending s. 39.0016, F.S.; revising what the Department of Children and Families must do when required to enter into agreements with specified entities; amending s. 39.812, F.S.; requiring the agency or community-based care agency to visit in person or contact by telephone the child and the child's adoptive family 1 year after the date the adoption is finalized; amending s. 409.145, F.S.; revising caregiver roles and responsibilities; revising the roles and responsibilities of the department, the community-based care lead agency, and other agency staff; creating s. 409.1662, F.S.; providing the purpose of the adoption incentive program; directing the Department of Children and Families to establish an adoption incentive program for certain agencies and subcontractors; requiring that the department conduct a comprehensive baseline assessment of lead agencies and provider performance and compile annual data for the most recent 5 years of available data; providing a nonexclusive list of factors for the assessment to identify; requiring that the department negotiate an outcome-based agreement; requiring that several factors be included in the agreement; requiring the department to allocate incentive payments; creating s. 409.1664, F.S.; defining terms; providing certain



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28 amounts payable to a qualifying adoptive employee who
29 adopts specified children under certain circumstances
30 subject to a specific appropriation to the department;
31 providing prorated payments for a part-time employee
32 and limiting the monetary benefit to one award per
33 child; requiring that a qualifying adoptive employee
34 apply to the agency head for the monetary benefit on
35 forms approved by the department and include a
36 certified copy of the final order of adoption;
37 providing that the rights offered by this act do not
38 preclude a qualifying adoptive employee who adopts a
39 special needs child to receive any other assistance or
40 incentive; requiring that parental leave for
41 qualifying adoptive employees be provided; requiring
42 the department to adopt rules; requiring the Chief
43 Financial Officer to submit payment to a qualifying
44 adoptive employee depending on where he or she works;
45 requiring state agencies to develop uniform procedures
46 for informing employees about this benefit and for
47 assisting the department in making eligibility
48 determinations and processing applications; creating
49 s. 409.1666, F.S.; requiring the Governor to annually
50 select and recognize certain individuals, families, or
51 organizations for adoption achievement awards;
52 requiring the department to define categories for the
53 achievement awards and seek nominations for potential
54 recipients; authorizing a direct-support organization
55 established by the Office of Adoption and Child
56 Protection to accept donations of products or services



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57 from private sources to be given to the recipients of
58 the adoption achievement awards; amending s. 409.175,
59 F.S.; requiring licensed child-placing agencies
60 providing adoption services for intercountry adoptions
61 to meet specified requirements; requiring an adoption
62 agency in this state which provides certain services
63 to maintain records with specified information;
64 providing appropriations; providing an effective date.
65

66 Be It Enacted by the Legislature of the State of Florida:
67

68 Section 1. Paragraph (b) of subsection (2) of section
69 39.0016, Florida Statutes, is amended to read:

70 39.0016 Education of abused, neglected, and abandoned
71 children; agency agreements; children having or suspected of
72 having a disability.—

73 (2) AGENCY AGREEMENTS.—

74 (b) The department shall enter into agreements with
75 district school boards or other local educational entities
76 regarding education and related services for children known to
77 the department who are of school age and children known to the
78 department who are younger than school age but who would
79 otherwise qualify for services from the district school board.
80 Such agreements shall include, but are not limited to:

81 1. A requirement that the department shall:

82 a. Ensure ~~Enroll~~ children known to the department are
83 enrolled in school or in the best educational setting that meets
84 the needs of the child. The agreement shall provide for
85 continuing the enrollment of a child known to the department at



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86 the ~~same~~ school of origin when, ~~if possible~~ if it is in the best
87 interest of the child, with the goal of minimal ~~avoiding~~
88 disruption of education.

89 b. Notify the school and school district in which a child
90 known to the department is enrolled of the name and phone number
91 of the child known to the department caregiver and caseworker
92 for child safety purposes.

93 c. Establish a protocol for the department to share
94 information about a child known to the department with the
95 school district, consistent with the Family Educational Rights
96 and Privacy Act, since the sharing of information will assist
97 each agency in obtaining education and related services for the
98 benefit of the child. The protocol must require the district
99 school boards or other local educational entities to access the
100 department's Florida Safe Families Network to obtain information
101 about children known to the department, consistent with the
102 Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s.
103 1232g.

104 d. Notify the school district of the department's case
105 planning for a child known to the department, both at the time
106 of plan development and plan review. Within the plan development
107 or review process, the school district may provide information
108 regarding the child known to the department if the school
109 district deems it desirable and appropriate.

110 e. Show no prejudice against out-of-home caregivers who
111 desire to educate at home any children placed in their home
112 through the child welfare system.

113 2. A requirement that the district school board shall:

114 a. Provide the department with a general listing of the



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115 services and information available from the district school
116 board to facilitate educational access for a child known to the
117 department.

118 b. Identify all educational and other services provided by
119 the school and school district which the school district
120 believes are reasonably necessary to meet the educational needs
121 of a child known to the department.

122 c. Determine whether transportation is available for a
123 child known to the department when such transportation will
124 avoid a change in school assignment due to a change in
125 residential placement. Recognizing that continued enrollment in
126 the same school throughout the time the child known to the
127 department is in out-of-home care is preferable unless
128 enrollment in the same school would be unsafe or otherwise
129 impractical, the department, the district school board, and the
130 Department of Education shall assess the availability of
131 federal, charitable, or grant funding for such transportation.

132 d. Provide individualized student intervention or an
133 individual educational plan when a determination has been made
134 through legally appropriate criteria that intervention services
135 are required. The intervention or individual educational plan
136 must include strategies to enable the child known to the
137 department to maximize the attainment of educational goals.

138 3. A requirement that the department and the district
139 school board shall cooperate in accessing the services and
140 supports needed for a child known to the department who has or
141 is suspected of having a disability to receive an appropriate
142 education consistent with the Individuals with Disabilities
143 Education Act and state implementing laws, rules, and



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144 assurances. Coordination of services for a child known to the
145 department who has or is suspected of having a disability may
146 include:

147 a. Referral for screening.

148 b. Sharing of evaluations between the school district and
149 the department where appropriate.

150 c. Provision of education and related services appropriate
151 for the needs and abilities of the child known to the
152 department.

153 d. Coordination of services and plans between the school
154 and the residential setting to avoid duplication or conflicting
155 service plans.

156 e. Appointment of a surrogate parent, consistent with the
157 Individuals with Disabilities Education Act and pursuant to
158 subsection (3), for educational purposes for a child known to
159 the department who qualifies.

160 f. For each child known to the department 14 years of age
161 and older, transition planning by the department and all
162 providers, including the department's independent living program
163 staff, to meet the requirements of the local school district for
164 educational purposes.

165 Section 2. Subsection (6) is added to section 39.812,
166 Florida Statutes, to read:

167 39.812 Postdisposition relief; petition for adoption.—

168 (6) Once a child's adoption is finalized, the agency or
169 community-based care agency is required to visit in person or
170 contact by telephone the child and his or her adoptive family 1
171 year after the date of finalization as a post-adoption service.
172 If the child and family have relocated to another state, the



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173 agency must contact the family by telephone as a post-adoption
174 service.

175 Section 3. Subsection (2) of section 409.145, Florida
176 Statutes, is amended to read:

177 409.145 Care of children; quality parenting; "reasonable
178 and prudent parent" standard.—The child welfare system of the
179 department shall operate as a coordinated community-based system
180 of care which empowers all caregivers for children in foster
181 care to provide quality parenting, including approving or
182 disapproving a child's participation in activities based on the
183 caregiver's assessment using the "reasonable and prudent parent"
184 standard.

185 (2) QUALITY PARENTING.—A child in foster care shall be
186 placed only with a caregiver who has the ability to care for the
187 child, is willing to accept responsibility for providing care,
188 and is willing and able to learn about and be respectful of the
189 child's culture, religion and ethnicity, special physical or
190 psychological needs, any circumstances unique to the child, and
191 family relationships. The department, the community-based care
192 lead agency, and other agencies shall provide such caregiver
193 with all available information necessary to assist the caregiver
194 in determining whether he or she is able to appropriately care
195 for a particular child.

196 (a) *Roles and responsibilities of caregivers.*—A caregiver
197 shall:

198 1. Participate in developing the case plan for the child
199 and his or her family and work with others involved in his or
200 her care to implement this plan. This participation includes the
201 caregiver's involvement in all team meetings or court hearings



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202 related to the child's care.

203 2. Complete all training needed to improve skills in
204 parenting a child who has experienced trauma due to neglect,
205 abuse, or separation from home, to meet the child's special
206 needs, and to work effectively with child welfare agencies, the
207 court, the schools, and other community and governmental
208 agencies.

209 3. Respect and support the child's ties to members of his
210 or her biological family and assist the child in maintaining
211 allowable visitation and other forms of communication.

212 4. Effectively advocate for the child in the caregiver's
213 care with the child welfare system, the court, and community
214 agencies, including the school, child care, health and mental
215 health providers, and employers.

216 5. Participate fully in the child's medical, psychological,
217 and dental care as the caregiver would for his or her biological
218 child.

219 6. Support the child's educational ~~school~~ success by
220 participating in ~~school~~ activities and meetings associated with
221 the child's school or other educational setting, including
222 Individual Education Plan meetings and meetings with an
223 educational surrogate if one has been appointed, assisting with
224 ~~school~~ assignments, supporting tutoring programs, ~~meeting with~~
225 ~~teachers and working with an educational surrogate if one has~~
226 ~~been appointed~~, and encouraging the child's participation in
227 extracurricular activities.

228 a. Maintaining educational stability for a child while in
229 out-of-home care by allowing the child to remain in the school
230 or educational setting he or she attended before entry into out-



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231 of-home care is the first priority, unless it is not in the best
232 interest of the child.

233 b. If it is not in the best interest of the child to remain
234 in his or her school or educational setting upon entry into out-
235 of-home care, the caregiver must work with the case manager,
236 guardian ad litem, teachers and guidance counselors, and
237 educational surrogate if one has been appointed, to determine
238 the best educational setting for the child. Those settings may
239 include a public school that is not the school of origin, a
240 private school pursuant to s. 1002.42, virtual education
241 programs pursuant to s. 1002.45, or education at home pursuant
242 to s. 1002.41.

243 7. Work in partnership with other stakeholders to obtain
244 and maintain records that are important to the child's well-
245 being, including child resource records, medical records, school
246 records, photographs, and records of special events and
247 achievements.

248 8. Ensure that the child in the caregiver's care who is
249 between 13 and 17 years of age learns and masters independent
250 living skills.

251 9. Ensure that the child in the caregiver's care is aware
252 of the requirements and benefits of the Road-to-Independence
253 Program.

254 10. Work to enable the child in the caregiver's care to
255 establish and maintain naturally occurring mentoring
256 relationships.

257 (b) *Roles and responsibilities of the department, the*
258 *community-based care lead agency, and other agency staff.*—The
259 department, the community-based care lead agency, and other



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260 agency staff shall:

261 1. Include a caregiver in the development and
262 implementation of the case plan for the child and his or her
263 family. The caregiver shall be authorized to participate in all
264 team meetings or court hearings related to the child's care and
265 future plans. The caregiver's participation shall be facilitated
266 through timely notification, an inclusive process, and
267 alternative methods for participation for a caregiver who cannot
268 be physically present.

269 2. Develop and make available to the caregiver the
270 information, services, training, and support that the caregiver
271 needs to improve his or her skills in parenting children who
272 have experienced trauma due to neglect, abuse, or separation
273 from home, to meet these children's special needs, and to
274 advocate effectively with child welfare agencies, the courts,
275 schools, and other community and governmental agencies.

276 3. Provide the caregiver with all information related to
277 services and other benefits that are available to the child.

278 4. Show no prejudice against a caregiver who desires to
279 educate at home any children placed in his or her home through
280 the child welfare system.

281 (c) *Transitions.*—

282 1. Once a caregiver accepts the responsibility of caring
283 for a child, the child will be removed from the home of that
284 caregiver only if:

285 a. The caregiver is clearly unable to safely or legally
286 care for the child;

287 b. The child and his or her biological family are
288 reunified;



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289 c. The child is being placed in a legally permanent home
290 pursuant to the case plan or a court order; or

291 d. The removal is demonstrably in the child's best
292 interest.

293 2. In the absence of an emergency, if a child leaves the
294 caregiver's home for a reason provided under subparagraph 1.,
295 the transition must be accomplished according to a plan that
296 involves cooperation and sharing of information among all
297 persons involved, respects the child's developmental stage and
298 psychological needs, ensures the child has all of his or her
299 belongings, allows for a gradual transition from the caregiver's
300 home and, if possible, for continued contact with the caregiver
301 after the child leaves.

302 (d) *Information sharing.*—Whenever a foster home or
303 residential group home assumes responsibility for the care of a
304 child, the department and any additional providers shall make
305 available to the caregiver as soon as is practicable all
306 relevant information concerning the child. Records and
307 information that are required to be shared with caregivers
308 include, but are not limited to:

309 1. Medical, dental, psychological, psychiatric, and
310 behavioral history, as well as ongoing evaluation or treatment
311 needs;

312 2. School records;

313 3. Copies of his or her birth certificate and, if
314 appropriate, immigration status documents;

315 4. Consents signed by parents;

316 5. Comprehensive behavioral assessments and other social
317 assessments;



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- 318 6. Court orders;
319 7. Visitation and case plans;
320 8. Guardian ad litem reports;
321 9. Staffing forms; and
322 10. Judicial or citizen review panel reports and
323 attachments filed with the court, except confidential medical,
324 psychiatric, and psychological information regarding any party
325 or participant other than the child.

326 (e) *Caregivers employed by residential group homes.*—All
327 caregivers in residential group homes shall meet the same
328 education, training, and background and other screening
329 requirements as foster parents.

330 Section 4. Section 409.1662, Florida Statutes, is created
331 to read:

332 409.1662 Children within the child welfare system; adoption
333 incentive program.—

334 (1) PURPOSE.—The purpose of the adoption incentive program
335 is to advance the state's achievement of permanency and
336 stability in living arrangements for children in foster care who
337 cannot be reunited with their families. The department shall
338 establish the adoption incentive program to award incentive
339 payment to community-based care lead agencies, as defined in s.
340 409.986, and their subcontractors that are involved in the
341 adoption process for achievement of specific and measureable
342 adoption performance standards.

343 (2) ADMINISTRATION OF THE PROGRAM.—

344 (a) The department shall conduct a comprehensive baseline
345 assessment of the performance of lead agencies and providers
346 related to adoption of children from foster care. The assessment



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347 shall compile annual data for each of the most recent 5 years
348 for which data is available. At a minimum, the assessment shall
349 identify:

350 1. The number of families attempting to adopt children from
351 foster care and the number of families completing the adoption
352 process.

353 2. The number of children eligible for adoption and the
354 number of children whose adoptions were finalized.

355 3. The amount of time eligible children waited for
356 adoption.

357 4. The number of adoptions that resulted in disruption or
358 dissolution and the subset of those disrupted adoptions that
359 were preventable by the lead agency or the subcontracted
360 provider.

361 5. The time taken to complete each phase of the adoption
362 process.

363 6. The expenditures made to recruit adoptive homes and a
364 description of any initiative to improve adoption performance or
365 streamline the adoption process.

366 7. The results of any specific effort to gather feedback
367 from prospective adoptive parents and adoptive parents.

368 (b) Using the information from the baseline assessment, the
369 department shall negotiate an outcome-based agreement with lead
370 agencies and their subcontracted providers that are involved in
371 the adoption process. The agreement shall establish measureable
372 outcome targets, define the method for measuring performance and
373 for determining the level of performance required to earn the
374 incentive payment, and the amount of the incentive payment which
375 may be earned for each target. The department shall update the



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376 assessment annually.

377 (3) INCENTIVE PAYMENTS.—

378 (a) The department shall allocate incentive payments to
379 performance improvement targets in a manner that ensures that
380 total payments do not exceed the amount appropriated for this
381 purpose.

382 (b) The department shall ensure that the amount of the
383 incentive payments are proportionate to the value of the
384 performance improvement.

385 Section 5. Section 409.1664, Florida Statutes, is created
386 to read:

387 409.1664 Adoption benefits for qualifying adoptive
388 employees of state agencies.—

389 (1) As used in this section, the term:

390 (a) "Child within the child welfare system" has the same
391 meaning as in s. 409.166.

392 (b) "Qualifying adoptive employee" means a full-time or
393 part-time employee of a state agency who is paid from regular
394 salary appropriations, or otherwise meets the state agency
395 employer's definition of a regular rather than temporary
396 employee, and who adopts a child within the child welfare system
397 pursuant to chapter 63 on or after January 1, 2015. The term
398 includes instructional personnel, as defined in s. 1012.01,
399 employed by the Florida School for the Deaf and the Blind.

400 (c) "State agency" means a branch, department, or agency of
401 state government for which the Chief Financial Officer processes
402 payroll requisitions, a state university or Florida College
403 System institution as defined in s. 1000.21, a school district
404 unit as defined in s. 1001.30, or a water management district as



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405 defined in s. 373.019.

406 (2) A qualifying adoptive employee that adopts a child
407 within the child welfare system who has additional special needs
408 as described in s. 409.166 is eligible to receive a lump-sum
409 monetary benefit in the amount of \$10,000 per child within the
410 child welfare system, subject to applicable taxes. A qualifying
411 adoptive employee that adopts a child within the child welfare
412 system who has no additional special needs as described in s.
413 409.166 is eligible to receive a lump-sum monetary benefit in
414 the amount of \$5,000 per child within the child welfare system,
415 subject to applicable taxes.

416 (a) Benefits paid to a qualifying adoptive employee who is
417 a part-time employee must be prorated based on the qualifying
418 adoptive employee's full-time equivalency at the time of
419 applying for the benefits.

420 (b) Monetary benefits are limited to one award per adopted
421 child within the child welfare system.

422 (c) The payment of a lump-sum monetary benefit for adopting
423 a child within the child welfare system under this section is
424 subject to a specific appropriation to the department for such
425 purpose.

426 (3) A qualifying adoptive employee must apply to his or her
427 agency head to obtain the monetary benefit provided in
428 subsection (2). Applications must be on forms approved by the
429 department and must include a certified copy of the final order
430 of adoption naming the applicant as the adoptive parent.

431 (4) This section does not affect the right of any
432 qualifying adoptive employee who adopts a special needs child
433 that is not a child within the child welfare system to receive



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434 adoption assistance under s. 409.166 or any other statute that
435 provides financial incentives for the adoption of children.

436 (5) Parental leave for a qualifying adoptive employee must
437 be provided in accordance with the personnel policies and
438 procedures of the employee's state agency employer.

439 (6) The department shall adopt rules to administer this
440 section. The rules may provide for an application process such
441 as, but not limited to, an open enrollment period during which
442 qualifying adoptive employees may apply for monetary benefits
443 under this section.

444 (7) The Chief Financial Officer shall disburse a monetary
445 benefit to a qualifying adoptive employee upon the department's
446 submission of a payroll requisition. The Chief Financial Officer
447 shall transfer funds from the department to a state university,
448 Florida College System institution, school district unit, or
449 water management district, as appropriate, to enable payment to
450 the qualifying adoptive employee through the payroll systems as
451 long as funds are available for such purpose.

452 (8) Each state agency shall develop a uniform procedure for
453 informing employees about this benefit and for assisting the
454 department in making eligibility determinations and processing
455 applications. Any procedure adopted by a state agency is valid
456 and enforceable if the procedure does not conflict with the
457 express terms of this section.

458 Section 6. Section 409.1666, Florida Statutes, is created
459 to read:

460 409.1666 Annual adoption achievement awards.—Each year, the
461 Governor shall select and recognize one or more individuals,
462 families, or organizations that make significant contributions



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463 to enabling this state's foster children to achieve permanency
464 through adoption. The department shall define appropriate
465 categories for the achievement awards and seek nominations for
466 potential recipients in each category from individuals and
467 organizations knowledgeable about foster care and adoption.

468 (1) The award shall recognize persons whose contributions
469 involve extraordinary effort or personal sacrifice in order to
470 provide caring and permanent homes for foster children.

471 (2) A direct-support organization established in accordance
472 with s. 39.0011 by the Office of Adoption and Child Protection
473 within the Executive Office of the Governor may accept donations
474 of products or services from private sources to be given to the
475 recipients of the adoption achievement awards. The direct-
476 support organization may also provide suitable plaques, framed
477 certificates, pins, and other tokens of recognition.

478 Section 7. Subsection (18) is added to section 409.175,
479 Florida Statutes, to read:

480 409.175 Licensure of family foster homes, residential
481 child-caring agencies, and child-placing agencies; public
482 records exemption.—

483 (18) (a) A licensed child-placing agency conducting
484 intercountry adoptions must be designated by the United States
485 Department of State as an accrediting entity for intercountry
486 adoption services.

487 (b) A licensed child-placing agency providing adoption
488 services for intercountry adoption in Hague Convention
489 countries, in incoming or outgoing cases, must meet the federal
490 regulations pertaining to intercountry adoptions with convention
491 countries.



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492 (c) An adoption agency in this state which provides
493 intercountry adoption services for families residing in this
494 state must maintain a record that contains, at a minimum, the
495 following:

- 496 1. All available family and medical history of the birth
497 family;
498 2. All legal documents translated into English;
499 3. All necessary documents obtained by the adoptive parent
500 in order for the child to attain United States citizenship, or
501 if applicable, other legal immigration status; and
502 4. All supervisory reports prepared before an adoption and
503 after the finalization of an adoption.

504 Section 8. For the 2015-2016 fiscal year, the sum of \$6.5
505 million in recurring funds from the General Revenue Fund is
506 appropriated to the Department of Children and Families for the
507 creation of the adoption incentive program. The Executive Office
508 of the Governor shall place these funds in reserve until such
509 time as the Department of Children and Families submits a plan
510 identifying the performance measures, targeted outcomes, and an
511 expenditure plan for approval to the Executive Office of the
512 Governor and the chair and vice chair of the Legislative Budget
513 Commission in accordance with s. 216.177, Florida Statutes.

514 Section 9. For the 2015-2016 fiscal year, the sum of
515 \$3,425,356 in recurring funds from the General Revenue Fund is
516 appropriated to the Department of Children and Families for the
517 creation of the adoption benefits for qualifying adoptive
518 employees of state agencies. For the 2015-2016 fiscal year, the
519 sum of \$74,644 in recurring funds from the General Revenue Fund
520 is appropriated to the Department of Children and Families and



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521 one full-time equivalent position with associated salary rate of
522 46,382 is authorized for the creation of the adoption benefits
523 for qualifying adoptive employees of state agencies and the
524 development of performance measures and targeted outcomes.

525 Section 10. This act shall take effect July 1, 2015.