## Florida Senate - 2007

CS for SB 1388

 ${\bf By}$  the Committee on Children, Families, and Elder Affairs; and Senator Storms

586-2067-07

| 1  | A bill to be entitled                           |
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| 2  | An act relating to adoption and child           |
| 3  | protection; amending s. 39.001, F.S.;           |
| 4  | redesignating the Office of Child Abuse         |
| 5  | Prevention as the Office of Adoption and Child  |
| 6  | Protection; revising the purpose of the office; |
| 7  | redesignating the director of the office as the |
| 8  | Chief Child Advocate; providing for the         |
| 9  | promotion of adoption and support of adoptive   |
| 10 | families in the state plan of the office;       |
| 11 | revising the content requirement of an annual   |
| 12 | report; establishing the Child Abuse Prevention |
| 13 | and Permanency Advisory Council and providing   |
| 14 | for its composition; requiring the office, in   |
| 15 | conjunction with the Department of Children and |
| 16 | Family Services and the Department of           |
| 17 | Education, to develop a certification program   |
| 18 | for certain professionals who provide services  |
| 19 | related to adoption and support of adoptive     |
| 20 | families; providing additional purposes for     |
| 21 | district plans of action; creating s. 39.0011,  |
| 22 | F.S.; authorizing the office to establish a     |
| 23 | direct-support organization; providing          |
| 24 | purposes, requirements, and objectives;         |
| 25 | providing for members of a board of directors   |
| 26 | of the direct-support organization; requiring   |
| 27 | the organization to operate under contract with |
| 28 | the office; providing guidelines for the use of |
| 29 | funds; amending ss. 39.0014 and 39.01, F.S.;    |
| 30 | conforming references to changes made by the    |
| 31 | act; creating s. 409.1661, F.S.; establishing a |
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1 subsidized adoption program; providing 2 definitions; providing eligibility; providing for waiver of certain adoption fees; requiring 3 the Department of Children and Family Services 4 to adopt rules; providing an effective date. 5 б 7 Be It Enacted by the Legislature of the State of Florida: 8 Section 1. Subsections (6) through (9) of section 9 39.001, Florida Statutes, are amended to read: 10 39.001 Purposes and intent; personnel standards and 11 12 screening.--13 (6) LEGISLATIVE INTENT FOR THE PREVENTION OF ABUSE, ABANDONMENT, AND NEGLECT OF CHILDREN. -- The incidence of known 14 child abuse, abandonment, and neglect has increased rapidly 15 over the past 5 years. The impact that abuse, abandonment, or 16 17 neglect has on the victimized child, siblings, family structure, and inevitably on all citizens of the state has 18 caused the Legislature to determine that the prevention of 19 child abuse, abandonment, and neglect shall be a priority of 20 this state. To further this end, it is the intent of the 21 22 Legislature that an Office of Adoption and Child Protection 23 Abuse Prevention be established. (7) OFFICE OF ADOPTION AND CHILD PROTECTION ABUSE 2.4 PREVENTION. --25 (a) For purposes of establishing a comprehensive 26 27 statewide approach for the promotion of adoption, support of 2.8 adoptive families, and prevention of child abuse, abandonment, and neglect, the Office of Adoption and Child Protection Abuse 29 Prevention is created within the Executive Office of the 30 Governor. The Governor shall appoint a Chief Child Advocate 31 2

1 director for the office who shall be subject to confirmation 2 by the Senate. 3 (b) The Chief Child Advocate director shall: 1. Assist in the development of developing rules 4 pertaining to the promotion of adoption, support of adoptive 5 6 families, and implementation of child abuse prevention 7 efforts. 8 2. Act as the Governor's liaison with state agencies, other state governments, and the public and private sectors on 9 matters that relate to the promotion of adoption, support of 10 adoptive families, and child abuse prevention. 11 12 3. Work to secure funding and other support for the 13 state's efforts to promote adoption, support adoptive families, and prevent child abuse prevention efforts, 14 including, but not limited to, establishing cooperative 15 relationships among state and private agencies. 16 17 4. Develop a strategic program and funding initiative that links the separate jurisdictional activities of state 18 agencies with respect to the promotion of adoption, support of 19 adoptive families, and child abuse prevention. The office may 20 21 designate lead and contributing agencies to develop such 2.2 initiatives. 23 5. Advise the Governor and the Legislature on statistics related to adoption and child abuse trends in this 2.4 state, the status of current adoption programs and services, 25 current child abuse prevention programs and services, the 26 27 funding of those programs and services, and the status of the 2.8 office with regard to the development and implementation of <u>a</u> the state strategy for the promotion of adoption, support of 29 30 adoptive families, and child abuse prevention strategy. 31

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1 6. Develop child abuse prevention public awareness 2 campaigns for the promotion of adoption, the support of adoptive families, and child abuse prevention to be 3 4 implemented throughout the state. (c) The office is authorized and directed to: 5 б 1. Oversee the preparation and implementation of the 7 state plan established under subsection (8) and revise and 8 update the state plan as necessary. 2. Provide for or make available continuing 9 10 professional education and training in the prevention of child abuse and neglect. 11 12 3. Work to secure funding in the form of 13 appropriations, gifts, and grants from the state, the Federal Government, and other public and private sources in order to 14 ensure that sufficient funds are available for the promotion 15 of adoption, support of adoptive families, and child abuse 16 17 prevention efforts. 18 4. Make recommendations pertaining to agreements or contracts for the establishment and development of: 19 20 a. Programs and services for the promotion of 21 adoption, support of adoptive families, and the prevention of 22 child abuse and neglect. 23 b. Training programs for the prevention of child abuse 2.4 and neglect. 25 c. Multidisciplinary and discipline-specific training programs for professionals with responsibilities affecting 26 27 children, young adults, and families. 28 d. Efforts to promote adoption. e. Postadoptive services to support adoptive families. 29 30 5. Monitor, evaluate, and review the development and quality of local and statewide services and programs for the 31

1 promotion of adoption, support of adoptive families, and 2 prevention of child abuse and neglect and shall publish and distribute an annual report of its findings on or before 3 January 1 of each year to the Governor, the Speaker of the 4 House of Representatives, the President of the Senate, the 5 6 secretary of each state agency affected by the report, and the 7 appropriate substantive committees of the Legislature. The 8 report shall include: 9 a. A summary of the activities of the office. 10 b. A summary of adoption data collected and reported to the Adoption and Foster Care Analysis and Reporting System 11 (AFCARS) and the federal Administration for Children and 12 13 Families. c. A summary of abuse prevention data collected and 14 reported to the National Child Abuse and Neglect Data System 15 (NCANDS) and the federal Administration for Children and 16 17 Families. 18 d.b. A summary detailing the timelines of the adoption process for children adopted from within the child welfare 19 20 system demographic and geographic characteristics of families 21 served by the prevention programs. 22 e.c. Recommendations, by state agency, for the further 23 development and improvement of services and programs for the promotion of adoption, support of adoptive families, and 2.4 prevention of child abuse and neglect. 25 f.d. The budget requests, adoption promotion and 26 27 support needs, and child abuse prevention program needs by 2.8 state agency. 29 Work with the direct-support organization 30 established under s. 39.0011 and receive financial support from the organization. 31

1 (8) PLAN FOR COMPREHENSIVE APPROACH. --2 (a) The office shall develop a state plan for the promotion of adoption, support of adoptive families, and 3 4 prevention of abuse, abandonment, and neglect of children and shall submit the state plan to the Speaker of the House of 5 6 Representatives, the President of the Senate, and the Governor 7 no later than December 31, 2008 2007. The Department of 8 Children and Family Services, the Department of Corrections, the Department of Education, the Department of Health, the 9 Department of Juvenile Justice, the Department of Law 10 Enforcement, the Agency for Persons with Disabilities, and the 11 12 Agency for Workforce Innovation shall participate and fully 13 cooperate in the development of the state plan at both the state and local levels. Furthermore, appropriate local 14 agencies and organizations must shall be provided an 15 opportunity to participate in the development of the state 16 17 plan at the local level. Appropriate local groups and 18 organizations includes shall include, but is not be limited to, community mental health centers; guardian ad litem 19 programs for children under the circuit court; the school 20 21 boards of the local school districts; the Florida local 22 advocacy councils; community-based care lead agencies; private 23 or public organizations or programs with recognized expertise in working with child abuse prevention programs for children 24 and families; private or public organizations or programs with 25 recognized expertise in working with children who are sexually 26 27 abused, physically abused, emotionally abused, abandoned, or 2.8 neglected and with expertise in working with the families of 29 such children; private or public programs or organizations with expertise in maternal and infant health care; 30 multidisciplinary child protection teams; child day care 31

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1 centers; law enforcement agencies; and the circuit courts, 2 when guardian ad litem programs are not available in the local area. The state plan to be provided to the Legislature and the 3 Governor shall include, as a minimum, the information required 4 5 under of the various groups in paragraph (b). б (b) The development of the state plan shall be 7 accomplished in the following manner: 1. The office shall establish a Child Abuse Prevention 8 9 and Permanency Advisory Council composed of representatives from each state agency and appropriate local agencies and 10 organizations specified in paragraph (a) and an adoptive 11 12 parent who has adopted a child from within the child welfare 13 system. The advisory council shall serve as the research arm of the office and shall be responsible for: 14 a. Assisting in developing a plan of action for better 15 coordination and integration of the goals, activities, and 16 17 funding pertaining to the promotion and support of adoption and the prevention of child abuse, abandonment, and neglect 18 conducted by the office in order to maximize staff and 19 resources at the state level. The plan of action <u>must</u> shall be 20 21 included in the state plan. 22 b. Assisting in providing a basic format to be used 23 utilized by the districts in the preparation of local plans of action in order to provide for uniformity in the district 2.4 plans and to provide for greater ease in compiling information 25 for the state plan. 26 27 c. Providing the districts with technical assistance 28 in the development of local plans of action, if requested. 29 d. Assisting in examining the local plans to determine 30 if all the requirements of the local plans have been met and, 31

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1 if they have not, informing the districts of the deficiencies 2 and requesting the additional information needed. 3 e. Assisting in preparing the state plan for 4 submission to the Legislature and the Governor. Such preparation must shall include incorporating the incorporation 5 6 into the state plan of information obtained from the local 7 plans into the state plan, the cooperative plans with the 8 members of the advisory council, and the plan of action for coordination and integration of state departmental activities. 9 The state plan <u>must</u> shall include a section reflecting general 10 conditions and needs, an analysis of variations based on 11 12 population or geographic areas, identified problems, and 13 recommendations for change. In essence, the state plan must shall provide an analysis and summary of each element of the 14 local plans to provide a statewide perspective. The state plan 15 must shall also include each separate local plan of action. 16 17 f. Conducting a feasibility study on the establishment 18 of a Children's Cabinet. g. Working with the specified state agency in 19 fulfilling the requirements of subparagraphs 2., 3., 4., and 20 21 5. 22 2. The office, the department, the Department of 23 Education, and the Department of Health shall work together in developing ways to inform and instruct parents of school 2.4 children and appropriate district school personnel in all 25 school districts in the detection of child abuse, abandonment, 26 27 and neglect and in the proper action that should be taken in a 2.8 suspected case of child abuse, abandonment, or neglect, and in 29 caring for a child's needs after a report is made. The plan for accomplishing this end <u>must</u> shall be included in the state 30 31 plan.

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1 3. The office, the department, the Department of Law 2 Enforcement, and the Department of Health shall work together in developing ways to inform and instruct appropriate local 3 law enforcement personnel in the detection of child abuse, 4 abandonment, and neglect and in the proper action that should 5 б be taken in a suspected case of child abuse, abandonment, or 7 neglect. 8 4. Within existing appropriations, the office shall work with other appropriate public and private agencies to 9 10 support emphasize efforts to educate the general public about the problem of and ways to detect child abuse, abandonment, 11 12 and neglect and in the proper action that should be taken in a 13 suspected case of child abuse, abandonment, or neglect. The plan for accomplishing this end <u>must</u> shall be included in the 14 15 state plan. 5. The office, the department, the Department of 16 17 Education, and the Department of Health shall work together on 18 enhancing or adapting the enhancement or adaptation of curriculum materials to assist instructional personnel in 19 providing instruction through a multidisciplinary approach on 20 21 the identification, intervention, and prevention of child 22 abuse, abandonment, and neglect. The curriculum materials must 23 shall be geared toward a sequential program of instruction at the four progressional levels, K-3, 4-6, 7-9, and 10-12. 2.4 Strategies for encouraging all school districts to use utilize 25 the curriculum are to be included in the state plan for the 26 27 prevention of child abuse, abandonment, and neglect. 2.8 6. The office, the department, and the Department of Education shall work together to develop a postgraduate 29 30 certification program for mental health and education 31

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1 professionals who provide services to adoptive children and 2 their families. 3 7.6. Each district of the department shall develop a <u>local</u> plan <u>of action</u> for its specific geographical area. The 4 plan developed at the district level shall be submitted to the 5 6 advisory council for utilization in preparing the state plan. 7 The district local plan of action shall be prepared with the 8 involvement and assistance of the local agencies and organizations listed in this paragraph, as well as 9 representatives from those departmental district offices 10 participating in the promotion of adoption, support of 11 12 adoptive families, and treatment and prevention of child 13 abuse, abandonment, and neglect. In order to accomplish this, the office shall establish a task force on the promotion of 14 adoption, support of adoptive families, and prevention of 15 child abuse, abandonment, and neglect. The office shall 16 17 appoint the members of the task force in accordance with the 18 membership requirements of this section. The office shall ensure that individuals from both urban and rural areas and an 19 adoptive parent who has adopted a child from within the child 20 21 welfare system are represented on the task force. The task 22 force shall develop a written statement clearly identifying 23 its operating procedures, purpose, overall responsibilities, and method of meeting responsibilities. The local district 2.4 plan of action to be prepared by the task force must shall 25 26 include, but shall not be limited to: 27 a. Documentation of the magnitude of the problems of 2.8 child abuse, including sexual abuse, physical abuse, and emotional abuse, and child abandonment and neglect in its 29 30 geographical area. 31

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1 b. A description of programs currently serving abused, 2 abandoned, and neglected children and their families and a description of programs for the prevention of child abuse, 3 abandonment, and neglect, including information on the impact, 4 5 cost-effectiveness, and sources of funding of such programs. 6 c. Information concerning the number of children 7 within the child welfare system who are available for adoption and who need child-specific adoption promotion efforts. 8 d. A description of programs currently promoting and 9 supporting adoptive families, including information concerning 10 the results, cost-effectiveness, and sources of funding of 11 12 such programs. 13 e. A description of a comprehensive strategy for providing postadoption services. The continuum of services 14 must include, but need not be limited to, sufficient and 15 accessible parent and teen support groups; case management, 16 17 information, and referral services; and educational advocacy. 18 <u>f.c.</u> A continuum of programs and services necessary for providing a comprehensive approach to the promotion of 19 adoption and the prevention of all types of child abuse, 20 21 abandonment, and neglect as well as a brief description of 22 such programs and services. 23 q.d. A description, documentation, and priority ranking of local needs related to the promotion of adoption, 2.4 support of adoptive parents, and prevention of child abuse, 25 abandonment, and neglect prevention based upon the continuum 26 27 of programs and services. 2.8 h.e. A plan for steps to be taken in meeting identified needs, including the coordination and integration 29 of services to avoid unnecessary duplication and cost, and for 30 alternative funding strategies for meeting needs through the 31 11

1 reallocation of existing resources, utilization of volunteers, 2 contracting with local universities for services, and local government or private agency funding. 3 i.f. A description of barriers to the accomplishment 4 of a comprehensive approach to the promotion of adoption, 5 6 support of adoptive families, and prevention of child abuse, 7 abandonment, and neglect. 8 i.g. Recommendations for changes that can be 9 accomplished only at the state program level or by legislative 10 action. (9) FUNDING AND SUBSEQUENT PLANS. --11 12 (a) All budget requests submitted by the office, the 13 department, the Department of Health, the Department of Education, the Department of Juvenile Justice, the Department 14 of Corrections, the Agency for Persons with Disabilities, the 15 Agency for Workforce Innovation, or any other agency to the 16 17 Legislature for funding of efforts for the promotion of adoption, support of adoptive families, and prevention of 18 child abuse, abandonment, and neglect <u>must</u> shall be based on 19 the state plan developed pursuant to this section. 20 21 (b) The office and the other agencies and 22 organizations listed in paragraph (8)(a) shall readdress the 23 state plan and make necessary revisions every 5 years, at a minimum. Such revisions shall be submitted to the Speaker of 2.4 the House of Representatives and the President of the Senate 25 no later than June 30 of each year divisible by 5. At least 26 27 biennially, the office shall review the state plan and make 2.8 any necessary revisions based on changing needs and program 29 evaluation results. An annual progress report shall be submitted to update the state plan in the years between the 30 5-year intervals. In order to avoid duplication of effort, 31

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| 1  | these <del>required</del> plans may be made a part of or merged with |
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| 2  | other plans required by either the state or Federal                  |
| 3  | Government, so long as the portions of the other state or            |
| 4  | Federal Government plan that constitute the state plan for the       |
| 5  | promotion of adoption, support of adoptive families, and             |
| б  | prevention of child abuse, abandonment, and neglect are              |
| 7  | clearly identified as such and are provided to the Speaker of        |
| 8  | the House of Representatives and the President of the Senate         |
| 9  | as required above.   |
| 10 | Section 2. Section 39.0011, Florida Statutes, is                     |
| 11 | created to read:   |
| 12 | 39.0011 Direct-support organization                                  |
| 13 | (1) The Office of Adoption and Child Protection,                     |
| 14 | established under s. 39.001, may establish a direct-support          |
| 15 | organization to assist the state in carrying out its purposes        |
| 16 | and responsibilities regarding the promotion of adoption,            |
| 17 | support of adoptive families, and prevention of child abuse,         |
| 18 | abandonment, and neglect by raising money; submitting requests       |
| 19 | for and receiving grants from the Federal Government, the            |
| 20 | state or its political subdivisions, private foundations, and        |
| 21 | individuals; and making expenditures to or for the benefit of        |
| 22 | the office. The sole purpose for the direct-support                  |
| 23 | organization is to support the office. The direct-support            |
| 24 | organization must be:  |
| 25 | (a) Incorporated under chapter 617 and approved by the               |
| 26 | <u>Department of State as a Florida not-for-profit corporation;</u>  |
| 27 | (b) Organized and operated to make expenditures to or                |
| 28 | for the benefit of the office; and                                   |
| 29 | (c) Approved by the office to be operating for the                   |
| 30 | benefit of and in a manner consistent with the goals of the          |
| 31 | office and in the best interest of the state.                        |

| 1  | (2) The number of members on the board of directors of         |
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| 2  | the direct-support organization shall be determined by the     |
| 3  | Chief Child Advocate. Membership on the board of directors of  |
| 4  | the direct-support organization shall include, but need not be |
| 5  | limited to, a quardian ad litem; a member of a local advocacy  |
| 6  | council; a representative from a community-based care lead     |
| 7  | agency; a representative from a private or public organization |
| 8  | or program having recognized expertise in working with child   |
| 9  | abuse prevention programs for children and families; a         |
| 10 | representative of a private or public organization or program  |
| 11 | with recognized expertise in working with children who are     |
| 12 | sexually abused, physically abused, emotionally abused,        |
| 13 | abandoned, or neglected and having expertise in working with   |
| 14 | the families of such children; an individual working at a      |
| 15 | state adoption agency; and the parent of a child adopted from  |
| 16 | within the child welfare system.                               |
| 17 | (3) The direct-support organization shall operate              |
| 18 | under written contract with the office.                        |
| 19 | (4) All moneys received by the direct-support                  |
| 20 | organization must be deposited into an account of the          |
| 21 | direct-support organization and be used by the organization in |
| 22 | a manner consistent with the goals of the office.              |
| 23 | Section 3. Section 39.0014, Florida Statutes, is               |
| 24 | amended to read:   |
| 25 | 39.0014 Responsibilities of public agenciesAll                 |
| 26 | state, county, and local agencies shall cooperate, assist, and |
| 27 | provide information to the Office of <u>Adoption and</u> Child |
| 28 | Protection Abuse Prevention and the department as will enable  |
| 29 | them to fulfill their responsibilities under this chapter.     |
| 30 | Section 4. Subsection (45) of section 39.01, Florida           |
| 31 | Statutes, is amended to read:                                  |
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1 39.01 Definitions.--When used in this chapter, unless 2 the context otherwise requires: 3 (45) "Office" means the Office of Adoption and Child Protection Abuse Prevention within the Executive Office of the 4 5 Governor. 6 Section 5. Section 409.1661, Florida Statutes, is 7 created to read: 8 409.1661 Adoption promotion subsidy. (1) DEFINITIONS.--As used in this section, the term: 9 10 (a) "Licensed child-placing agency" has the same meaning as in s. 39.01. 11 12 (b) "Special needs child" has the same meaning as in 13 s. 409.166. (2) ADOPTION PROMOTION SUBSIDY .--14 (a) The Department of Children and Family Services 15 shall make adoption promotion subsidies available to 16 17 prospective adoptive parents. Funding appropriated for such 18 subsidies may not be used for any other purpose. Subject to appropriations, adoption promotion subsidies shall be 19 available when adopting the following children: 2.0 21 1. For the support and maintenance of a special needs child. An adoption promotion subsidy provided under this 2.2 23 subparagraph may be provided until the child's 18th birthday, shall be in addition to the adoption assistance subsidies 2.4 available under s. 409.166, and shall be in an amount agreed 25 to between the adoptive parents and the department which must 26 27 be memorialized in writing. However, the total amount of all 2.8 subsidy payments may not exceed \$5,000 annually unless the secretary of the department approves an enhanced rate due to 29 circumstances such as, but not limited to, the child's 30 physical or mental condition. 31

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| 1  | 2. For the support and maintenance of a child within           |
| 2  | the child welfare system who has been removed from the child's |
| 3  | caregiver due to abuse, neglect, or abandonment and whose      |
| 4  | permanent custody has been awarded to the department or to a   |
| 5  | licensed child-placing agency. An adoption promotion subsidy   |
| 6  | provided under this subparagraph may be provided until the     |
| 7  | child's 18th birthday and shall be in an amount agreed to      |
| 8  | between the adoptive parents and the department which must be  |
| 9  | memorialized in writing. However, the payment amount may not   |
| 10 | exceed \$5,000 annually unless the secretary of the department |
| 11 | approves an enhanced rate due to circumstances such as, but    |
| 12 | not limited to, a child's need for extensive care or           |
| 13 | supervision.   |
| 14 | 3. For the support and maintenance of a child other            |
| 15 | than a child described in subparagraph 1. or subparagraph 2.   |
| 16 | residing in this state, who was born in the United States or   |
| 17 | born to a United States citizen who was in the military or     |
| 18 | working overseas at the time of the child's birth, and whose   |
| 19 | biological parents have had their parental rights terminated.  |
| 20 | An adoption promotion subsidy provided under this subparagraph |
| 21 | may be provided for the 3 years following the finalization of  |
| 22 | the adoption and may not exceed \$3,000 annually. The payment  |
| 23 | shall be in an amount agreed to between the adoptive parents   |
| 24 | and the department and must be memorialized in writing. In     |
| 25 | order to be eligible for an adoption promotion subsidy, an     |
| 26 | adopting parent must be a legal resident of the state and have |
| 27 | filed a sworn statement of domicile pursuant to s. 222.17. A   |
| 28 | stepparent who is legally married to a child's biological      |
| 29 | parent is not eligible for a subsidy under this subparagraph.  |
| 30 | (b) The department shall keep the data and records             |
| 31 | necessary to evaluate the effectiveness of the subsidy in      |
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1 promoting adoption and supporting adoptive families. The 2 department shall provide this information to the Office of Adoption and Child Protection. 3 (3) WAIVER OF ADOPTION FEES. -- Adoption fees shall be 4 5 waived for an adoptive parent who adopts a child who is in the 6 custody of the department. Adoption fees may be waived for 7 families who adopt children in the custody of a licensed child-placing agency, or who adopt children placed by an 8 9 intermediary, and who receive or may be eligible for subsidies 10 under this section. Retroactive reimbursement of fees is not required for families who adopt children in the custody of 11 12 licensed child-placing agencies. 13 (4) RULEMAKING. -- The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this 14 15 section. Section 6. This act shall take effect July 1, 2007. 16 17 18 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR 19 Senate Bill 1388 20 21 Strikes the requirement for the Chief Child Advocate to be confirmed by the Senate and strikes the section appropriating 22 funds, subject to certain contingencies, to One Church, One Child of Florida Corporation. 23 Corrects other technical deficiencies. 2.4 25 2.6 27 28 29 30 31