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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/06/2015	.	
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The Committee on Fiscal Policy (Bean) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

(2) AGENCY AGREEMENTS.—

(b) The department shall enter into agreements with



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12 district school boards or other local educational entities
13 regarding education and related services for children known to
14 the department who are of school age and children known to the
15 department who are younger than school age but who would
16 otherwise qualify for services from the district school board.
17 Such agreements shall include, but are not limited to:

18 1. A requirement that the department shall:

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

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

30 c. Establish a protocol for the department to share
31 information about a child known to the department with the
32 school district, consistent with the Family Educational Rights
33 and Privacy Act, since the sharing of information will assist
34 each agency in obtaining education and related services for the
35 benefit of the child. The protocol must require the district
36 school boards or other local educational entities to access the
37 department's Florida Safe Families Network to obtain information
38 about children known to the department, consistent with the
39 Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s.
40 1232g.



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

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

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

51 a. Provide the department with a general listing of the
52 services and information available from the district school
53 board to facilitate educational access for a child known to the
54 department.

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

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

69 d. Provide individualized student intervention or an



70 individual educational plan when a determination has been made
71 through legally appropriate criteria that intervention services
72 are required. The intervention or individual educational plan
73 must include strategies to enable the child known to the
74 department to maximize the attainment of educational goals.

75 3. A requirement that the department and the district
76 school board shall cooperate in accessing the services and
77 supports needed for a child known to the department who has or
78 is suspected of having a disability to receive an appropriate
79 education consistent with the Individuals with Disabilities
80 Education Act and state implementing laws, rules, and
81 assurances. Coordination of services for a child known to the
82 department who has or is suspected of having a disability may
83 include:

84 a. Referral for screening.

85 b. Sharing of evaluations between the school district and
86 the department where appropriate.

87 c. Provision of education and related services appropriate
88 for the needs and abilities of the child known to the
89 department.

90 d. Coordination of services and plans between the school
91 and the residential setting to avoid duplication or conflicting
92 service plans.

93 e. Appointment of a surrogate parent, consistent with the
94 Individuals with Disabilities Education Act and pursuant to
95 subsection (3), for educational purposes for a child known to
96 the department who qualifies.

97 f. For each child known to the department 14 years of age
98 and older, transition planning by the department and all



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99 providers, including the department's independent living program
100 staff, to meet the requirements of the local school district for
101 educational purposes.

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

104 39.812 Postdisposition relief; petition for adoption.—

105 (6) (a) Once a child's adoption is finalized, the community-
106 based care lead agency is required to make a reasonable effort
107 to make contact with the adoptive family either in person or by
108 telephone 1 year after the date of finalization of the adoption
109 as a post-adoption service. If the family has relocated to
110 another state, the required contact may occur by telephone. For
111 the purposes of this subsection, the term "reasonable effort"
112 means the exercise of reasonable diligence and care by the
113 community-based care lead agency to make contact with the
114 adoptive family. At a minimum the agency must document the
115 following:

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

119 2. The types of post-adoption services that were requested
120 by the adoptive family and whether those services were provided
121 by the community-based care lead agency; and

122 3. Any feedback received by the community-based care lead
123 agency from the adoptive family related to the quality or
124 effectiveness of services provided; and

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



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

130 409.145 Care of children; quality parenting; "reasonable
131 and prudent parent" standard.—The child welfare system of the
132 department shall operate as a coordinated community-based system
133 of care which empowers all caregivers for children in foster
134 care to provide quality parenting, including approving or
135 disapproving a child's participation in activities based on the
136 caregiver's assessment using the "reasonable and prudent parent"
137 standard.

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

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

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

156 2. Complete all training needed to improve skills in



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157 parenting a child who has experienced trauma due to neglect,
158 abuse, or separation from home, to meet the child's special
159 needs, and to work effectively with child welfare agencies, the
160 court, the schools, and other community and governmental
161 agencies.

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

165 4. Effectively advocate for the child in the caregiver's
166 care with the child welfare system, the court, and community
167 agencies, including the school, child care, health and mental
168 health providers, and employers.

169 5. Participate fully in the child's medical, psychological,
170 and dental care as the caregiver would for his or her biological
171 child.

172 6. Support the child's educational ~~school~~ success by
173 participating in ~~school~~ activities and meetings associated with
174 the child's school or other educational setting, including
175 Individual Education Plan meetings and meetings with an
176 educational surrogate if one has been appointed, assisting with
177 ~~school~~ assignments, supporting tutoring programs, ~~meeting with~~
178 ~~teachers and working with an educational surrogate if one has~~
179 ~~been appointed~~, and encouraging the child's participation in
180 extracurricular activities.

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



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

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

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

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

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

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

214 1. Include a caregiver in the development and



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215 implementation of the case plan for the child and his or her
216 family. The caregiver shall be authorized to participate in all
217 team meetings or court hearings related to the child's care and
218 future plans. The caregiver's participation shall be facilitated
219 through timely notification, an inclusive process, and
220 alternative methods for participation for a caregiver who cannot
221 be physically present.

222 2. Develop and make available to the caregiver the
223 information, services, training, and support that the caregiver
224 needs to improve his or her skills in parenting children who
225 have experienced trauma due to neglect, abuse, or separation
226 from home, to meet these children's special needs, and to
227 advocate effectively with child welfare agencies, the courts,
228 schools, and other community and governmental agencies.

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

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

234 (c) *Transitions.*—

235 1. Once a caregiver accepts the responsibility of caring
236 for a child, the child will be removed from the home of that
237 caregiver only if:

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

240 b. The child and his or her biological family are
241 reunified;

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



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244 d. The removal is demonstrably in the child's best
245 interest.

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

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

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

265 2. School records;

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

268 4. Consents signed by parents;

269 5. Comprehensive behavioral assessments and other social
270 assessments;

271 6. Court orders;

272 7. Visitation and case plans;



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273 8. Guardian ad litem reports;
274 9. Staffing forms; and
275 10. Judicial or citizen review panel reports and
276 attachments filed with the court, except confidential medical,
277 psychiatric, and psychological information regarding any party
278 or participant other than the child.

279 (e) *Caregivers employed by residential group homes.*—All
280 caregivers in residential group homes shall meet the same
281 education, training, and background and other screening
282 requirements as foster parents.

283 Section 4. Section 409.1662, Florida Statutes, is created
284 to read:

285 409.1662 Children within the child welfare system; adoption
286 incentive program.—

287 (1) PURPOSE.—The purpose of the adoption incentive program
288 is to advance the state's achievement of permanency, stability,
289 and well-being in living arrangements for children in foster
290 care who cannot be reunited with their families. The department
291 shall establish the adoption incentive program to award
292 incentive payment to community-based care lead agencies, as
293 defined in s. 409.986, and their subcontractors that are
294 involved in the adoption process for achievement of specific and
295 measurable adoption performance standards that lead to
296 permanency, stability, and well-being for children.

297 (2) ADMINISTRATION OF THE PROGRAM.—

298 (a) The department shall conduct a comprehensive baseline
299 assessment of the performance of lead agencies and providers
300 related to adoption of children from foster care. The assessment
301 shall compile annual data for each of the most recent 5 years



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302 for which data is available. The department shall update the
303 assessment annually. At a minimum, the assessment shall
304 identify:

305 1. The number of families attempting to adopt children from
306 foster care and the number of families completing the adoption
307 process.

308 2. The number of children eligible for adoption and the
309 number of children whose adoptions were finalized.

310 3. The amount of time eligible children waited for
311 adoption.

312 4. The number of adoptions that resulted in disruption or
313 dissolution and the subset of those disrupted adoptions that
314 were preventable by the lead agency or the subcontracted
315 provider.

316 5. The time taken to complete each phase of the adoption
317 process.

318 6. The expenditures made to recruit adoptive homes and a
319 description of any initiative to improve adoption performance or
320 streamline the adoption process.

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

324 8. The use of evidence-based, evidence-informed, promising,
325 and innovative practices in recruitment, orientation, and
326 preparation of appropriate adoptive families, matching children
327 with families, supporting children during the adoption process,
328 and providing post-adoptive support.

329 (b) Using the information from the baseline assessment, the
330 department shall annually negotiate outcome-based agreements



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331 with lead agencies and their subcontracted providers. The
332 agreements must establish measureable outcome targets to
333 increase the number of adoptions resulting in permanent
334 placements that enhance children's well-being. The agreements
335 will define the method for measuring performance and for
336 determining the level of performance required to earn the
337 incentive payment, and the amount of the incentive payment which
338 may be earned for each target.

339 (3) INCENTIVE PAYMENTS.—

340 (a) The department shall allocate incentive payments to
341 performance improvement targets in a manner that ensures that
342 total payments do not exceed the amount appropriated for this
343 purpose.

344 (b) The department shall ensure that the amount of the
345 incentive payments are proportionate to the value of the
346 performance improvement.

347 (4) REPORT.—The department shall report annually by
348 November 15 to the Governor, the President of the Senate, and
349 the Speaker of the House of Representatives on the negotiated
350 targets set for, outcomes achieved by, and incentive payments
351 made to each lead agency during the previous fiscal year. The
352 department shall also report on the program enhancements made by
353 each lead agency and its subcontractors to achieve negotiated
354 outcomes under this section.

355 Section 5. Section 409.1664, Florida Statutes, is created
356 to read:

357 409.1664 Adoption benefits for qualifying adoptive
358 employees of state agencies.—

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



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

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

370 (c) "State agency" means a branch, department, or agency of
371 state government for which the Chief Financial Officer processes
372 payroll requisitions, a state university or Florida College
373 System institution as defined in s. 1000.21, a school district
374 unit as defined in s. 1001.30, or a water management district as
375 defined in s. 373.019.

376 (2) A qualifying adoptive employee that adopts a child
377 within the child welfare system who has special needs as
378 described in s. 409.166(2)(a)2. is eligible to receive a lump
379 sum benefit in the amount of \$10,000 per child, subject to
380 applicable taxes. A qualifying adoptive employee that adopts a
381 child within the child welfare system who does not have the
382 special needs as described in s. 409.166(2)(a)2. is eligible to
383 receive a lump sum benefit in the amount of \$5,000 per child,
384 subject to applicable taxes.

385 (a) Benefits paid to a qualifying adoptive employee who is
386 a part-time employee must be prorated based on the qualifying
387 adoptive employee's full-time equivalency at the time of
388 applying for the benefits.



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389 (b) Benefits under this section are limited to one award
390 per adopted child within the child welfare system.

391 (c) The payment of a lump-sum benefit for adopting a child
392 within the child welfare system under this section is subject to
393 a specific appropriation to the department for such purpose.

394 (3) A qualifying adoptive employee must apply to his or her
395 agency head to obtain the benefit provided in subsection (2).
396 Applications must be on forms approved by the department and
397 must include a certified copy of the final order of adoption
398 naming the applicant as the adoptive parent.

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

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

406 (6) The department shall adopt rules to administer this
407 section. The rules may provide for an application process such
408 as, but not limited to, an open enrollment period during which
409 qualifying adoptive employees may apply for monetary benefits
410 under this section.

411 (7) The Chief Financial Officer shall disburse a monetary
412 benefit to a qualifying adoptive employee upon the department's
413 submission of a payroll requisition. The Chief Financial Officer
414 shall transfer funds from the department to a state university,
415 Florida College System institution, school district unit, or
416 water management district, as appropriate, to enable payment to
417 the qualifying adoptive employee through the payroll systems as



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418 long as funds are available for such purpose.

419 (8) Each state agency shall develop a uniform procedure for
420 informing employees about this benefit and for assisting the
421 department in making eligibility determinations and processing
422 applications. Any procedure adopted by a state agency is valid
423 and enforceable if the procedure does not conflict with the
424 express terms of this section.

425 Section 6. Section 409.1666, Florida Statutes, is created
426 to read:

427 409.1666 Annual adoption achievement awards.—Each year, the
428 Governor shall select and recognize one or more individuals,
429 families, or organizations that make significant contributions
430 to enabling this state's foster children to achieve permanency
431 through adoption. The department shall define appropriate
432 categories for the achievement awards and seek nominations for
433 potential recipients in each category from individuals and
434 organizations knowledgeable about foster care and adoption.

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

438 (2) A direct-support organization established in accordance
439 with s. 39.0011 by the Office of Adoption and Child Protection
440 within the Executive Office of the Governor may accept donations
441 of products or services from private sources to be given to the
442 recipients of the adoption achievement awards. The direct-
443 support organization may also provide suitable plaques, framed
444 certificates, pins, and other tokens of recognition.

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



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447 409.175 Licensure of family foster homes, residential
448 child-caring agencies, and child-placing agencies; public
449 records exemption.—

450 (18) (a) A licensed child-placing agency conducting
451 intercountry adoptions must be designated by the United States
452 Department of State as an accredited entity for intercountry
453 adoption services.

454 (b) A licensed child-placing agency providing adoption
455 services for intercountry adoption in Hague Convention
456 countries, in incoming or outgoing cases, must meet the federal
457 regulations pertaining to intercountry adoptions with convention
458 countries.

459 (c) An adoption agency in this state which provides
460 intercountry adoption services for families residing in this
461 state must maintain a record that contains, at a minimum, the
462 following:

- 463 1. All available family and medical history of the birth
464 family;
465 2. All legal documents translated into English;
466 3. All necessary documents obtained by the adoptive parent
467 in order for the child to attain United States citizenship, or
468 if applicable, other legal immigration status; and
469 4. All supervisory reports prepared before an adoption and
470 after the finalization of an adoption.

471 Section 8. For the 2015-2016 fiscal year, the sum of \$6.5
472 million in recurring funds from the General Revenue Fund is
473 appropriated to the Department of Children and Families for the
474 creation of the adoption incentive program. The Executive Office
475 of the Governor shall place these funds in reserve until such



476 time as the Department of Children and Families submits a plan
477 identifying the performance measures, targeted outcomes, and an
478 expenditure plan for approval to the Executive Office of the
479 Governor and the chair and vice chair of the Legislative Budget
480 Commission in accordance with s. 216.177, Florida Statutes.

481 Section 9. For the 2015-2016 fiscal year, the sum of
482 \$3,425,356 in recurring funds from the General Revenue Fund is
483 appropriated to the Department of Children and Families for the
484 creation of the adoption benefits for qualifying adoptive
485 employees of state agencies. For the 2015-2016 fiscal year, the
486 sum of \$74,644 in recurring funds from the General Revenue Fund
487 is appropriated to the Department of Children and Families and
488 one full-time equivalent position with associated salary rate of
489 46,382 is authorized for the creation of the adoption benefits
490 for qualifying adoptive employees of state agencies and the
491 development of performance measures and targeted outcomes.

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

493
494 ===== T I T L E A M E N D M E N T =====

495 And the title is amended as follows:

496 Delete everything before the enacting clause
497 and insert:

498 A bill to be entitled
499 An act relating to adoption and foster care; amending
500 s. 39.0016, F.S.; revising what the Department of
501 Children and Families must do when required to enter
502 into agreements with specified entities; amending s.
503 39.812, F.S.; requiring the community-based care lead
504 agency to visit in person or contact by telephone the



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



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



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