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CS/HB 7013, Engrossed 1

2015 Legislature

1
2 An act relating to adoption and foster care; amending
3 s. 39.0016, F.S.; revising requirements for agreements
4 between the Department of Children and Families and
5 specified entities for the provision of educational
6 services; amending s. 63.042, F.S.; deleting a
7 prohibition against adoption by persons who are
8 homosexual; specifying that a person may not be
9 prohibited from adopting solely because he or she
10 desires to educate the adopted child at home; amending
11 s. 409.145, F.S.; revising roles and responsibilities
12 of caregivers relating to educational settings;
13 revising roles and responsibilities of the department,
14 the community-based care lead agency, and other agency
15 staff; amending s. 39.812, F.S.; requiring the
16 community-based care lead agency to contact by
17 telephone the child's adoptive family within a
18 specified period after the date that the adoption is
19 finalized; defining the term "reasonable effort";
20 requiring the agency to document specified
21 information; requiring the agency to submit a report
22 annually to the department; creating s. 409.1662,
23 F.S.; providing the purpose of the adoption incentive
24 program; directing the Department of Children and
25 Families to establish an adoption incentive program
26 for certain agencies and subcontracted providers;



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27 | requiring that the department conduct a comprehensive
28 | baseline assessment of lead agencies' and
29 | subcontracted providers' performance and compile
30 | annual data for the most recent 5 years of available
31 | data; requiring the department to update the
32 | assessment annually; providing a nonexclusive list of
33 | factors for the assessment to identify; requiring that
34 | the department negotiate outcome-based agreements;
35 | requiring that several factors be included in the
36 | agreements; requiring the department to allocate
37 | incentive payments; requiring the department to report
38 | annually by a certain date specified information to
39 | the Governor and the Legislature; creating s.
40 | 409.1664, F.S.; defining terms; providing certain
41 | amounts payable to a qualifying adoptive employee who
42 | adopts specified children under certain circumstances
43 | subject to a specific appropriation to the department;
44 | providing prorated payments for a part-time employee
45 | and limiting the monetary benefit to one award per
46 | child; requiring that a qualifying adoptive employee
47 | apply to the agency head for the monetary benefit on
48 | forms approved by the department and include a
49 | certified copy of the final order of adoption;
50 | providing requirements for the approval of monetary
51 | benefits by the department; providing that the act
52 | does not preclude a qualifying adoptive employee from



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53 receiving any other assistance or incentive; requiring
54 that parental leave for qualifying adoptive employees
55 be provided; authorizing the department to adopt
56 rules; requiring the Chief Financial Officer to submit
57 payment to a qualifying adoptive employee depending on
58 where he or she works; requiring state agencies to
59 develop uniform procedures for informing employees
60 about this benefit and for assisting the department in
61 making eligibility determinations and processing
62 applications; creating s. 409.1666, F.S.; requiring
63 the Governor to annually select and recognize certain
64 individuals, families, or organizations for adoption
65 achievement awards; requiring the department to define
66 categories for the achievement awards and seek
67 nominations for potential recipients; authorizing a
68 direct-support organization established by the Office
69 of Adoption and Child Protection to accept donations
70 of products or services from private sources to be
71 given to the recipients of the adoption achievement
72 awards; amending s. 409.175, F.S.; requiring licensed
73 child-placing agencies that provide adoption services
74 for intercountry adoptions to meet specified
75 requirements; requiring an adoption agency in this
76 state which provides certain services to maintain
77 records containing specified information; providing an
78 effective date.



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

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.—

(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:

1. A requirement that the department shall:

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



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105 | of the child known to the department caregiver and caseworker
106 | for child safety purposes.

107 | c. Establish a protocol for the department to share
108 | information about a child known to the department with the
109 | school district, consistent with the Family Educational Rights
110 | and Privacy Act, since the sharing of information will assist
111 | each agency in obtaining education and related services for the
112 | benefit of the child. The protocol must require the district
113 | school boards or other local educational entities to access the
114 | department's Florida Safe Families Network to obtain information
115 | about children known to the department, consistent with the
116 | Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s.
117 | 1232g.

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

124 | e. Show no prejudice against a caregiver who desires to
125 | educate at home a child placed in his or her home through the
126 | child welfare system.

127 | 2. A requirement that the district school board shall:

128 | a. Provide the department with a general listing of the
129 | services and information available from the district school



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130 board to facilitate educational access for a child known to the
131 department.

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

136 c. Determine whether transportation is available for a
137 child known to the department when such transportation will
138 avoid a change in school assignment due to a change in
139 residential placement. Recognizing that continued enrollment in
140 the same school throughout the time the child known to the
141 department is in out-of-home care is preferable unless
142 enrollment in the same school would be unsafe or otherwise
143 impractical, the department, the district school board, and the
144 Department of Education shall assess the availability of
145 federal, charitable, or grant funding for such transportation.

146 d. Provide individualized student intervention or an
147 individual educational plan when a determination has been made
148 through legally appropriate criteria that intervention services
149 are required. The intervention or individual educational plan
150 must include strategies to enable the child known to the
151 department to maximize the attainment of educational goals.

152 3. A requirement that the department and the district
153 school board shall cooperate in accessing the services and
154 supports needed for a child known to the department who has or
155 is suspected of having a disability to receive an appropriate



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156 education consistent with the Individuals with Disabilities
157 Education Act and state implementing laws, rules, and
158 assurances. Coordination of services for a child known to the
159 department who has or is suspected of having a disability may
160 include:

- 161 a. Referral for screening.
- 162 b. Sharing of evaluations between the school district and
163 the department where appropriate.
- 164 c. Provision of education and related services appropriate
165 for the needs and abilities of the child known to the
166 department.
- 167 d. Coordination of services and plans between the school
168 and the residential setting to avoid duplication or conflicting
169 service plans.
- 170 e. Appointment of a surrogate parent, consistent with the
171 Individuals with Disabilities Education Act and pursuant to
172 subsection (3), for educational purposes for a child known to
173 the department who qualifies.
- 174 f. For each child known to the department 14 years of age
175 and older, transition planning by the department and all
176 providers, including the department's independent living program
177 staff, to meet the requirements of the local school district for
178 educational purposes.

179 Section 2. Subsection (3) of section 63.042, Florida
180 Statutes, is amended, subsection (4) is renumbered as subsection
181 (3), and a new subsection (4) is added to that section, to read:



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182 63.042 Who may be adopted; who may adopt.—

183 ~~(3) No person eligible to adopt under this statute may~~
 184 ~~adopt if that person is a homosexual.~~

185 (3)~~(4)~~ No person eligible under this section shall be
 186 prohibited from adopting solely because such person possesses a
 187 physical disability or handicap, unless it is determined by the
 188 court or adoption entity that such disability or handicap
 189 renders such person incapable of serving as an effective parent.

190 (4) No person eligible under this section shall be
 191 prohibited from adopting solely because he or she desires to
 192 educate the adopted child at home.

193 Section 3. Paragraphs (a) and (b) of subsection (2) of
 194 section 409.145, Florida Statutes, are amended to read:

195 409.145 Care of children; quality parenting; "reasonable
 196 and prudent parent" standard.—The child welfare system of the
 197 department shall operate as a coordinated community-based system
 198 of care which empowers all caregivers for children in foster
 199 care to provide quality parenting, including approving or
 200 disapproving a child's participation in activities based on the
 201 caregiver's assessment using the "reasonable and prudent parent"
 202 standard.

203 (2) QUALITY PARENTING.—A child in foster care shall be
 204 placed only with a caregiver who has the ability to care for the
 205 child, is willing to accept responsibility for providing care,
 206 and is willing and able to learn about and be respectful of the
 207 child's culture, religion and ethnicity, special physical or



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208 | psychological needs, any circumstances unique to the child, and
209 | family relationships. The department, the community-based care
210 | lead agency, and other agencies shall provide such caregiver
211 | with all available information necessary to assist the caregiver
212 | in determining whether he or she is able to appropriately care
213 | for a particular child.

214 | (a) Roles and responsibilities of caregivers.—A caregiver
215 | shall:

216 | 1. Participate in developing the case plan for the child
217 | and his or her family and work with others involved in his or
218 | her care to implement this plan. This participation includes the
219 | caregiver's involvement in all team meetings or court hearings
220 | related to the child's care.

221 | 2. Complete all training needed to improve skills in
222 | parenting a child who has experienced trauma due to neglect,
223 | abuse, or separation from home, to meet the child's special
224 | needs, and to work effectively with child welfare agencies, the
225 | court, the schools, and other community and governmental
226 | agencies.

227 | 3. Respect and support the child's ties to members of his
228 | or her biological family and assist the child in maintaining
229 | allowable visitation and other forms of communication.

230 | 4. Effectively advocate for the child in the caregiver's
231 | care with the child welfare system, the court, and community
232 | agencies, including the school, child care, health and mental
233 | health providers, and employers.



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234 5. Participate fully in the child's medical,
235 psychological, and dental care as the caregiver would for his or
236 her biological child.

237 6. Support the child's educational ~~school~~ success by
238 participating in ~~school~~ activities and meetings associated with
239 the child's school or other educational setting, including
240 Individual Education Plan meetings and meetings with an
241 educational surrogate if one has been appointed, assisting with
242 ~~school~~ assignments, supporting tutoring programs, ~~meeting with~~
243 ~~teachers and working with an educational surrogate if one has~~
244 ~~been appointed~~, and encouraging the child's participation in
245 extracurricular activities.

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

251 b. If it is not in the best interest of the child to
252 remain in his or her school or educational setting upon entry
253 into out-of-home care, the caregiver must work with the case
254 manager, guardian ad litem, teachers and guidance counselors,
255 and educational surrogate if one has been appointed to determine
256 the best educational setting for the child. Such setting may
257 include a public school that is not the school of origin, a
258 private school pursuant to s. 1002.42, a virtual instruction



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259 program pursuant to s. 1002.45, or a home education program
260 pursuant to s. 1002.41.

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

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

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

272 10. Work to enable the child in the caregiver's care to
273 establish and maintain naturally occurring mentoring
274 relationships.

275 (b) Roles and responsibilities of the department, the
276 community-based care lead agency, and other agency staff.—The
277 department, the community-based care lead agency, and other
278 agency staff shall:

279 1. Include a caregiver in the development and
280 implementation of the case plan for the child and his or her
281 family. The caregiver shall be authorized to participate in all
282 team meetings or court hearings related to the child's care and
283 future plans. The caregiver's participation shall be facilitated
284 through timely notification, an inclusive process, and



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285 alternative methods for participation for a caregiver who cannot
286 be physically present.

287 2. Develop and make available to the caregiver the
288 information, services, training, and support that the caregiver
289 needs to improve his or her skills in parenting children who
290 have experienced trauma due to neglect, abuse, or separation
291 from home, to meet these children's special needs, and to
292 advocate effectively with child welfare agencies, the courts,
293 schools, and other community and governmental agencies.

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

296 4. Show no prejudice against a caregiver who desires to
297 educate at home a child placed in his or her home through the
298 child welfare system.

299 Section 4. Subsection (6) is added to section 39.812,
300 Florida Statutes, to read:

301 39.812 Postdisposition relief; petition for adoption.—

302 (6) (a) Once a child's adoption is finalized, the
303 community-based care lead agency must make a reasonable effort
304 to contact the adoptive family by telephone 1 year after the
305 date of finalization of the adoption as a postadoption service.
306 For purposes of this subsection, the term "reasonable effort"
307 means the exercise of reasonable diligence and care by the
308 community-based care lead agency to make contact with the
309 adoptive family. At a minimum, the agency must document the
310 following:



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311 1. The number of attempts made by the community-based care
312 lead agency to contact the adoptive family and whether those
313 attempts were successful;

314 2. The types of postadoption services that were requested
315 by the adoptive family and whether those services were provided
316 by the community-based care lead agency; and

317 3. Any feedback received by the community-based care lead
318 agency from the adoptive family relating to the quality or
319 effectiveness of the services provided.

320 (b) The community-based care lead agency must report
321 annually to the department on the outcomes achieved and
322 recommendations for improvement under this subsection.

323 Section 5. Section 409.1662, Florida Statutes, is created
324 to read:

325 409.1662 Children within the child welfare system;
326 adoption incentive program.—

327 (1) PURPOSE.—The purpose of the adoption incentive program
328 is to advance the state's achievement of permanency, stability,
329 and well-being in living arrangements for children in foster
330 care who cannot be reunited with their families. The department
331 shall establish the adoption incentive program to award
332 incentive payment to community-based care lead agencies, as
333 defined in s. 409.986, and their subcontracted providers that
334 are involved in the adoption process, for achievement of
335 specific and measureable adoption performance standards that
336 lead to permanency, stability, and well-being for children.



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337 (2) ADMINISTRATION OF THE PROGRAM.—

338 (a) The department shall conduct a comprehensive baseline
339 assessment of the performance of lead agencies and subcontracted
340 providers related to adoption of children from foster care. The
341 assessment shall compile annual data for each of the most recent
342 5 years for which data is available. The department shall update
343 the assessment annually. At a minimum, the assessment shall
344 identify:

345 1. The number of families attempting to adopt children
346 from foster care and the number of families completing the
347 adoption process.

348 2. The number of children eligible for adoption and the
349 number of children whose adoptions were finalized.

350 3. The amount of time eligible children waited for
351 adoption.

352 4. The number of adoptions that resulted in disruption or
353 dissolution and the subset of those disrupted adoptions that
354 were preventable by the lead agency or the subcontracted
355 provider.

356 5. The time taken to complete each phase of the adoption
357 process.

358 6. The expenditures made to recruit adoptive homes and a
359 description of any initiative to improve adoption performance or
360 streamline the adoption process.

361 7. The results of any specific effort to gather feedback
362 from prospective adoptive parents, adoptive parents, children in



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363 | the child welfare system, adoptees, and other stakeholders.

364 | 8. The use of evidence-based, evidence-informed,
365 | promising, and innovative practices in recruitment, orientation,
366 | and preparation of appropriate adoptive families, matching
367 | children with families, supporting children during the adoption
368 | process, and providing post-adoptive support.

369 | (b) Using the information from the baseline assessment,
370 | the department shall annually negotiate outcome-based agreements
371 | with lead agencies and their subcontracted providers. The
372 | agreements must establish measureable outcome targets to
373 | increase the number of adoptions resulting in permanent
374 | placements that enhance children's well-being. The agreements
375 | will define the method for measuring performance and for
376 | determining the level of performance required to earn the
377 | incentive payment, and the amount of the incentive payment which
378 | may be earned for each target.

379 | (3) INCENTIVE PAYMENTS.—

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

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

387 | (4) REPORT.—The department shall report annually by
388 | November 15 to the Governor, the President of the Senate, and



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389 the Speaker of the House of Representatives on the negotiated
390 targets set for, outcomes achieved by, and incentive payments
391 made to each lead agency during the previous fiscal year. The
392 report shall also discuss the program enhancements made by each
393 lead agency and its subcontracted providers to achieve
394 negotiated outcomes under this section.

395 Section 6. Section 409.1664, Florida Statutes, is created
396 to read:

397 409.1664 Adoption benefits for qualifying adoptive
398 employees of state agencies.—

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

400 (a) "Child within the child welfare system" has the same
401 meaning as provided in s. 409.166.

402 (b) "Qualifying adoptive employee" means a full-time or
403 part-time employee of a state agency who is paid from regular
404 salary appropriations, or otherwise meets the state agency
405 employer's definition of a regular rather than temporary
406 employee, and who adopts a child within the child welfare system
407 pursuant to chapter 63 on or after July 1, 2015. The term
408 includes instructional personnel, as defined in s. 1012.01, who
409 are employed by the Florida School for the Deaf and the Blind.

410 (c) "State agency" means a branch, department, or agency
411 of state government for which the Chief Financial Officer
412 processes payroll requisitions, a state university or Florida
413 College System institution as defined in s. 1000.21, a school



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414 district unit as defined in s. 1001.30, or a water management
415 district as defined in s. 373.019.

416 (2) A qualifying adoptive employee who adopts a child
417 within the child welfare system who has special needs described
418 in s. 409.166(2)(a)2. is eligible to receive a lump-sum monetary
419 benefit in the amount of \$10,000 per such child, subject to
420 applicable taxes. A qualifying adoptive employee who adopts a
421 child within the child welfare system who does not have special
422 needs described in s. 409.166(2)(a)2. is eligible to receive a
423 lump-sum monetary benefit in the amount of \$5,000 per such
424 child, subject to applicable taxes.

425 (a) Benefits paid to a qualifying adoptive employee who is
426 a part-time employee must be prorated based on the qualifying
427 adoptive employee's full-time equivalency at the time of
428 applying for the benefits.

429 (b) Monetary benefits awarded under this subsection are
430 limited to one award per adopted child within the child welfare
431 system.

432 (c) The payment of a lump-sum monetary benefit for
433 adopting a child within the child welfare system under this
434 section is subject to a specific appropriation to the department
435 for such purpose.

436 (3) A qualifying adoptive employee must apply to his or
437 her agency head to obtain the monetary benefit provided in
438 subsection (2). Applications must be on forms approved by the
439 department and must include a certified copy of the final order



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440 of adoption naming the applicant as the adoptive parent.
441 Monetary benefits shall be approved on a first-come, first-
442 served basis based upon the date that each fully completed
443 application is received by the department.

444 (4) This section does not preclude a qualifying adoptive
445 employee from receiving adoption assistance for which he or she
446 may qualify under s. 409.166 or any other statute that provides
447 financial incentives for the adoption of children.

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

451 (6) The department may adopt rules to administer this
452 section. The rules may provide for an application process such
453 as, but not limited to, an open enrollment period during which
454 qualifying adoptive employees may apply for monetary benefits
455 under this section.

456 (7) The Chief Financial Officer shall disburse a monetary
457 benefit to a qualifying adoptive employee upon the department's
458 submission of a payroll requisition. The Chief Financial Officer
459 shall transfer funds from the department to a state university,
460 Florida College System institution, school district unit, or
461 water management district, as appropriate, to enable payment to
462 the qualifying adoptive employee through the payroll systems as
463 long as funds are available for such purpose.

464 (8) Each state agency shall develop a uniform procedure
465 for informing employees about this benefit and for assisting the



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466 department in making eligibility determinations and processing
467 applications. Any procedure adopted by a state agency is valid
468 and enforceable if the procedure does not conflict with the
469 express terms of this section.

470 Section 7. Section 409.1666, Florida Statutes, is created
471 to read:

472 409.1666 Annual adoption achievement awards.—Each year,
473 the Governor shall select and recognize one or more individuals,
474 families, or organizations that make significant contributions
475 to enabling this state's foster children to achieve permanency
476 through adoption. The department shall define appropriate
477 categories for the achievement awards and seek nominations for
478 potential recipients in each category from individuals and
479 organizations knowledgeable about foster care and adoption.

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

483 (2) A direct-support organization established in
484 accordance with s. 39.0011 by the Office of Adoption and Child
485 Protection within the Executive Office of the Governor may
486 accept donations of products or services from private sources to
487 be given to the recipients of the adoption achievement awards.
488 The direct-support organization may also provide suitable
489 plaques, framed certificates, pins, and other tokens of
490 recognition.

491 Section 8. Subsection (18) is added to section 409.175,



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492 Florida Statutes, to read:

493 409.175 Licensure of family foster homes, residential
494 child-caring agencies, and child-placing agencies; public
495 records exemption.—

496 (18) (a) A licensed child-placing agency conducting
497 intercountry adoptions must meet United States Department of
498 State requirements for accreditation or supervision.

499 (b) A licensed child-placing agency providing adoption
500 services for intercountry adoption in countries that are parties
501 to the Hague Convention on Protection of Children and Co-
502 operation in Respect of Intercountry Adoption, in incoming or
503 outgoing cases, must meet the federal regulations pertaining to
504 intercountry adoptions with convention countries.

505 (c) An adoption agency in this state which provides
506 intercountry adoption services for families residing in this
507 state must maintain a record that contains, at a minimum, the
508 following:

509 1. All available family and medical history of the birth
510 family;

511 2. All legal documents translated into English;

512 3. All necessary documents obtained by the adoptive parent
513 in order for the child to attain United States citizenship or,
514 if applicable, other legal immigration status; and

515 4. All supervisory reports prepared before an adoption and
516 after finalization of an adoption.

517 Section 9. This act shall take effect July 1, 2015.