House

Florida Senate - 2015 Bill No. CS/HB 7013, 1st Eng.



LEGISLATIVE ACTION

Senate

Floor: 2/F/2R 04/08/2015 05:41 PM

Senator Stargel moved the following:

Senate Substitute for Amendment (412232) (with title amendment)

Delete everything after the enacting clause and insert:

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

39.0016 Education of abused, neglected, and abandoned children; agency agreements; children having or suspected of having a disability.-

(2) AGENCY AGREEMENTS.-

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

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1. A requirement that the department shall:

a. <u>Ensure Enroll</u> children known to the department <u>are</u>
<u>enrolled</u> in school <u>or in the best educational setting that meets</u>
<u>the needs of the child</u>. The agreement shall provide for
continuing the enrollment of a child known to the department at
the same school <u>of origin when</u>, if possible <u>if it is in the best</u>
<u>interest of the child</u>, with the goal of <u>minimal</u> avoiding
disruption of education.

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

c. Establish a protocol for the department to share 31 32 information about a child known to the department with the 33 school district, consistent with the Family Educational Rights 34 and Privacy Act, since the sharing of information will assist each agency in obtaining education and related services for the 35 36 benefit of the child. The protocol must require the district school boards or other local educational entities to access the 37 38 department's Florida Safe Families Network to obtain information 39 about children known to the department, consistent with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s. 40

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

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

2. A requirement that the district school board shall: a. Provide the department with a general listing of the services and information available from the district school board to facilitate educational access for a child known to the department.

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

60 c. Determine whether transportation is available for a child known to the department when such transportation will 61 62 avoid a change in school assignment due to a change in 63 residential placement. Recognizing that continued enrollment in 64 the same school throughout the time the child known to the 65 department is in out-of-home care is preferable unless enrollment in the same school would be unsafe or otherwise 66 67 impractical, the department, the district school board, and the Department of Education shall assess the availability of 68 federal, charitable, or grant funding for such transportation. 69

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70 d. Provide individualized student intervention or an 71 individual educational plan when a determination has been made through legally appropriate criteria that intervention services 72 73 are required. The intervention or individual educational plan 74 must include strategies to enable the child known to the 75 department to maximize the attainment of educational goals. 76 3. A requirement that the department and the district 77 school board shall cooperate in accessing the services and 78 supports needed for a child known to the department who has or 79 is suspected of having a disability to receive an appropriate 80 education consistent with the Individuals with Disabilities 81 Education Act and state implementing laws, rules, and 82 assurances. Coordination of services for a child known to the 83 department who has or is suspected of having a disability may 84 include: 85 a. Referral for screening. 86 b. Sharing of evaluations between the school district and 87 the department where appropriate. 88 c. Provision of education and related services appropriate 89 for the needs and abilities of the child known to the 90 department. 91 d. Coordination of services and plans between the school 92 and the residential setting to avoid duplication or conflicting 93 service plans. 94 e. Appointment of a surrogate parent, consistent with the 95 Individuals with Disabilities Education Act and pursuant to 96 subsection (3), for educational purposes for a child known to 97 the department who qualifies. 98 f. For each child known to the department 14 years of age

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99 and older, transition planning by the department and all 100 providers, including the department's independent living program 101 staff, to meet the requirements of the local school district for 102 educational purposes. 103 Section 2. Subsection (6) is added to section 39.812, 104 Florida Statutes, to read: 105 39.812 Postdisposition relief; petition for adoption.-106 (6) (a) Once a child's adoption is finalized, the communitybased care lead agency is required to make a reasonable effort 107 108 to make contact with the adoptive family either in person or by 109 telephone 1 year after the date of finalization of the adoption as a post-adoption service. If the family has relocated to 110 111 another state, the required contact may occur by telephone. For 112 the purposes of this subsection, the term "reasonable effort" 113 means the exercise of reasonable diligence and care by the 114 community-based care lead agency to make contact with the adoptive family. At a minimum, the community-based care lead 115 116 agency must document the following: 117 1. The number of attempts made by the community-based care 118 lead agency to contact the adoptive family and whether those 119 attempts were successful; 120 2. The types of post-adoption services that were requested 121 by the adoptive family and whether those services were provided 122 by the community-based care lead agency; and 123 3. Any feedback received by the community-based care lead 124 agency from the adoptive family related to the quality or 125 effectiveness of services provided; and 126 (b) The community-based care lead agency must annually 127 report to the department on the outcomes achieved and

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128 recommendations for improvement under this subsection. 129 Section 3. Subsection (2) of section 409.145, Florida 130 Statutes, is amended to read: 131 409.145 Care of children; guality parenting; "reasonable

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

139 (2) QUALITY PARENTING.-A child in foster care shall be 140 placed only with a caregiver who has the ability to care for the 141 child, is willing to accept responsibility for providing care, 142 and is willing and able to learn about and be respectful of the 143 child's culture, religion and ethnicity, special physical or 144 psychological needs, any circumstances unique to the child, and 145 family relationships. The department, the community-based care 146 lead agency, and other agencies shall provide such caregiver 147 with all available information necessary to assist the caregiver 148 in determining whether he or she is able to appropriately care for a particular child. 149

150 (a) Roles and responsibilities of caregivers.—A caregiver 151 shall:

152 1. Participate in developing the case plan for the child 153 and his or her family and work with others involved in his or 154 her care to implement this plan. This participation includes the 155 caregiver's involvement in all team meetings or court hearings 156 related to the child's care.

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2. Complete all training needed to improve skills in

158 parenting a child who has experienced trauma due to neglect, 159 abuse, or separation from home, to meet the child's special 160 needs, and to work effectively with child welfare agencies, the 161 court, the schools, and other community and governmental 162 agencies. 163 3. Respect and support the child's ties to members of his 164 or her biological family and assist the child in maintaining allowable visitation and other forms of communication. 165 166 4. Effectively advocate for the child in the caregiver's 167 care with the child welfare system, the court, and community 168 agencies, including the school, child care, health and mental 169 health providers, and employers. 170 5. Participate fully in the child's medical, psychological, 171 and dental care as the caregiver would for his or her biological 172 child. 173 6. Support the child's educational school success by participating in school activities and meetings associated with 174 175 the child's school or other educational setting, including 176 Individual Education Plan meetings and meetings with an 177 educational surrogate if one has been appointed, assisting with 178 school assignments, supporting tutoring programs, meeting with 179 teachers and working with an educational surrogate if one has 180 been appointed, and encouraging the child's participation in 181 extracurricular activities.

a. Maintaining educational stability for a child while in
 out-of-home care by allowing the child to remain in the school
 or educational setting he or she attended before entry into out of-home care is the first priority, unless it is not in the best

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186 interest of the child.

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

197 7. Work in partnership with other stakeholders to obtain and maintain records that are important to the child's well-199 being, including child resource records, medical records, school records, photographs, and records of special events and achievements.

202 8. Ensure that the child in the carequiver's care who is 203 between 13 and 17 years of age learns and masters independent 204 living skills.

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

208 10. Work to enable the child in the caregiver's care to establish and maintain naturally occurring mentoring 209 210 relationships.

211 (b) Roles and responsibilities of the department, the 212 community-based care lead agency, and other agency staff.-The 213 department, the community-based care lead agency, and other agency staff shall: 214

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215 1. Include a caregiver in the development and 216 implementation of the case plan for the child and his or her 217 family. The caregiver shall be authorized to participate in all 218 team meetings or court hearings related to the child's care and 219 future plans. The caregiver's participation shall be facilitated 220 through timely notification, an inclusive process, and 221 alternative methods for participation for a caregiver who cannot 222 be physically present. 223 2. Develop and make available to the caregiver the 224 information, services, training, and support that the caregiver 225 needs to improve his or her skills in parenting children who 226 have experienced trauma due to neglect, abuse, or separation 227 from home, to meet these children's special needs, and to 228 advocate effectively with child welfare agencies, the courts, 229 schools, and other community and governmental agencies. 230 3. Provide the caregiver with all information related to 231 services and other benefits that are available to the child. 232 4. Show no prejudice against a caregiver who desires to educate at home any children placed in his or her home through 233 234 the child welfare system. 235 (c) Transitions.-236 1. Once a caregiver accepts the responsibility of caring 237 for a child, the child will be removed from the home of that 238 caregiver only if: 239 a. The caregiver is clearly unable to safely or legally 240 care for the child; 241 b. The child and his or her biological family are 242 reunified; c. The child is being placed in a legally permanent home 243

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244 pursuant to the case plan or a court order; or 245 d. The removal is demonstrably in the child's best 246 interest.

247 2. In the absence of an emergency, if a child leaves the 248 caregiver's home for a reason provided under subparagraph 1., 249 the transition must be accomplished according to a plan that 250 involves cooperation and sharing of information among all 251 persons involved, respects the child's developmental stage and 2.52 psychological needs, ensures the child has all of his or her 253 belongings, allows for a gradual transition from the caregiver's 254 home and, if possible, for continued contact with the caregiver 255 after the child leaves.

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

263 1. Medical, dental, psychological, psychiatric, and 264 behavioral history, as well as ongoing evaluation or treatment 265 needs;

2. School records;

267 3. Copies of his or her birth certificate and, if268 appropriate, immigration status documents;

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4. Consents signed by parents;

270 5. Comprehensive behavioral assessments and other social271 assessments;

6. Court orders;

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273	7. Visitation and case plans;
274	8. Guardian ad litem reports;
275	9. Staffing forms; and
276	10. Judicial or citizen review panel reports and
277	attachments filed with the court, except confidential medical,
278	psychiatric, and psychological information regarding any party
279	or participant other than the child.
280	(e) Caregivers employed by residential group homes.—All
281	caregivers in residential group homes shall meet the same
282	education, training, and background and other screening
283	requirements as foster parents.
284	Section 4. Section 409.1662, Florida Statutes, is created
285	to read:
286	409.1662 Children within the child welfare system; adoption
287	incentive program
288	(1) PURPOSE.—The purpose of the adoption incentive program
289	is to advance the state's achievement of permanency, stability,
290	and well-being in living arrangements for children in foster
291	care who cannot be reunited with their families. The department
292	shall establish the adoption incentive program to award
293	incentive payment to community-based care lead agencies, as
294	defined in s. 409.986, and their subcontractors that are
295	involved in the adoption process for achievement of specific and
296	measurable adoption performance standards that lead to
297	permanency, stability, and well-being for children.
298	(2) ADMINISTRATION OF THE PROGRAM
299	(a) The department shall conduct a comprehensive baseline
300	assessment of the performance of lead agencies and providers
301	related to adoption of children from foster care. The assessment

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302	shall compile annual data for each of the most recent 5 years
303	for which data is available. The department shall update the
304	assessment annually. At a minimum, the assessment shall
305	identify:
306	1. The number of families attempting to adopt children from
307	foster care and the number of families completing the adoption
308	process.
309	2. The number of children eligible for adoption and the
310	number of children whose adoptions were finalized.
311	3. The amount of time eligible children waited for
312	adoption.
313	4. The number of adoptions that resulted in disruption or
314	dissolution and the subset of those disrupted adoptions that
315	were preventable by the community-based care lead agency or the
316	subcontracted provider.
317	5. The time taken to complete each phase of the adoption
318	process.
319	6. The expenditures made to recruit adoptive homes and a
320	description of any initiative to improve adoption performance or
321	streamline the adoption process.
322	7. The results of any specific effort to gather feedback
323	from prospective adoptive parents, adoptive parents, children in
324	the child welfare system, adoptees, and other stakeholders.
325	8. The use of evidence-based, evidence-informed, promising,
326	and innovative practices in recruitment, orientation, and
327	preparation of appropriate adoptive families, matching children
328	with families, supporting children during the adoption process,
329	and providing post-adoptive support.
330	(b) Using the information from the baseline assessment, the

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331	department shall annually negotiate outcome-based agreements
332	with lead agencies and their subcontracted providers. The
333	agreements must establish measurable outcome targets to increase
334	the number of adoptions resulting in permanent placements that
335	enhance children's well-being. The agreements will define the
336	method for measuring performance and for determining the level
337	of performance required to earn the incentive payment, and the
338	amount of the incentive payment which may be earned for each
339	target.
340	(3) INCENTIVE PAYMENTS
341	(a) The department shall allocate incentive payments to
342	performance improvement targets in a manner that ensures that
343	total payments do not exceed the amount appropriated for this
344	purpose.
345	(b) The department shall ensure that the amount of the
346	incentive payments are proportionate to the value of the
347	performance improvement.
348	(4) REPORTThe department shall report annually by
349	November 15 to the Governor, the President of the Senate, and
350	the Speaker of the House of Representatives on the negotiated
351	targets set for, outcomes achieved by, and incentive payments
352	made to each community-based care lead agency during the
353	previous fiscal year. The department shall also report on the
354	program enhancements made by each community-based care lead
355	agency and its subcontractors to achieve negotiated outcomes
356	under this section.
357	Section 5. Section 409.1664, Florida Statutes, is created
358	to read:
359	409.1664 Adoption benefits for qualifying adoptive

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360 employees of state agencies.-361 (1) As used in this section, the term: 362 (a) "Child within the child welfare system" has the same 363 meaning as in s. 409.166. 364 (b) "Qualifying adoptive employee" means a full-time or 365 part-time employee of a state agency who is paid from regular 366 salary appropriations, or otherwise meets the state agency 367 employer's definition of a regular rather than temporary 368 employee, and who adopts a child within the child welfare system 369 pursuant to chapter 63 on or after January 1, 2015. The term includes instructional personnel, as defined in s. 1012.01, 370 371 employed by the Florida School for the Deaf and the Blind. 372 (c) "State agency" means a branch, department, or agency of 373 state government for which the Chief Financial Officer processes 374 payroll requisitions, a state university or Florida College System institution as defined in s. 1000.21, a school district 375 376 unit as defined in s. 1001.30, or a water management district as defined in s. 373.019. 377 378 (2) A qualifying adoptive employee that adopts a child within the child welfare system who has special needs as 379 380 described in s. 409.166(2)(a)2. is eligible to receive a lump 381 sum benefit in the amount of \$10,000 per child, subject to 382 applicable taxes. A qualifying adoptive employee that adopts a 383 child within the child welfare system who does not have the 384 special needs as described in s. 409.166(2)(a)2. is eligible to 385 receive a lump sum benefit in the amount of \$5,000 per child, 386 subject to applicable taxes. 387 (a) Benefits paid to a qualifying adoptive employee who is a part-time employee must be prorated based on the qualifying 388

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389	adoptive employee's full-time equivalency at the time of
390	applying for the benefits.
391	(b) Benefits under this section are limited to one award
392	per adopted child within the child welfare system.
393	(c) The payment of a lump-sum benefit for adopting a child
394	within the child welfare system under this section is subject to
395	a specific appropriation to the department for such purpose.
396	(3) A qualifying adoptive employee must apply to his or her
397	agency head to obtain the benefit provided in subsection (2).
398	Applications must be on forms approved by the department and
399	must include a certified copy of the final order of adoption
400	naming the applicant as the adoptive parent.
401	(4) This section does not preclude a qualifying adoptive
402	employee from receiving adoption assistance he or she may
403	qualify for under s. 409.166 or any other statute that provides
404	financial incentives for the adoption of children.
405	(5) Parental leave for a qualifying adoptive employee must
406	be provided in accordance with the personnel policies and
407	procedures of the employee's state agency employer.
408	(6) The department shall adopt rules to administer this
409	section. The rules may provide for an application process such
410	as, but not limited to, an open enrollment period during which
411	qualifying adoptive employees may apply for monetary benefits
412	under this section.
413	(7) The Chief Financial Officer shall disburse a monetary
414	benefit to a qualifying adoptive employee upon the department's
415	submission of a payroll requisition. The Chief Financial Officer
416	shall transfer funds from the department to a state university,
417	Florida College System institution, school district unit, or

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	water management district, as appropriate, to enable payment to
	the qualifying adoptive employee through the payroll systems as
	long as funds are available for such purpose.
=	(8) Each state agency shall develop a uniform procedure for
i	informing employees about this benefit and for assisting the
_	department in making eligibility determinations and processing
_	applications. Any procedure adopted by a state agency is valid
_	and enforceable if the procedure does not conflict with the
	express terms of this section.
-	Section 6. Section 409.1666, Florida Statutes, is created
+	to read:
L	
r	409.1666 Annual adoption achievement awardsEach year, the
	Governor shall select and recognize one or more individuals,
	families, or organizations that make significant contributions
	to enabling this state's foster children to achieve permanency
	through adoption. The department shall define appropriate
	categories for the achievement awards and seek nominations for
	potential recipients in each category from individuals and
2	organizations knowledgeable about foster care and adoption.
	(1) The award shall recognize persons whose contributions
	involve extraordinary effort or personal sacrifice in order to
p	provide caring and permanent homes for foster children.
	(2) A direct-support organization established in accordance
δ	with s. 39.0011 by the Office of Adoption and Child Protection
V	within the Executive Office of the Governor may accept donations
<u> </u>	of products or services from private sources to be given to the
r	recipients of the adoption achievement awards. The direct-
10	support organization may also provide suitable plaques, framed
C	certificates, pins, and other tokens of recognition.

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447	Section 7. Subsection (18) is added to section 409.175,
448	Florida Statutes, to read:
449	409.175 Licensure of family foster homes, residential
450	child-caring agencies, and child-placing agencies; public
451	records exemption
452	(18) (a) A licensed child-placing agency conducting
453	intercountry adoptions must be designated by the United States
454	Department of State as an accredited entity for intercountry
455	adoption services.
456	(b) A licensed child-placing agency providing adoption
457	services for intercountry adoption in Hague Convention
458	countries, in incoming or outgoing cases, must meet the federal
459	regulations pertaining to intercountry adoptions with convention
460	countries.
461	(c) An adoption agency in this state which provides
462	intercountry adoption services for families residing in this
463	state must maintain a record that contains, at a minimum, the
464	following:
465	1. All available family and medical history of the birth
466	family;
467	2. All legal documents translated into English;
468	3. All necessary documents obtained by the adoptive parent
469	in order for the child to attain United States citizenship, or
470	if applicable, other legal immigration status; and
471	4. All supervisory reports prepared before an adoption and
472	after the finalization of an adoption.
473	Section 8. For the 2015-2016 fiscal year, the sum of 6.5
474	million in recurring funds from the General Revenue Fund is
475	appropriated to the Department of Children and Families for the

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476 creation of the adoption incentive program. The Executive Office 477 of the Governor shall place these funds in reserve until such 478 time as the Department of Children and Families submits a plan 479 identifying the performance measures, targeted outcomes, and an 480 expenditure plan for approval to the Executive Office of the Governor and the chair and vice chair of the Legislative Budget 481 482 Commission in accordance with s. 216.177, Florida Statutes. 483 Section 9. For the 2015-2016 fiscal year, the sum of 484 \$3,425,356 in recurring funds from the General Revenue Fund is 485 appropriated to the Department of Children and Families for the 486 creation of the adoption benefits for qualifying adoptive 487 employees of state agencies. For the 2015-2016 fiscal year, the 488 sum of \$74,644 in recurring funds from the General Revenue Fund 489 is appropriated to the Department of Children and Families and 490 one full-time equivalent position with associated salary rate of 491 46,382 is authorized for the creation of the adoption benefits 492 for qualifying adoptive employees of state agencies and the 493 development of performance measures and targeted outcomes. 494 Section 10. This act shall take effect July 1, 2015. 495 496 And the title is amended as follows: 497 Delete everything before the enacting clause 498 and insert: 499 A bill to be entitled 500 An act relating to adoption and foster care; amending 501 s. 39.0016, F.S.; revising what the Department of 502 Children and Families must do when required to enter 503 into agreements with specified entities; amending s. 504 39.812, F.S.; requiring the community-based care lead

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505 agency to visit in person or contact by telephone the 506 child and the child's adoptive family 1 year after the 507 date the adoption is finalized; requiring the agency 508 to document specified information; requiring the 509 agency to submit a report annually to the department; 510 amending s. 409.145, F.S.; revising caregiver roles 511 and responsibilities; revising the roles and 512 responsibilities of the department, the community-513 based care lead agency, and other agency staff; 514 creating s. 409.1662, F.S.; providing the purpose of 515 the adoption incentive program; directing the 516 Department of Children and Families to establish an 517 adoption incentive program for certain agencies and 518 subcontractors; requiring that the department conduct 519 a comprehensive baseline assessment of lead agencies 520 and provider performance and compile annual data for 521 the most recent 5 years of available data; requiring the department to update the assessment annually; 522 523 providing a nonexclusive list of factors for the 524 assessment to identify; requiring that the department 525 negotiate outcome-based agreements; requiring that 526 several factors be included in the agreements; 527 requiring the department to allocate incentive 528 payments; requiring the department to report annually 529 by a certain date specified information to the 530 Governor and the Legislature; creating s. 409.1664, 531 F.S.; defining terms; providing certain amounts 532 payable to a qualifying adoptive employee who adopts 533 specified children under certain circumstances,

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534 subject to applicable taxes; providing prorated 535 payments for a part-time employee and limiting the monetary benefit to one award per child; requiring 536 537 that a qualifying adoptive employee apply to the 538 agency head for the monetary benefit on forms approved 539 by the department and include a certified copy of the final order of adoption; providing that the rights 540 541 offered by this act do not preclude a qualifying 542 adoptive employee who adopts a special needs child 543 from receiving any other assistance or incentive; 544 requiring that parental leave for qualifying adoptive 545 employees be provided; requiring the department to 546 adopt rules; requiring the Chief Financial Officer to 547 submit payment to a qualifying adoptive employee 548 depending on where he or she works; requiring state 549 agencies to develop uniform procedures for informing 550 employees about this benefit and for assisting the 551 department in making eligibility determinations and 552 processing applications; creating s. 409.1666, F.S.; 553 requiring the Governor to annually select and 554 recognize certain individuals, families, or 555 organizations for adoption achievement awards; 556 requiring the department to define categories for the 557 achievement awards and seek nominations for potential 558 recipients; authorizing a direct-support organization 559 established by the Office of Adoption and Child 560 Protection to accept donations of products or services from private sources to be given to the recipients of 561 562 the adoption achievement awards; amending s. 409.175,

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563	F.S.; requiring licensed child-placing agencies
564	providing adoption services for intercountry adoptions
565	to meet specified requirements; requiring an adoption
566	agency in this state which provides certain services
567	to maintain records with specified information;
568	providing appropriations; providing an effective date.