



Health & Human Services Committee

Wednesday, February 18, 2015
8:00 AM - 10:00 AM
Morris Hall

Steve Crisafulli
Speaker

Jason Brodeur
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Health & Human Services Committee

Start Date and Time: Wednesday, February 18, 2015 08:00 am
End Date and Time: Wednesday, February 18, 2015 10:00 am
Location: Morris Hall (17 HOB)
Duration: 2.00 hrs

Consideration of the following proposed committee bill(s):

PCB HHSC 15-01 -- Adoption and Foster Care

Consideration of the following bill(s):

CS/HB 243 Vital Statistics by Health Quality Subcommittee, Roberson, K.

Pursuant to rule 7.12, the deadline for amendments to bills on the agenda by non-appointed members is 6:00 p.m., Tuesday, February 17, 2015.

By request of the chair, all committee members are asked to have amendments to bills on the agenda submitted to staff by 6:00 p.m., Tuesday, February 17, 2015.

NOTICE FINALIZED on 02/11/2015 16:05 by Iseminger.Bobbye

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 243 Vital Statistics
SPONSOR(S): Health Quality Subcommittee; Roberson
TIED BILLS: IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Health Quality Subcommittee	12 Y, 0 N, As CS	Castagna	O'Callaghan
2) Health & Human Services Committee		Castagna <i>AC</i>	Calamas <i>CC</i>

SUMMARY ANALYSIS

In 2012, the Department of Health's (DOH) Bureau of Vital Statistics fully implemented an Electronic Death Registration System (EDRS). The EDRS enables death certificates to be completed and submitted electronically. HB 243 updates ch. 382, F.S., the Vital Statistics Act (Act), to include DOH's EDRS processes and authorizes DOH to perform certain tasks related to death registration and final disposition of deceased persons. In addition, the bill updates the Act to reflect the use of the EDRS to generate burial-transit permits and report deaths. It:

- Authorizes funeral directors to generate burial-transit permits through EDRS or produce them manually and removes certain application processes for paper permits;
- Specifies that a subregistrar produce and maintain a paper death certificate or burial-transit permit;
- Removes the requirement that a person in charge of the premises where a final disposition takes place submit a burial-transit permit to the local registrar;
- Removes the requirement that a local registrar keep the burial-transit permit on file for 3 years;
- Authorizes the use of the EDRS to electronically register a death or fetal death certificate;
- Allows a burial-transit permit on file to satisfy certain record keeping requirements;
- Requires a funeral director, who buries a dead body in a cemetery where no one is in charge to keep the burial-transit permit on file for 3 years instead of filing it with the local registrar;
- Requires the use of the EDRS for electronic notification of deaths to the Social Security Administration; and
- Removes a provision that allows alias information to be reported on the back of a paper death certificate.

The bill also makes additional changes related to death certificate registrations and final dispositions by:

- Defining from whom personal information about the decedent may be obtained, for the purpose of completing a death certificate;
- Including entombment in the definition of final disposition; and
- Defining burial-transit permit.

The bill provides DOH with rulemaking authority.

The bill has minimal positive fiscal impact on DOH and no fiscal impact on local government.

The bill provides an effective date of July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Bureau of Vital Statistics

The Florida Vital Statistics Act¹ authorizes the Department of Health (DOH) to establish the Bureau of Vital Statistics (Bureau), which is responsible for the uniform and efficient registration, compilation, storage, and preservation of all vital records in Florida.² Vital records are certificates or reports of birth, death, fetal death, marriage, dissolution of marriage, or name change. The Bureau must:³

- Uniformly enforce the law throughout the state.
- Establish registration districts throughout the state, which districts may be consolidated or subdivided to facilitate registration.
- Appoint a local registrar of vital statistics for each registration district in the state.
- Procure the complete registration of all vital records in each registration district and in the Bureau.
- Investigate cases of irregularity or violation of law and, when necessary, report cases of violations to the state attorney in the registration district in which the violation occurs.
- Approve all forms used in registering, recording, certifying, and preserving vital records.
- Prepare and publish an annual report of vital statistics.
- Appoint one or more suitable persons to act as subregistrars, who are authorized to receive death certificates and fetal death certificates and to issue burial-transit permits.
- Accept, use, and produce all records, reports, and documents necessary in paper or electronic form, and adopt and enforce all rules necessary for the acceptance, use, production, issuance, recording, maintenance, and processing of such records, reports, and documents.
- By rule require that forms, documents, and information submitted to DOH in the creation or amendment of a vital record be under oath.

The Bureau is under the direction of a state registrar to ensure uniform and efficient compilation and storage of all vital records in the state. Each county has a local registrar of vital statistics and multiple deputy registrars at the local county health department (CHD). Subregistrars are located in funeral homes or medical examiner offices and are appointed as an extension of the local registrar to ensure compliance with the processes in ch. 382, F.S.⁴

Registration of Deaths

Death Certificates

Section 382.008, F.S., sets forth the requirements for certificates of death. A certificate of death must be filed with the Bureau within 5 days of the death and prior to final disposition. Final disposition means the burial, interment, cremation, removal from the state, or other authorized disposition of a dead body.⁵

¹ Chapter 382, F.S.

² Section 382.003, F.S.

³ *Id.*

⁴ Florida Dep't of Health, Bureau of Vital Statistics, *Vital Registration Handbook 2014*, available at www.floridahealth.gov/certificates/documents/HB2013.pdf (last accessed January 23, 2015).

⁵ Section 382.002(9), F.S.

The registration of the death certificate is the responsibility of the funeral director or direct disposer⁶ who first assumes custody of a decedent. In the absence of a funeral director, the physician or other person in attendance at or after the death must file the death or fetal death certificate. The person completing the death certificate must obtain the decedent's personal data from "next of kin." The physician must, within 72 hours after a death, certify the cause of death and make the certification available to the funeral director. The medical certification is completed by the physician in charge of the decedent's care for the illness or condition which resulted in death, the physician in attendance at the time of death or immediately before or after such death,⁷ or the medical examiner if a cause of death determination is required.⁸ Once medical certification is complete, the certificate is submitted to the Bureau via the Electronic Death Registration System (EDRS), or local registrar. Local registrars are currently authorized by law to issue extensions for death certificate registrations.⁹

Electronic Death Registration System

As of September 2012, the Bureau uses the EDRS to register deaths in Florida. Almost all death certificates are registered using the EDRS. In 2014, death certificates filed through the EDRS accounted for 99.6 percent of the total 187,856 certificates filed.¹⁰ The EDRS allows funeral directors and physicians to complete and certify death certificates online through a secure internet site. Funeral directors electronically enter the demographic information on the decedent, send that information to the certifying physician in electronic format if they are an online user, or via facsimile, and once medical certification is complete, the funeral director or physician electronically certifies the death certificate to the Bureau.¹¹ Before the EDRS, the process of registering and recording a death was a laborious paper process, requiring travel to and from physicians' offices and the local CHD. Death certificates had to pass through multiple units within the county and state offices.¹²

The EDRS is synched with Social Security Administration (SSA) databases for verification of social security information of decedents. When a death occurs, the SSA is notified electronically through the EDRS. Prior to the implementation of the EDRS, a funeral director or person in charge of completing the death certificate submitted forms to the local Social Security Office for reporting purposes.

Paper Death Registration

Although almost all deaths are registered electronically, paper filing processes are used during EDRS technical problems, for fetal deaths, and by funeral homes that are not connected to the EDRS.¹³ Prior to implementation of the EDRS, local registrars oversaw the paper death registration process in each county. Currently, local registrars still receive and submit paper death certificates to the Bureau.

⁶ "Funeral director" is a licensed funeral director or direct disposer licensed pursuant to ch. 497, F.S., or other person who first assumes custody of or effects the final disposition of a dead body. Section 382.002(9), F.S.

⁷ Section 382.008, F.S.

⁸ Section 382.011, F.S.

⁹ Section 382.008(4), F.S.

¹⁰ The EDRS is not used for fetal deaths and only 20 funeral homes in Florida do not have EDRS access, requiring the use of the manual, paper death certificate process. Email correspondence with Florida Dep't of Health State Deputy Registrar Ken Jones on January 29, 2015 (on file with committee staff).

¹¹ Florida Dep't of Health, Bureau of Vital Statistics, *Vital Registration Handbook 2014, Ch. 4: Registration of Deaths*, available at www.floridahealth.gov/certificates/documents/HB2013.pdf (last accessed January 23, 2015).

¹² Florida Dep't of Health, *Electronic Death Registration*, available at <http://www.floridahealth.gov/certificates/certificates/EDRS/index.html> (last accessed January 29, 2015).

¹³ See *supra* note 10.

Final Disposition

Burial-Transit Permit

A burial-transit permit (permit) is required to ensure compliance with death registration rules and guidelines and to grant permission for final disposition. A permit is generated from the EDRS, or manually produced by local registrars or subregistrars. The funeral director or direct disposer, or whoever first assumes custody of a body, is responsible for completion of the permit.¹⁴ The funeral director or direct disposer must have the permit in his or her possession before final disposition of the decedent is authorized, and the permit must accompany the body to the place of final disposition. If the body is transported outside the state, the permit is required to accompany the body to its destination.¹⁵ Section 382.007, F.S., requires a copy of the permit to be filed with the local registrar in the county that the cemetery is located within 10 days of final disposition.

The direct disposer must keep a record of all bodies disposed. In the event that a decedent is buried by a funeral director in a cemetery with no person in charge, he or she must enter the date of final disposition and note on the permit that no person in charge was present.

Effect of Proposed Changes

The bill updates ch. 382, F.S., the Vital Statistics Act (Act), to reflect the use of the EDRS to complete and submit death certificates, generate burial-transit permits, and report deaths.

Death Certificates

The bill authorizes in s. 382.008(1), F.S., the use of the EDRS to electronically register a death or fetal death certificate. It also allows DOH, instead of the local registrar, to grant funeral directors an extension of time to register such certificates if certain conditions are met, and requires funeral directors to file such certificates with DOH instead of the local registrar.

The bill also removes a provision from s. 382.008(1)(a), F.S., that allows alias information to be reported on the back of a paper death certificate.

Currently, the person responsible for completing a death certificate must acquire personal data from the "next of kin" of the decedent. The bill replaces "next of kin" with "legally authorized person," as defined in the Funeral, Cemetery, and Consumer Services Act. By this change, the person completing a death certificate may acquire personal information from any of the following persons:

- The decedent, if directions are provided on a will;
- The person designated by the decedent on the United States Department of Defense Record of Emergency Data, if the decedent died while in military service;
- The surviving spouse; unless the spouse has been arrested for committing an act of violence against the decedent;
- The son or daughter who is 18 or older;
- A parent;
- A brother or sister who is 18 or older;
- A grandparent; or
- Any person in the next degree of kinship.

¹⁴ Florida Dep't of Health, Bureau of Vital Statistics, *Vital Registration Handbook 2014, Ch. 6: The Burial-Transit Permit* available at www.floridahealth.gov/certificates/documents/HB2013.pd (last accessed January 27, 2015).

¹⁵ Section 382.006(4), F.S.

Burial-Transit Permit

The bill updates the Act to reflect the use of electronic burial-transit permits (permits). It:

- Requires funeral directors to provide electronic or manually produced permits to the person in charge of final disposition and removes certain application processes for paper permits in s. 382.006(1), F.S.;
- Removes the requirement that a person in charge of the premises where a final disposition takes place submit a permit to the local registrar in s. 382.007, F.S.;
- Removes the requirement that a local registrar keep the permit on file for 3 years in s. 382.006(6), F.S.;
- Allows a permit on file to satisfy certain record keeping requirements for premises where a final disposition takes place in s. 382.007, F.S.;
- Requires a funeral director who buries a dead body in a cemetery where no one is in charge to keep the permit on file for 3 years instead of filing it with the local registrar in s. 382.007, F.S.;
- Specifies that a subregistrar produce and maintain a paper death certificate or permit in s. 382.003(9), F.S., and s. 382.006, F.S.; and
- Defines "burial-transit permit" in s. 382.002, F.S., and adds "entombment" to the definition of final disposition in s. 382.002(9), F.S.

Notification of Deaths

The bill requires in s. 382.0135, F.S., the Social Security Administration to be notified electronically of deaths through the EDRS.

The bill also makes conforming changes and corrects a cross-reference.

The bill provides an effective date of July 1, 2015.

B. SECTION DIRECTORY:

Section 1. Amends s. 382.002, F.S., relating to definitions.

Section 2. Amends s. 382.003, F.S., relating to powers and duties of the Department of Health.

Section 3. Amends s. 382.006, F.S., relating to burial-transit permits.

Section 4. Amends s. 382.007, F.S., relating to final dispositions prohibited without burial-transit permit; records of dead bodies disposed.

Section 5. Amends s. 382.008, F.S., relating to death and fetal death registration.

Section 6. Amends s. 382.0085, F.S., relating to stillbirth registration.

Section 7. Amends s. 382.011, F.S., relating to medical examiner determination of cause of death.

Section 8. Amends s. 382.0135, F.S., relating to social security numbers; enumeration at birth program.

Section 9. Provides an effective date of July 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

To the extent funeral establishments will file electronic death certificates, there will be nominal cost-savings for CHDs associated with no longer printing and storing paper permits.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill grants the Department of Health rulemaking authority to implement the burial-transit permit process.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 3, 2015, the Health Quality Subcommittee adopted a technical amendment and reported the bill favorably as a committee substitute. The bill added the phrase "or a manually produced permit" to reflect the use of both manually produced burial-transit permits and electronic burial-transit permits obtained from the Department of Health's Electronic Death Registration System. This analysis is drafted to the committee substitute.

1 A bill to be entitled
 2 An act relating to vital statistics; amending s.
 3 382.002, F.S.; providing and revising definitions;
 4 amending s. 382.003, F.S.; requiring the Department of
 5 Health to produce and maintain paper death
 6 certificates and fetal death certificates and issue
 7 burial-transit permits; amending s. 382.006, F.S.;
 8 providing responsibility of a funeral director for
 9 provision of electronic burial-transit permits or
 10 manually produced permits; providing responsibility of
 11 the subregistrar for manually filed paper death
 12 records; authorizing the department to adopt rules;
 13 amending s. 382.007, F.S.; revising provisions
 14 relating to records of final dispositions of dead
 15 bodies; requiring maintenance of records for a
 16 specified period; amending s. 382.008, F.S.; requiring
 17 electronic filing of death and fetal death
 18 certificates with the department or local registrar;
 19 authorizing certain legally authorized persons to
 20 provide personal data about the deceased; authorizing
 21 the department, rather than the local registrar, to
 22 grant an extension of time for providing certain
 23 information regarding a fetal death; amending s.
 24 382.0085, F.S.; conforming a cross-reference; amending
 25 s. 382.011, F.S.; requiring a funeral director to file
 26 a death or fetal death certificate with the

27 department, rather than with the local registrar;
 28 amending s. 382.0135, F.S.; requiring the department
 29 to electronically notify the United States Social
 30 Security Administration of deaths in the state;
 31 providing an effective date.

32
 33 Be It Enacted by the Legislature of the State of Florida:

34
 35 Section 1. Subsections (1) through (17) of section
 36 382.002, Florida Statutes, are renumbered as subsections (2)
 37 through (18), respectively, present subsections (8) and (9) are
 38 amended, and a new subsection (1) is added to that section, to
 39 read:

40 382.002 Definitions.—As used in this chapter, the term:
 41 (1) "Burial-transit permit" means a permit issued by the
 42 department that authorizes the final disposition of a dead body.

43 (9) (8) "Final disposition" means the burial, interment,
 44 entombment, cremation, removal from the state, anatomical
 45 donation, or other authorized disposition of a dead body or a
 46 fetus as described in subsection (8) (7). In the case of
 47 cremation, dispersion of ashes or cremation residue is
 48 considered to occur after final disposition; the cremation
 49 itself is considered final disposition. In the case of
 50 anatomical donation of a dead body, the donation itself is
 51 considered final disposition.

52 (10) (9) "Funeral director" means a licensed funeral

53 | director or direct disposer licensed pursuant to chapter 497 who
 54 | first assumes custody of or effects the final disposition of a
 55 | dead body or a fetus as described in subsection (8) ~~(7)~~.

56 | Section 2. Subsection (9) of section 382.003, Florida
 57 | Statutes, is amended to read:

58 | 382.003 Powers and duties of the department.—The
 59 | department shall:

60 | (9) Appoint one or more suitable persons to act as
 61 | subregistrars, who shall be authorized to produce and maintain
 62 | paper ~~receive~~ death certificates and fetal death certificates
 63 | and to issue burial-transit ~~burial~~ permits in and for such
 64 | portions of one or more districts as may be designated. A
 65 | subregistrar may be removed from office by the department for
 66 | neglect of or failure to perform his or her duty in accordance
 67 | with this chapter.

68 | Section 3. Subsections (1) and (6) of section 382.006,
 69 | Florida Statutes, are amended, and subsection (7) is added to
 70 | that section, to read:

71 | 382.006 Burial-transit permit.—

72 | (1) The funeral director who first assumes custody of a
 73 | dead body or fetus must obtain a burial-transit permit before
 74 | ~~prior to~~ final disposition and within 5 days after death. The
 75 | funeral director shall provide the electronic burial-transit
 76 | permit generated from the electronic death registration system,
 77 | or a manually produced permit, to the person in charge of the
 78 | place of final disposition. ~~The application for a burial-transit~~

79 ~~permit must be signed by the funeral director and include the~~
 80 ~~funeral director's license number. The funeral director must~~
 81 ~~attest on the application that he or she has contacted the~~
 82 ~~physician's or medical examiner's office and has received~~
 83 ~~assurance that the physician or medical examiner will provide~~
 84 ~~medical certification of the cause of death within 72 hours~~
 85 ~~after receipt of the death certificate from the funeral~~
 86 ~~director.~~

87 (6) For manually filed paper death records, the
 88 subregistrar in the licensed funeral or direct disposal
 89 establishment is responsible for producing and maintaining death
 90 and fetal death certificates and burial-transit permits in
 91 accordance with this chapter. ~~Burial-transit permits filed with~~
 92 ~~the local registrar under the provisions of this chapter may be~~
 93 ~~destroyed after the expiration of 3 years from the date of~~
 94 ~~filing.~~

95 (7) The department may adopt rules to implement this
 96 section.

97 Section 4. Section 382.007, Florida Statutes, is amended
 98 to read:

99 382.007 Final dispositions prohibited without burial-
 100 transit permit; records of dead bodies disposed.—A person in
 101 charge of any premises on which final dispositions are made
 102 shall not inter or permit the interment or other disposition of
 103 any dead body unless it is accompanied by a burial-transit
 104 permit. ~~Any~~ Such person shall enter ~~endorse~~ upon the permit the

105 date of final ~~interment, or other~~ disposition, ~~over his or her~~
 106 ~~signature, and shall return all permits so endorsed to the local~~
 107 ~~registrar of the district where the place of final disposition~~
 108 ~~is located within 10 days from the date of interment or other~~
 109 ~~disposition.~~ He or she shall keep a record of all dead bodies
 110 buried ~~interred~~ or otherwise disposed of on the premises under
 111 his or her charge, in each case stating the name of each
 112 deceased person, place of death, date of final ~~burial or other~~
 113 ~~disposition,~~ and name and address of the funeral director which
 114 record shall at all times be open to official inspection. The
 115 burial-transit permit on file may satisfy this requirement. The
 116 funeral director, when burying a dead body in a cemetery having
 117 no person in charge, shall enter the date of final disposition
 118 on sign the ~~burial-transit permit, giving the date of burial,~~
 119 ~~and shall write across the face of the permit the words "No~~
 120 ~~person in charge,"~~ on the permit, and keep the permit on file
 121 for at least 3 years after the date of final disposition and
 122 ~~file the permit within 10 days after burial with the local~~
 123 ~~registrar of the district in which the cemetery is located.~~

124 Section 5. Subsection (1), paragraph (a) of subsection
 125 (2), and paragraph (a) of subsection (3) of section 382.008,
 126 Florida Statutes, are amended to read:

127 382.008 Death and fetal death registration.-

128 (1) A certificate for each death and fetal death which
 129 occurs in this state shall be filed electronically on the
 130 department electronic death registration system or on a form

131 | prescribed by the department with the department or local
 132 | registrar of the district in which the death occurred within 5
 133 | days after such death and prior to final disposition, and shall
 134 | be registered by the department ~~such registrar~~ if it has been
 135 | completed and filed in accordance with this chapter or adopted
 136 | rules. The certificate shall include the decedent's social
 137 | security number, if available. In addition, each certificate of
 138 | death or fetal death:

139 | (a) If requested by the informant, shall include aliases
 140 | or "also known as" (AKA) names of a decedent in addition to the
 141 | decedent's name of record. Aliases shall be entered on the face
 142 | of the death certificate in the space provided for name if there
 143 | is sufficient space. ~~If there is not sufficient space, aliases~~
 144 | ~~may be recorded on the back of the certificate and shall be~~
 145 | ~~considered part of the official record of death;~~

146 | (b) If the place of death is unknown, shall be registered
 147 | in the registration district in which the dead body or fetus is
 148 | found within 5 days after such occurrence; and

149 | (c) If death occurs in a moving conveyance, shall be
 150 | registered in the registration district in which the dead body
 151 | was first removed from such conveyance.

152 | (2)(a) The funeral director who first assumes custody of a
 153 | dead body or fetus shall file the certificate of death or fetal
 154 | death. In the absence of the funeral director, the physician or
 155 | other person in attendance at or after the death or the district
 156 | medical examiner of the county in which the death occurred or

157 the body was found shall file the certificate of death or fetal
 158 death. The person who files the certificate shall obtain
 159 personal data from a legally authorized person as described in
 160 s. 497.005 ~~the next of kin~~ or the best qualified person or
 161 source available. The medical certification of cause of death
 162 shall be furnished to the funeral director, either in person or
 163 via certified mail or electronic transfer, by the physician or
 164 medical examiner responsible for furnishing such information.
 165 For fetal deaths, the physician, midwife, or hospital
 166 administrator shall provide any medical or health information to
 167 the funeral director within 72 hours after expulsion or
 168 extraction.

169 (3) Within 72 hours after receipt of a death or fetal
 170 death certificate from the funeral director, the medical
 171 certification of cause of death shall be completed and made
 172 available to the funeral director by the decedent's primary or
 173 attending physician or, if s. 382.011 applies, the district
 174 medical examiner of the county in which the death occurred or
 175 the body was found. The primary or attending physician or
 176 medical examiner shall certify over his or her signature the
 177 cause of death to the best of his or her knowledge and belief.
 178 As used in this section, the term "primary or attending
 179 physician" means a physician who treated the decedent through
 180 examination, medical advice, or medication during the 12 months
 181 preceding the date of death.

182 (a) The department ~~local registrar~~ may grant the funeral

183 director an extension of time upon a good and sufficient showing
 184 of any of the following conditions:

- 185 1. An autopsy is pending.
- 186 2. Toxicology, laboratory, or other diagnostic reports
 187 have not been completed.
- 188 3. The identity of the decedent is unknown and further
 189 investigation or identification is required.

190 Section 6. Subsection (9) of section 382.0085, Florida
 191 Statutes, is amended to read:

192 382.0085 Stillbirth registration.—

193 (9) This section or s. 382.002(16) ~~382.002(15)~~ may not be
 194 used to establish, bring, or support a civil cause of action
 195 seeking damages against any person or entity for bodily injury,
 196 personal injury, or wrongful death for a stillbirth.

197 Section 7. Subsection (3) of section 382.011, Florida
 198 Statutes, is amended to read:

199 382.011 Medical examiner determination of cause of death.—

200 (3) The funeral director shall retain the responsibility
 201 for preparation of the death or fetal death certificate,
 202 obtaining the necessary signatures, filing with the department
 203 ~~local registrar~~ in a timely manner, and arranging for final
 204 disposition of the body when disposing of the remains when the
 205 ~~remains are~~ released by the medical examiner.

206 Section 8. Section 382.0135, Florida Statutes, is amended
 207 to read:

208 382.0135 Social security numbers; enumeration-at-birth

CS/HB 243



2015

209 program.—The department shall make arrangements with the United
210 States Social Security Administration for electronic
211 notification of deaths that occur in the state and to
212 participate in the voluntary enumeration-at-birth program. The
213 State Registrar is authorized to take any actions necessary to
214 administer the program in this state, including modifying the
215 procedures and forms used in the birth registration process.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB HHSC 15-01 Adoption and Foster Care
SPONSOR(S): Health & Human Services Committee; Brodeur
TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Health & Human Services Committee		Brazzell 	Calamas 

SUMMARY ANALYSIS

PCB HHSC 15-01 makes three additions to statutes to improve the adoption of children from foster care.

The bill creates a program to advance the permanency, stability, and well-being of children in the child welfare system by awarding incentive payments to community-based care lead agencies (CBC's) for achieving specified adoption performance standards. CBC's provide adoption-related services in the state pursuant to contracts with the Department of Children and Families (DCF). The new adoption incentive program would require DCF to conduct a baseline assessment of CBC adoption performance regarding such factors as the length of time children have been waiting for adoption; the length of time to complete an adoption; and feedback from prospective adoptive families, adoptive families, adoptees, children within the child welfare system, and stakeholders. The bill requires DCF to then establish measurable outcome targets for performance by each CBC and negotiate incentive payments to be paid to CBC's upon meeting these targets.

The bill also re-creates a program to provide an additional adoption benefit of either \$5,000 or \$10,000, depending on whether the adopted child has special needs described in statute, for qualifying employees of state agencies who adopt a child from the child welfare system. The program was originally created in 2000 and provided employee adoption benefits until it was repealed in 2010.

Currently the Office of Adoption and Child Protection (Office) in the Executive Office of the Governor works to promote adoption, support of adoptive families, and advance child abuse prevention through a variety of means, including participating in events to recognize and celebrate adoptive families and adopted children. The bill requires the Governor to select and recognize one or more individuals, families, or entities that have made significant contributions to the adoption of children from foster care each year. Recognition awards will be collected by the Office's direct support organization, authorized by current law.

The fiscal impact is indeterminate and is contingent on appropriations.

The bill has an effective date of July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Child Welfare System Adoptions

In Florida, the Department of Children and Families (DCF) provides child welfare services.¹ Statute requires child welfare services, including adoption services, to be delivered through community-based care (CBC) lead agencies contracted by DCF.² For example, CBC's provide pre- and post-adoption services and administer maintenance adoption subsidies which provide ongoing financial support for children adopted from the foster care system.

Adoption is a method of achieving permanency for children who have suffered abuse, neglect, or abandonment and who are unable to be reunified with their parents. Research indicates that children generally have better outcomes through adoption than through placement in long-term foster care.³

During FFY 2013-14, 3,415 adoptions of children within the child welfare system were finalized in Florida. Over the last 6 federal fiscal years, the number of finalized adoptions has ranged from 2,945 to 3,870 annually.⁴

	FFY 2008	FFY 2009	FFY 2010	FFY 2011	FFY 2012	FFY 2013
Foster Child Adoptions	3,870	3,735	3,391	2,945	3,294	3,415

The vast majority of children adopted in FY 2013-14 were adopted by either relatives (50.29%) or foster parents (27.25%). Recruited parents comprised 22.47% of adoptions.

As of June 30, 2014, 3,031 children had had their parents' rights terminated and were legally available for adoption. Of these children, 673 did not have an adoptive family identified and were featured on a website as seeking a family. Age information is available for 658 of these:

- 15 were ages 0-5 (2.28%),
- 36 were ages 6-8 (5.47%),
- 39 were ages 9-10 (5.93%),
- 75 were ages 11-12 (11.40%),
- 160 were ages 13-14 (24.32%),
- 213 were ages 15-16 (32.37%), and
- 120 were age 17 (18.24%)

DCF has information on the length of time these children have been waiting for adoption for 650 of the 673 children:

- 110 had been waiting fewer than 12 months (16.92%),
- 145 had been waiting between 12 and 23 months (22.31%),
- 93 had been waiting between 24-35 months (14.31%), and

¹ s. 20.19(4)(a)3., F.S.

² s. 409.986(1), F.S.

³ Evan B. Donaldson Adoption Institute, *Keeping the Promise: Critical Need for Post-Adoption Services to Enable Children and Families to Succeed*, Oct. 2010, p. 8.

⁴ U.S. Department of Health and Human Services, Administration on Children, Youth, and Families, 2013. *Adoption of Children with Public Child Welfare Agency Involvement by State, FY 2003 through 2013*, available at http://www.acf.hhs.gov/sites/default/files/cb/children_adopted.pdf. (last visited Feb.16, 2015).

- 302 had been waiting 36 or more months (46.46%).⁵

These statistics highlight the predominance of older children waiting for adoption. These children are among those described as having “special needs” in statute. A “special needs child” is a child:

- Whose permanent custody has been awarded to the department or to a licensed child-placing agency; and
- Who has established significant emotional ties with his or her foster parents or is not likely to be adopted because he or she is:
 - Eight years of age or older;
 - Developmentally disabled;
 - Physically or emotionally handicapped;
 - Of black or racially mixed parentage; or
 - A member of a sibling group of any age, provided two or more members of a sibling group remain together for purposes of adoption; and
- For whom a reasonable but unsuccessful effort has been made to place the child without providing a maintenance subsidy, except when the child is being adopted by the child’s foster parents or relative caregivers.⁶

In federal fiscal year (FFY) 2013, 93.4% of children adopted from the child welfare system in Florida had special needs.⁷

Adoptions are intended to be permanent. However, disruptions (where an adoption placement terminates before finalization) and dissolutions (where adoptive parents’ rights are terminated and the child returns to foster care).⁸

The nature of the experiences had by children adopted from the child welfare system prior to joining their new adoptive families—such as parental drug abuse before birth or physical or sexual abuse—can lead to higher risks for developmental, health, emotional or behavioral issues.⁹ These can present challenges to their new families in the long term. In a small number of adoptions, the adopted child is unable to stay with his or her adoptive parents and there is a dissolution. In FY 2013-14, 54 children returned to foster care in Florida. This happens for a variety of reasons, such as when there is verified child abuse or neglect by the adoptive parent, the adoptive parent cannot handle a child’s behavioral issues, or the adoptive parent refuses to allow the adopted child to return home after the child’s release from a mental health facility or a Department of Juvenile Justice facility. The majority of dissolutions occur during adoptive children’s teenage years; for example, 35 of the 54 children who returned to foster care permanently in FY 2013-14 were 13 years of age or older.¹⁰

Financial Incentives to Increase Adoptions of Children from Foster Care

In 1997, Congress enacted the Adoption and Safe Families Act (ASFA) as part of a larger strategy to reduce the number of children in foster care.¹¹ A major provision of ASFA related to adoption created an incentive fund under Title IV-E of the Social Security Act to reward states if they increased adoptions

⁵ Florida Governor’s Office of Adoption and Child Protection 2014 Annual Report, available at http://www.flgov.com/wp-content/uploads/childadvocacy/OACP_2014_FINAL.pdf. (last visited Feb. 16, 2015).

⁶ s. 409.166, F.S.

⁷ U.S. Department of Health and Human Services, Administration on Children, Youth and Families, Children’s Bureau, *Child is Identified as a Special Needs Adoption: October 1, 2012 to September 30, 2013 (FY 2013)*, available at <http://www.acf.hhs.gov/programs/cb/resource/special-needs-2013> (last visited Feb. 16, 2015).

⁸ Florida Department of Children and Families. *Senate Bill 320 Analysis* (Jan.27, 2015) (on file with the House Children, Families and Seniors Subcommittee). DCF does not currently track disruptions.

⁹ Evan B. Donaldson Adoption Institute, *Keeping the Promise: Critical Need for post-Adoption Services to Enable Children and Families to Succeed*, Oct. 2010, p. 9.

¹⁰ Florida Governor’s Office of Adoption and Child Protection 2014 Annual Report, available at http://www.flgov.com/wp-content/uploads/childadvocacy/OACP_2014_FINAL.pdf. (last visited Feb. 16, 2015).

¹¹ Pub. L. No. 105-89.

of children in the foster care system. If states increased the number of children adopted from foster care over a previous year's high mark, they were awarded an incentive of \$2,000 to \$4,000 per child.¹²

Whether it was the impact of the adoption incentive payments to states, other changes mandated by ASFA, or a combination of multiple factors, adoptions of children from the foster care system nationally have increased over the past decade and a half. For example, 25,700 children were adopted from foster care in the U.S. in 1995; in 2000, over 50,000 adoptions from foster care occurred. The total number of adoptions nationally has exceeded 50,000 in almost every year since, with a high of more than 57,000 adoptions occurring in 2009.¹³

The funding for the program has been reauthorized every 5 years.¹⁴ With each reauthorization came changes in the how incentive amounts were determined. For example, in the 2003 and 2008 reauthorizations of the incentive fund, Congress provided an additional incentive to encourage states to increase the adoptions of "older" children (defined as a child nine years of age or older) who tend to be harder to place in adoptive families. The incentive was set at \$4,000 per adoption increase, \$4,000 per special needs adoption increase and now \$8,000 per older child adoption increase.¹⁵

Since 2008, Florida has been one of the primary recipients of those incentives, second only to Texas.¹⁶

	FFY 2008	FFY 2009	FFY 2010	FFY 2011	FFY 2012	FFY 2013
Incentives Earned	\$9.75M	\$6.45M	\$3.84M	\$1.99M	\$3.69M	\$3.49M

States are required to spend incentive funding to provide to children or families any activity or service, including post-adoption services, that may be provided under Part B or E of Title IV of the Social Security Act. Florida has always used the entirety of this funding to offset the cost of Maintenance Adoption Subsidies.¹⁷ While DCF sets and monitors performance measures and captures certain data related to adoption, the CBCs do not currently receive any state incentive payments for meeting the performance measures in their contract or other accountability reports.¹⁸

Prospective Adoptive Parents' Attitudes toward Adoption

The Dave Thomas Foundation for Adoption conducted a survey in 2013 to assess attitudes about adopting from foster care. For individuals who had considered adopting a child, the top concerns were:

- Coping with the paperwork and bureaucracy involved (83%),
- Being able to pay for the adoption (82%),
- Availability of adequate support/services after adoption (80%),
- Being sure that the birth parents could not take the child back (79%),
- Having the financial resources needed to educate the child (77%),

¹² *Id.*

¹³ U.S. Department of Health and Human Services, Administration on Children, Youth, and Families, 2013. *Adoption of Children with Public Child Welfare Agency Involvement By State, FY 2003 through 2013*, available at http://www.acf.hhs.gov/sites/default/files/cb/children_adopted.pdf. (last visited Jan. 31, 2015).

¹⁴ The Adoption Promotion Act of 2003 (PL 108-145), the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Pub. L No. 110-351), and the Preventing Sex Trafficking and Strengthening Families Act in 2014 (Pub. L No. 113-183).

¹⁵ State Policy Advocacy and Reform Center. *The Reauthorization of the Adoption Incentive Fund: Opportunities to Expand Reinvestment of State Funds into Child Welfare Services*, 2013, available at <https://childwelfareparc.files.wordpress.com/2013/08/the-reauthorization-of-the-adoption-incentive-fund.pdf> (last visited Feb. 10, 2015).

¹⁶ U.S. Department of Health and Human Services, Administration on Children, Youth, and Families, 2013. *Adoption of Children with Public Child Welfare Agency Involvement By State, FY 2003 through 2013*, available at http://www.acf.hhs.gov/sites/default/files/cb/children_adopted.pdf. (last visited Feb. 16, 2015).

¹⁷ *Id.*

¹⁸ Florida Department of Children and Families. *Senate Bill 320 Analysis* (Jan. 27, 2015) (on file with the House Children, Families and Seniors Subcommittee).

- The cost of raising the child to adulthood (74%),and
- Dealing with the public social service agency or other adoption agencies (74%).¹⁹

Adoption Benefits for Parents Adopting Children from Foster Care

Maintenance Adoption Subsidy

Under s. 409.166, F.S., DCF pays an annual Maintenance Adoption Subsidy to parents who adopt "special needs" children through the child welfare system. The Maintenance Adoption Subsidy is \$5,000 annually, paid on a monthly basis, for the support and maintenance of a child until age 18. The subsidy may be a different amount, as determined by the adoptive parents and DCF. The agreement between DCF and the adoptive parents must take into consideration the parents' circumstances and the needs of the child being adopted. The amount of subsidy may be adjusted based upon changes in the needs of the child or circumstances of the adoptive parents; however, DCF may not pay a subsidy that exceeds the foster care maintenance payment that would have been paid during the same period if the child had been in a foster family home.²⁰

Medical Assistance

Each child qualifies for Adoption Assistance Medicaid when a child is approved for a Maintenance Adoption Subsidy. If an adopted child moves to another state, Adoption Assistance Medicaid can be obtained in the other state if the child is receiving a Title IV-E subsidy. Medicaid is terminated at age 18 except for qualified children adopted at age 16 or 17, who are eligible for Medicaid until age 21.²¹

DCF also provides post-adoption medical assistance for medical, surgical, hospital, and related services needed as a result of a physical or mental condition of the child which existed before the adoption, and which is not covered by Medicaid or other state programs such as Children's Medical Services or Children's Mental Health Services. Such assistance may be initiated at any time but shall terminate on or before the child's 18th birthday.²²

Financial Assistance for Adoption-Related Expenses

DCF provides funding for non-recurring adoption-related expenses, up to \$1,000. Examples include attorney's fees, court costs, birth certificate fees, travel expenses, agency fees, and physical examination fees.²³

Education Assistance

Children who were adopted from the department after May 5, 1997, are also exempt from the payment of post-secondary tuition and fees, including lab fees. This exemption applies to school districts that provide workforce education programs, Florida College System institutions, and state universities. The exemption remains valid until the student reaches 28 years of age.²⁴

¹⁹ Dave Thomas Foundation for Adoption, *National Foster Care Adoption Attitudes Survey, 2013*, available at <https://www.davethomasfoundation.org/about-foster-care-adoption/research/read-the-research/> (last visited Feb. 16, 2015).

²⁰ s. 409.166, F.S.

²¹ Email from Nicole Stookey, Deputy Legislative Affairs Director, DCF, RE: Adoption Benefits for Children Adopted From Foster Care, (Feb. 10, 2015).

²² s. 409.166, F.S.

²³ *Id.*

²⁴ Section 1009.25, F.S.

Road to Independence Assistance

A child who was at least 16 years of age and was adopted from foster care after spending at least 6 months in licensed care within the 12 months immediately preceding the adoption is eligible for post-secondary services and support under the Road-to-Independence Program.²⁵

State Employee Adoption Benefit

Prior to 2010, Florida had an adoption benefit program for state employees. Created in 2000, the program provided a one-time cash benefit to employees of the state or of a water management district who adopted a child. Qualifying employees adopting a child defined as a special-needs child under s. 409.166, F.S., were eligible to receive a monetary benefit in the amount of \$10,000 per child; qualifying employees adopting a child other than a special-needs child were eligible to receive a monetary benefit in the amount of \$5,000 per child.²⁶ This allowed for the benefit to be paid for both private and foreign adoptions.

The law was amended in 2001 to restrict the program to state employees who adopted a child from the foster care system.²⁷ The benefit program was expanded in 2007 to include county school district employees, community college and university employees, and instructional personnel employed by the Florida School for the Deaf and the Blind, in the list of employees eligible to receive the benefit. The Legislature also transferred the program from the Department of Management Services (DMS) to DCF.²⁸

Previously, the Legislature funded the program at approximately \$1.8 million each year. This funding was inadequate to provide a benefit for every state employee adoption. For example, in 2004, the almost \$1.8 million appropriation was inadequate to fund all 243 eligible applications, only 179 were funded. In 2005, \$888,000 was appropriated, and only 89 of 167 eligible applications were funded. Total appropriations for the program for years 2000–2005 were \$3,063,687, and only 300 of 602 eligible adoptions were funded.²⁹

The program was funded for 10 years before being repealed in 2010.³⁰

Employer-Provided Adoption Benefits

A 2008-09 survey by Hewitt Associates of 940 large employers indicated that over half offered some type of adoption assistance to employees. Examples of benefits made available by employers include lump sum payments or reimbursement for adoption-related fees. Employers typically limit which employees may receive the benefit (such as requiring full-time or permanent status).³¹

Adoption Promotion and Recognition by the Governor's Office

Section 39.001(9), F.S., creates the Office of Adoption and Child Protection in the Executive Office of the Governor. The statute requires the Governor to appoint a Chief Child Advocate for the Office of Adoption and Child Protection. Among the Chief Child Advocate's statutory duties are to promote adoption, support of adoptive families, and advance child abuse prevention through:

- Assisting in developing rules;
- Acting as the Governor's liaison with state agencies, other state governments, and the public and private sectors;

²⁵ s. 409.1451, F.S.

²⁶ s. 110.152, F.S. (2000). Chapter 2000-241, Laws of Florida.

²⁷ s. 110.52, F.S. (2001). Chapter 2001-256, Laws of Florida.

²⁸ s. 409.1663, F.S. (2007). Chapter 2007-119, Laws of Florida.

²⁹ Staff Analysis, CS/HB 803 (2007).

³⁰ Chapter 2010-158, Laws of Florida.

³¹ Child Welfare Information Gateway, *Employer-Provided Adoption Benefits*, 2011.

- Working to secure funding and other support for the state's efforts;
- Developing a strategic program and funding initiative that encourages state agency collaboration;
- Advising the Governor and the Legislature on key statistics; and
- Developing statewide public awareness campaigns.

The Office of Adoption and Child Protection is also directed to develop and update a comprehensive plan, advise on related programs and services, and provide or make available professional development opportunities.

Section 39.0011, F.S., authorizes the Office of Adoption and Child Protection to establish a direct-support organization (DSO). The DSO is to help the office promote adoption, support adoptive families, and prevent child abuse, abandonment, and neglect by raising money; submitting requests for and receiving grants from the Federal Government, the state or its political subdivisions, private foundations, and individuals; and making expenditures to or for the benefit of the office. The sole purpose for the direct-support organization is to support the office. However, this DSO has not been established.

While currently there is no statutory requirement for the Governor to present an adoption achievement award, the Governor's Office engages in activities promoting adoption, particularly of children from the child welfare system. For example, to recognize National Adoption Month, in November 2014:

- Governor Scott issued a proclamation announcing November 2014 as Florida Adoption Month and National Adoption Day on Saturday, November 22, 2014.
- First Lady Scott made a video encouraging Floridians to consider adopting a child from foster care.³²
- The Governor's Office of Adoption and Child Protection, the department, CBC lead agencies, and community partners recognized National Adoption Month throughout the state with celebrations, awareness runs, parties, finalizations, and more. The Chief Child Advocate attended and participated in several finalization events to show the support of the Governor's Office.
- The Chief Child Advocate reported on Florida's recent successes in adoption at the Nov. 12, 2014, Cabinet meeting. Local adoptive parents were also invited to share their adoption story. During the meeting, the Cabinet issued a resolution of congratulations and best wishes to all families celebrating National Adoption Day on November 22, 2014.³³

Effect of Proposed Changes

The bill creates s. 409.1662, F.S., to establish an adoption incentive program to advance permanency, stability, and well-being among children in the child welfare system. This program requires DCF to award incentive payments to CBCs for meeting specific adoption performance standards that increase the number of adoptions that result in permanent placements that enhance children's well-being. DCF must conduct a baseline assessment of CBC adoption-related performance. After this assessment, DCF must establish measurable outcome targets for performance by agreement with each CBC and negotiate incentive payments to CBC's for meeting these targets.

³² Available at www.adoptflorida.org/videos.shtml. (last visited Feb. 16, 2015).

³³ Florida Governor's Office of Adoption and Child Protection 2014 Annual Report, available at http://www.flgov.com/wp-content/uploads/childadvocacy/OACP_2014_FINAL.pdf. (last visited Jan. 31, 2015).

To conduct the baseline assessment of CBC performance, DCF must identify, at a minimum:

- The number of families attempting to adopt from foster care;
- The number of families who have completed the adoption process;
- The number of children eligible for adoption;
- The number of children whose adoptions have been finalized;
- The amount of time eligible children wait to be adopted;
- The number of disruptions;
- The number of dissolutions;
- The number of disruptions and dissolutions that could have been prevented by the CBC;
- The time required to complete each phase of the adoption process;
- Expenditures made toward the recruitment of adoptive families;
- Any program or performance to improve and streamline the adoption process;
- Results of CBC efforts to obtain feedback from prospective and adoptive parents, children within the child welfare system, adoptees, and other stakeholders; and
- Use of evidence-based, evidence-informed, promising, and innovative practices in lead agencies' efforts to find homes for adoptable children.

DCF must report annually by November 15 to the Governor, President of the Senate, and Speaker of the House of Representatives on the implementation and results of the program.

The bill also creates s. 409.1664, F.S., to reestablish an adoption benefit program within DCF for state employees who adopt children from the foster care system. Adoptive employees would receive a one-time benefit of \$10,000 for the adoption of a child with special needs as described in s. 409.166(2)(a)2., F.S., and \$5,000 for the adoption of a child who does not have such needs.

Eligible employees would include those individuals who are regular (not temporary) employees, either full- or part-time, of:

- A branch, department, or agency of state government for which the Chief Financial Officer processes payroll requisitions;
- A state university or Florida College system institution;
- A school district unit;
- A water management district; and
- The Florida School for the Deaf and Blind (limited to instructional personnel).

Benefits would be provided on a first-come, first-served, basis, limited by the amount of the appropriation.

The bill creates s. 409.1666, F.S., to require the Governor to select and recognize one or more individuals, families, or entities that have made significant contributions towards efforts to find children in care permanent homes through adoption. The department is required to create categories and criteria for the awards and seek nominations of potential recipients in each category.

The bill specifies that the direct support organization established with the Governor's Office of Adoption and Child Protection may accept donations to be given to award recipients and may also provide other tokens of recognition. However, currently no direct support organization has been established.³⁴

B. SECTION DIRECTORY:

Section 1: Creates s. 409.1662, F.S., relating to the adoption incentive program.

Section 2: Creates s. 409.1664, F.S., relating to adoption benefits for qualifying adoptive employees of state agencies.

³⁴ s. 39.001, F.S.

Section 3: Creates s. 409.1666, F.S., relating to annual adoption achievement awards.

Section 4: Provides an effective date of July 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Expenditures are contingent on appropriations. See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill will provide financial incentives to community-based care lead agencies for specified achievement and cash benefits to state employees who adopt children who are from the child welfare system.

D. FISCAL COMMENTS:

The CBC incentive program and state employee adoption benefit payments are contingent on appropriations. The bill does not include appropriations to fund these provisions.

While the Florida Safe Families Network (FSFN) child welfare information system has the data necessary to calculate many of the measures required by the bill, other measures may require FSFN enhancements to allow data collection. According to DCF, the FSFN work estimate related to these changes is 2,441 hours of effort at a cost of \$268,510. This includes changes necessary to the web pages and all underlying components, including business logic and database changes, changes to the reporting environment to include the information, and modifications to system documentation.

DCF states that it will require an additional FTE to implement the employee adoption benefit, at a recurring cost of \$71,762. The FTE would be used to establish rules, develop operating procedures, and process all incoming applications.³⁵

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

³⁵ Florida Department of Children and Families. *Senate Bill 320 Analysis* (Jan. 27, 2015) (on file with the House Children, Families and Seniors Subcommittee).

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill grants DCF authority to adopt rules to administer the benefit program for state employees.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

PCB HHSC 15-01

ORIGINAL

YEAR

1 A bill to be entitled
 2 An act relating to adoption and foster care; creating
 3 s. 409.1662, F.S.; providing the purpose of the
 4 adoption incentive program; directing the Department
 5 of Children and Families to establish an adoption
 6 incentive program for certain agencies; requiring that
 7 the department conduct a comprehensive baseline
 8 assessment of lead agencies performance and compile
 9 annual data for the most recent 5 years of available
 10 data; providing a nonexclusive list of factors for the
 11 assessment to identify; requiring that the department
 12 negotiate outcome-based agreements; requiring that
 13 several factors be included in the agreement;
 14 requiring the department to allocate incentive
 15 payments; requiring a report; creating s. 409.1664,
 16 F.S.; defining terms; providing certain amounts
 17 payable to a qualifying adoptive employee who adopts
 18 specified children under certain circumstances subject
 19 to a specific appropriation to the department;
 20 providing prorated payments for a part-time employee
 21 and limiting the monetary benefit to one award per
 22 child; requiring that a qualifying adoptive employee
 23 apply to the agency head for the monetary benefit on
 24 forms approved by the department and include a
 25 certified copy of the final order of adoption;
 26 providing that the act does not preclude a qualifying

PCB HHSC 15-01

ORIGINAL

YEAR

27 adoptive employee who adopts a special needs child
 28 that is not a child within the child welfare system
 29 from receiving any other assistance or incentive;
 30 requiring that parental leave for qualifying adoptive
 31 employees be provided; authorizing the department to
 32 adopt rules; requiring the Chief Financial Officer to
 33 submit payment to a qualifying adoptive employee
 34 depending on where he or she works; requiring state
 35 agencies to develop uniform procedures for informing
 36 employees about this benefit and for assisting the
 37 department in making eligibility determinations and
 38 processing applications; creating s. 409.1666, F.S.;
 39 requiring the Governor to annually select and
 40 recognize certain individuals, families, or
 41 organizations for adoption achievement awards;
 42 requiring the department to define categories for the
 43 achievement awards and seek nominations for potential
 44 recipients; authorizing a direct-support organization
 45 established by the Office of Adoption and Child
 46 Protection to accept donations of products or services
 47 from private sources to be given to the recipients of
 48 the adoption achievement awards; providing an
 49 effective date.

51 Be It Enacted by the Legislature of the State of Florida:
 52

PCB HHSC 15-01

ORIGINAL

YEAR

53 Section 1. Section 409.1662, Florida Statutes, is created
54 to read:

55 409.1662 Children within the child welfare system;
56 adoption incentive program.—

57 (1) PURPOSE.—The purpose of the adoption incentive program
58 is to advance the state's achievement of permanency, stability,
59 and well-being in living arrangements for children in foster
60 care who cannot be reunited with their families. The department
61 shall establish the adoption incentive program to award
62 incentive payments to community-based care lead agencies, as
63 defined in s. 409.986, which achieve specific and measureable
64 adoption performance standards that lead to permanency,
65 stability, and well-being for children.

66 (2) ADMINISTRATION OF THE PROGRAM.—

67 (a) The department shall conduct a comprehensive baseline
68 assessment of the performance of lead agencies related to
69 adoption of children from foster care. The assessment shall
70 compile annual data for each of the most recent 5 years for
71 which data is available. The department shall update the
72 assessment annually. At a minimum, the assessment shall
73 identify:

74 1. The number of families attempting to adopt children
75 from foster care and the number of families completing the
76 adoption process.

77 2. The number of children eligible for adoption and the
78 number of children whose adoptions were finalized.

79 3. The amount of time eligible children waited for
 80 adoption.

81 4. The number of adoptions that resulted in disruption or
 82 dissolution and the subset of those disrupted adoptions that
 83 were preventable by the lead agency.

84 5. The time taken to complete each phase of the adoption
 85 process.

86 6. The expenditures made to recruit adoptive homes and a
 87 description of any initiative to improve adoption performance or
 88 streamline the adoption process.

89 7. The results of any specific effort to gather feedback
 90 from prospective adoptive parents, adoptive parents, children in
 91 the child welfare system, adoptees, and other stakeholders.

92 8. The current use of evidence-based, evidence-informed,
 93 promising, and innovative practices in recruitment, orientation,
 94 and preparation of appropriate adoptive families, matching
 95 children with families, supporting children during the adoptive
 96 process, and providing post-adoptive support.

97 (b) Using the information from the baseline assessment,
 98 the department shall annually negotiate outcome-based agreements
 99 with lead agencies. The agreement shall establish measureable
 100 outcome targets to increase the number of adoptions that result
 101 in permanent placements that enhance children's well-being. The
 102 agreement will define the method for measuring performance and
 103 for determining the level of performance required to earn the
 104 incentive payment, and the amount of the incentive payment which

105 may be earned for each target.

106 (3) INCENTIVE PAYMENTS.-

107 (a) The department shall allocate incentive payments to
 108 performance improvement targets in a manner that ensures that
 109 total payments do not exceed the amount appropriated for this
 110 purpose.

111 (b) The department shall ensure that the amount of the
 112 incentive payments are proportionate to the value of the
 113 performance improvement.

114 (4) REPORT.--The department shall report annually by
 115 November 15 to the Governor, President of the Senate, and
 116 Speaker of the House of Representatives on the negotiated
 117 targets set for, outcomes achieved by, and incentive payments
 118 made to each lead agency during the previous fiscal year. The
 119 department shall also report on program enhancements made by
 120 each lead agency and their subcontracted providers to achieve
 121 negotiated outcomes under this section.

122 Section 2. Section 409.1664, Florida Statutes, is created
 123 to read:

124 409.1664 Adoption benefits for qualifying adoptive
 125 employees of state agencies.-

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

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

129 (b) "Qualifying adoptive employee" means a full-time or
 130 part-time employee of a state agency who is paid from regular

131 salary appropriations, or otherwise meets the state agency
 132 employer's definition of a regular rather than temporary
 133 employee, and who adopts a child within the child welfare system
 134 pursuant to chapter 63. The term includes instructional
 135 personnel, as defined in s. 1012.01, employed by the Florida
 136 School for the Deaf and the Blind.

137 (c) "State agency" means a branch, department, or agency
 138 of state government for which the Chief Financial Officer
 139 processes payroll requisitions, a state university or Florida
 140 College System institution as defined in s. 1000.21, a school
 141 district unit as defined in s. 1001.30, or a water management
 142 district as defined in s. 373.019.

143 (2) A qualifying adoptive employee that adopts a child
 144 within the child welfare system who has the special needs
 145 described in s. 409.166(2)(a)2. is eligible to receive a lump-
 146 sum monetary benefit in the amount of \$10,000 per such child,
 147 subject to applicable taxes. A qualifying adoptive employee that
 148 adopts a child within the child welfare system who does not have
 149 the special needs described in s. 409.166(2)(a)2. is eligible to
 150 receive a lump-sum monetary benefit in the amount of \$5,000 per
 151 such child, subject to applicable taxes.

152 (a) Benefits paid to a qualifying adoptive employee who is
 153 a part-time employee must be prorated based on the qualifying
 154 adoptive employee's full-time equivalency at the time of
 155 applying for the benefits.

156 (b) Monetary benefits under (2) are limited to one award

157 per adopted child within the child welfare system.

158 (c) The payment of a lump-sum monetary benefit for
 159 adopting a child within the child welfare system under this
 160 section is subject to a specific appropriation to the department
 161 for such purpose.

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

167 (4) This section does not preclude a qualifying adoptive
 168 employee who adopts a special needs child that is not a child
 169 within the child welfare system from receiving adoption
 170 assistance he or she may qualify for under s. 409.166 or any
 171 other statute that provides financial incentives for the
 172 adoption of children.

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

176 (6) The department may adopt rules to administer this
 177 section. The rules may provide for an application process such
 178 as, but not limited to, an open enrollment period during which
 179 qualifying adoptive employees may apply for monetary benefits
 180 under this section.

181 (7) The Chief Financial Officer shall disburse a monetary
 182 benefit to a qualifying adoptive employee upon the department's

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183 submission of a payroll requisition. The Chief Financial Officer
 184 shall transfer funds from the department to a state university,
 185 Florida College System institution, school district unit, or
 186 water management district, as appropriate, to enable payment to
 187 the qualifying adoptive employee through the payroll systems as
 188 long as funds are available for such purpose.

189 (8) Each state agency shall develop a uniform procedure
 190 for informing employees about this benefit and for assisting the
 191 department in making eligibility determinations and processing
 192 applications. Any procedure adopted by a state agency is valid
 193 and enforceable if the procedure does not conflict with the
 194 express terms of this section.

195 Section 3. Section 409.1666, Florida Statutes, is created
 196 to read:

197 409.1666 Annual adoption achievement awards.—Each year,
 198 the Governor shall select and recognize one or more individuals,
 199 families, or organizations that make significant contributions
 200 to enabling this state's foster children to achieve permanency
 201 through adoption. The department shall define appropriate
 202 categories for the achievement awards and seek nominations for
 203 potential recipients in each category from individuals and
 204 organizations knowledgeable about foster care and adoption.

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

208 (2) A direct-support organization established in

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209 accordance with s. 39.0011 by the Office of Adoption and Child
 210 Protection within the Executive Office of the Governor may
 211 accept donations of products or services from private sources to
 212 be given to the recipients of the adoption achievement awards.
 213 The direct-support organization may also provide suitable
 214 plaques, framed certificates, pins, and other tokens of
 215 recognition.

216 Section 4. This act shall take effect July 1, 2015.



Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Brodeur offered the following:

4
5 **Amendment (with title amendment)**

6 Remove lines 168-169 and insert:
7 employee from receiving adoption

8
9 -----
10 **T I T L E A M E N D M E N T**

11 Remove lines 27-28 and insert:
12 adoptive employee