

Bill No. SB 1388

Barcode 960382

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Proposed Committee Substitute by the Committee on Children,
Families, and Elder Affairs

1 A bill to be entitled

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
 3 for waiver of certain adoption fees; requiring
 4 the Department of Children and Family Services
 5 to adopt rules; providing an effective date.

6
7 Be It Enacted by the Legislature of the State of Florida:

8
9 Section 1. Subsections (6) through (9) of section
10 39.001, Florida Statutes, are amended to read:

11 39.001 Purposes and intent; personnel standards and
12 screening.--

13 (6) LEGISLATIVE INTENT FOR THE PREVENTION OF ABUSE,
 14 ABANDONMENT, AND NEGLECT OF CHILDREN.--The incidence of known
 15 child abuse, abandonment, and neglect has increased rapidly
 16 over the past 5 years. The impact that abuse, abandonment, or
 17 neglect has on the victimized child, siblings, family
 18 structure, and inevitably on all citizens of the state has
 19 caused the Legislature to determine that the prevention of
 20 child abuse, abandonment, and neglect shall be a priority of
 21 this state. To further this end, it is the intent of the
 22 Legislature that an Office of Adoption and Child Protection
 23 ~~Abuse Prevention~~ be established.

24 (7) OFFICE OF ADOPTION AND CHILD PROTECTION ~~ABUSE~~
25 ~~PREVENTION~~.--

26 (a) For purposes of establishing a comprehensive
 27 statewide approach for the promotion of adoption, support of
 28 adoptive families, and prevention of child abuse, abandonment,
 29 and neglect, the Office of Adoption and Child Protection ~~Abuse~~
 30 ~~Prevention~~ is created within the Executive Office of the
 31 Governor. The Governor shall appoint a Chief Child Advocate as

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1 director of ~~for~~ the office who shall be subject to
2 confirmation by the Senate.

3 (b) The Chief Child Advocate ~~director~~ shall:

4 1. Assist in the development of ~~developing~~ rules
5 pertaining to the promotion of adoption, support of adoptive
6 families, and implementation of child abuse prevention
7 efforts.

8 2. Act as the Governor's liaison with state agencies,
9 other state governments, and the public and private sectors on
10 matters that relate to the promotion of adoption, support of
11 adoptive families, and child abuse prevention.

12 3. Work to secure funding and other support for the
13 state's efforts to promote adoption, support adoptive
14 families, and prevent child abuse ~~prevention efforts~~,
15 including, but not limited to, establishing cooperative
16 relationships among state and private agencies.

17 4. Develop a strategic program and funding initiative
18 that links the separate jurisdictional activities of state
19 agencies with respect to the promotion of adoption, support of
20 adoptive families, and child abuse prevention. The office may
21 designate lead and contributing agencies to develop such
22 initiatives.

23 5. Advise the Governor and the Legislature on
24 statistics related to adoption and child abuse trends in this
25 state, the status of current adoption programs and services,
26 current child abuse prevention programs and services, the
27 funding of those programs and services, and the status of the
28 office with regard to the development and implementation of a
29 the state strategy for the promotion of adoption, support of
30 adoptive families, and child abuse prevention ~~strategy~~.

31 6. Develop ~~child abuse prevention~~ public awareness

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1 campaigns for the promotion of adoption, the support of
2 adoptive families, and child abuse prevention to be
3 implemented throughout the state.

4 (c) The office is authorized and directed to:

5 1. Oversee the preparation and implementation of the
6 state plan established under subsection (8) and revise and
7 update the state plan as necessary.

8 2. Provide for or make available continuing
9 professional education and training in the prevention of child
10 abuse and neglect.

11 3. Work to secure funding in the form of
12 appropriations, gifts, and grants from the state, the Federal
13 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 prevention efforts.

17 4. Make recommendations pertaining to agreements or
18 contracts for the establishment and development of:

19 a. Programs and services for the promotion of
20 adoption, support of adoptive families, and the prevention of
21 child abuse and neglect.

22 b. Training programs for the prevention of child abuse
23 and neglect.

24 c. Multidisciplinary and discipline-specific training
25 programs for professionals with responsibilities affecting
26 children, young adults, and families.

27 d. Efforts to promote adoption.

28 e. Postadoptive services to support adoptive families.

29 5. Monitor, evaluate, and review the development and
30 quality of local and statewide services and programs for the
31 promotion of adoption, support of adoptive families, and

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1 prevention of child abuse and neglect and ~~shall~~ publish and
 2 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 secretary of each state agency affected by the report, and the
 6 appropriate substantive committees of the Legislature. The
 7 report shall include:

8 a. A summary of the activities of the office.

9 b. A summary of adoption data collected and reported
 10 to the National Child Abuse and Neglect Data System (NCANDS)
 11 and the federal Administration for Children and Families.

12 c. A summary of abuse prevention data collected and
 13 reported to the National Child Abuse and Neglect Data System
 14 (NCANDS) and the federal Administration for Children and
 15 Families.

16 ~~d.b.~~ A summary detailing the timelines of the adoption
 17 process for children adopted from within the child welfare
 18 system demographic and geographic characteristics of families
 19 served by the prevention programs.

20 ~~e.c.~~ Recommendations, by state agency, for the further
 21 development and improvement of services and programs for the
 22 promotion of adoption, support of adoptive families, and
 23 prevention of child abuse and neglect.

24 f.d. The budget requests and prevention program needs
 25 by state agency.

26 6. Work with the direct-support organization
 27 established under s. 39.0011 and receive financial support
 28 from the organization.

29 (8) PLAN FOR COMPREHENSIVE APPROACH.--

30 (a) The office shall develop a state plan for the
 31 promotion of adoption, support of adoptive families, and

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

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1 ~~Governor~~ shall include, as a minimum, the information required
2 under ~~of the various groups in~~ paragraph (b).

3 (b) The development of the state plan shall be
4 accomplished in the following manner:

5 1. The office shall establish a Child Abuse Prevention
6 and Permanency Advisory Council composed of representatives
7 from each state agency and appropriate local agencies and
8 organizations specified in paragraph (a) and an adoptive
9 parent who has adopted a child from within the child welfare
10 system. The advisory council shall serve as the research arm
11 of the office and ~~shall~~ be responsible for:

12 a. Assisting in developing a plan of action for better
13 coordination and integration of the goals, activities, and
14 funding pertaining to the promotion and support of adoption
15 and the prevention of child abuse, abandonment, and neglect
16 conducted by the office in order to maximize staff and
17 resources at the state level. The plan of action must ~~shall~~ be
18 included in the state plan.

19 b. Assisting in providing a basic format to be used
20 ~~utilized~~ by the districts in the preparation of local plans of
21 action in order to provide for uniformity in the district
22 plans and to provide for greater ease in compiling information
23 for the state plan.

24 c. Providing the districts with technical assistance
25 in the development of local plans of action, if requested.

26 d. Assisting in examining the local plans to determine
27 if all the requirements of the local plans have been met and,
28 if ~~they have~~ not, informing the districts of the deficiencies
29 and requesting the additional information needed.

30 e. Assisting in preparing the state plan for
31 submission to the Legislature and the Governor. Such

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1 preparation must ~~shall~~ include incorporating ~~the incorporation~~
2 ~~into the state plan of~~ information ~~obtained~~ from the local
3 plans into the state plan, the cooperative plans with the
4 members of the advisory council, and the plan of action for
5 coordination and integration of state departmental activities.
6 The state plan must ~~shall~~ include a section reflecting general
7 conditions and needs, an analysis of variations based on
8 population or geographic areas, identified problems, and
9 recommendations for change. In essence, the state plan must
10 ~~shall~~ provide an analysis and summary of each element of the
11 local plans to provide a statewide perspective. The state plan
12 must ~~shall~~ also include each separate local plan of action.

13 f. Conducting a feasibility study on the establishment
14 of a Children's Cabinet.

15 g. Working with the specified state agency in
16 fulfilling the requirements of subparagraphs 2., 3., 4., and
17 5.

18 2. The office, the department, the Department of
19 Education, and the Department of Health shall work together in
20 developing ways to inform and instruct parents of school
21 children and appropriate district school personnel in all
22 school districts in the detection of child abuse, abandonment,
23 and neglect and in the proper action that should be taken in a
24 suspected case of child abuse, abandonment, or neglect, and in
25 caring for a child's needs after a report is made. The plan
26 for accomplishing this end must ~~shall~~ be included in the state
27 plan.

28 3. The office, the department, the Department of Law
29 Enforcement, and the Department of Health shall work together
30 in developing ways to inform and instruct appropriate local
31 law enforcement personnel in the detection of child abuse,

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1 abandonment, and neglect and in the proper action that should
2 be taken in a suspected case of child abuse, abandonment, or
3 neglect.

4 4. Within existing appropriations, the office shall
5 work with other appropriate public and private agencies to
6 support ~~emphasize~~ efforts to educate the general public about
7 the problem of and ways to detect child abuse, abandonment,
8 and neglect and in the proper action that should be taken in a
9 suspected case of child abuse, abandonment, or neglect. The
10 plan for accomplishing this end must ~~shall~~ be included in the
11 state plan.

12 5. The office, the department, the Department of
13 Education, and the Department of Health shall work together on
14 enhancing or adapting ~~the enhancement or adaptation of~~
15 curriculum materials to assist instructional personnel in
16 providing instruction through a multidisciplinary approach on
17 the identification, intervention, and prevention of child
18 abuse, abandonment, and neglect. The curriculum materials must
19 ~~shall~~ be geared toward a sequential program of instruction at
20 the four progressional levels, K-3, 4-6, 7-9, and 10-12.
21 Strategies for encouraging all school districts to use ~~utilize~~
22 the curriculum are to be included in the state plan ~~for the~~
23 ~~prevention of child abuse, abandonment, and neglect.~~

24 6. The office, the department, and the Department of
25 Education shall work together to develop a postgraduate
26 certification program for mental health and education
27 professionals who provide services to adoptive children and
28 their families.

29 ~~7.6.~~ Each district of the department shall develop a
30 local plan of action for its specific geographical area. The
31 plan ~~developed at the district level~~ shall be submitted to the

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1 advisory council for utilization in preparing the state plan.
2 The ~~district~~ local plan of action shall be prepared with the
3 involvement and assistance of the local agencies and
4 organizations listed in this paragraph, as well as
5 representatives from those departmental district offices
6 participating in the promotion of adoption, support of
7 adoptive families, and treatment and prevention of child
8 abuse, abandonment, and neglect. In order to accomplish this,
9 the office shall establish a task force on the promotion of
10 adoption, support of adoptive families, and prevention of
11 child abuse, abandonment, and neglect. The office shall
12 appoint the members of the task force in accordance with the
13 membership requirements of this section. The office must ~~shall~~
14 ensure that both urban and rural areas are represented on the
15 task force. The task force shall develop a written statement
16 clearly identifying its operating procedures, purpose, overall
17 responsibilities, and method of meeting responsibilities. The
18 local ~~district~~ plan of action to be prepared by the task force
19 must ~~shall~~ include, but ~~shall~~ not be limited to:

20 a. Documentation of the magnitude of the problems of
21 child abuse, including sexual abuse, physical abuse, and
22 emotional abuse, and child abandonment and neglect in its
23 geographical area.

24 b. A description of programs currently serving abused,
25 abandoned, and neglected children and their families and a
26 description of programs for the prevention of child abuse,
27 abandonment, and neglect, including information on the impact,
28 cost-effectiveness, and sources of funding of such programs.

29 c. Information concerning the number and associated
30 demographics of children within the child welfare system who
31 are available for adoption and who need child-specific

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1 adoption promotion efforts.

2 d. A description of programs currently promoting and
3 supporting adoptive families, including information concerning
4 the results, cost-effectiveness, and sources of funding of
5 such programs.

6 e. A description of a comprehensive strategy for
7 providing postadoption services. The continuum of services
8 must include, but need not be limited to, sufficient and
9 accessible parent and teen support groups; case management,
10 information, and referral services; and educational advocacy.

11 f.e. A continuum of programs and services necessary
12 for providing a comprehensive approach to the promotion of
13 adoption and the prevention of all types of child abuse,
14 abandonment, and neglect as well as a brief description of
15 such programs and services.

16 g.d. A description, documentation, and priority
17 ranking of local needs related to the promotion of adoption,
18 support of adoptive parents, and prevention of child abuse,
19 abandonment, and neglect ~~prevention~~ based upon the continuum
20 of programs and services.

21 h.e. A plan for steps to be taken in meeting
22 identified needs, including the coordination and integration
23 of services to avoid unnecessary duplication and cost, and for
24 alternative funding strategies for meeting needs through the
25 reallocation of existing resources, utilization of volunteers,
26 contracting with local universities for services, and local
27 government or private agency funding.

28 i.f. A description of barriers to the accomplishment
29 of a comprehensive approach to the promotion of adoption,
30 support of adoptive families, and prevention of child abuse,
31 abandonment, and neglect.

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1 ~~j.g.~~ Recommendations for changes that can be
2 accomplished only at the state program level or by legislative
3 action.

4 (9) FUNDING AND SUBSEQUENT PLANS.--

5 (a) All budget requests submitted by the office, the
6 department, the Department of Health, the Department of
7 Education, the Department of Juvenile Justice, the Department
8 of Corrections, the Agency for Persons with Disabilities, the
9 Agency for Workforce Innovation, or any other agency to the
10 Legislature for funding of efforts for the promotion of
11 adoption, support of adoptive families, and prevention of
12 child abuse, abandonment, and neglect ~~shall~~ must be based on
13 the state plan developed pursuant to this section.

14 (b) The office and the other agencies and
15 organizations listed in paragraph (8)(a) shall readdress the
16 state plan and make necessary revisions every 5 years, at a
17 minimum. Such revisions shall be submitted to the Speaker of
18 the House of Representatives and the President of the Senate
19 no later than June 30 of each year divisible by 5. At least
20 biennially, the office shall review the state plan and make
21 any necessary revisions based on changing needs and program
22 evaluation results. An annual progress report shall be
23 submitted to update the state plan in the years between the
24 5-year intervals. In order to avoid duplication of effort,
25 these ~~required~~ plans may be made a part of or merged with
26 other plans required by either the state or Federal
27 Government, so long as the portions of the other state or
28 Federal Government plan that constitute the state plan for the
29 promotion of adoption, support of adoptive families, and
30 prevention of child abuse, abandonment, and neglect are
31 clearly identified as such and are provided to the Speaker of

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1 the House of Representatives and the President of the Senate
2 as required above.

3 Section 2. Section 39.0011, Florida Statutes, is
4 created to read:

5 39.0011 Direct-support organization.--

6 (1) The Office of Adoption and Child Protection,
7 established under s. 39.001, may establish a direct-support
8 organization to assist the state in carrying out its purposes
9 and responsibilities regarding the promotion of adoption,
10 support of adoptive families, and prevention of child abuse,
11 abandonment, and neglect by raising money; submitting requests
12 for and receiving grants from the Federal Government, the
13 state or its political subdivisions, private foundations, and
14 individuals; and making expenditures to or for the benefit of
15 the office. The sole purpose for the direct-support
16 organization is to support the office. The direct-support
17 organization must be:

18 (a) Incorporated under chapter 617 and approved by the
19 Department of State as a Florida not-for-profit corporation;

20 (b) Organized and operated to make expenditures to or
21 for the benefit of the office; and

22 (c) Approved by the office to be operating for the
23 benefit of and in a manner consistent with the goals of the
24 office and in the best interest of the state.

25 (2) The number of members on the board of directors of
26 the direct-support organization shall be determined by the
27 Chief Child Advocate. Membership on the board of directors of
28 the direct-support organization shall include, but need not be
29 limited to, a guardian ad litem; a member of a local advocacy
30 council; a representative from a community-based care lead
31 agency; a representative from a private or public organization

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1 or program having recognized expertise in working with child
 2 abuse prevention programs for children and families; a
 3 representative of a private or public organization or program
 4 with recognized expertise in working with children who are
 5 sexually abused, physically abused, emotionally abused,
 6 abandoned, or neglected and having expertise in working with
 7 the families of such children; an individual working at a
 8 state adoption agency; and the parent of a child adopted from
 9 within the child welfare system.

10 (3) The direct-support organization shall operate
 11 under written contract with the office.

12 (4) All moneys received by the direct-support
 13 organization must be deposited into an account of the
 14 direct-support organization and be used by the organization in
 15 a manner consistent with the goals of the office.

16 Section 3. Section 39.0014, Florida Statutes, is
 17 amended to read:

18 39.0014 Responsibilities of public agencies.--All
 19 state, county, and local agencies shall cooperate, assist, and
 20 provide information to the Office of Adoption and Child
 21 Protection ~~Abuse Prevention~~ and the department as will enable
 22 them to fulfill their responsibilities under this chapter.

23 Section 4. Subsection (45) of section 39.01, Florida
 24 Statutes, is amended to read:

25 39.01 Definitions.--When used in this chapter, unless
 26 the context otherwise requires:

27 (45) "Office" means the Office of Adoption and Child
 28 Protection ~~Abuse Prevention~~ within the Executive Office of the
 29 Governor.

30 Section 5. Section 409.1661, Florida Statutes, is
 31 created to read:

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1 409.1661 Adoption promotion subsidy.

2 (1) DEFINITIONS.--As used in this section, the term:

3 (a) "Licensed child-placing agency" has the same
4 meaning as in s. 39.01.

5 (b) "Special needs child" has the same meaning as in
6 s. 409.166.

7 (2) ADOPTION PROMOTION SUBSIDY.--

8 (a) The Department of Children and Family Services
9 shall make adoption promotion subsidies available to
10 prospective adoptive parents. Funding appropriated for such
11 subsidies may not be used for any other purpose. Subject to
12 appropriations, adoption promotion subsidies shall be
13 available when adopting the following children:

14 1. For the support and maintenance of a special needs
15 child. An adoption promotion subsidy provided under this
16 subparagraph may be provided until the child's 18th birthday,
17 shall be in addition to the adoption assistance subsidies
18 available under s. 409.166, and shall be in an amount agreed
19 to between the adoptive parents and the department which must
20 be memorialized in writing. However, the total amount of all
21 subsidy payments may not exceed \$5,000 annually unless the
22 secretary of the department approves an enhanced rate due to
23 circumstances such as, but not limited to, the child's
24 physical or mental condition.

25 2. For the support and maintenance of a child within
26 the child welfare system who has been removed from the child's
27 caregiver due to abuse, neglect, or abandonment and whose
28 permanent custody has been awarded to the department or to a
29 licensed child-placing agency. An adoption promotion subsidy
30 provided under this subparagraph may be provided until the
31 child's 18th birthday and shall be in an amount agreed to

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1 between the adoptive parents and the department which must be
 2 memorialized in writing. However, the payment amount may not
 3 exceed \$5,000 annually unless the secretary of the department
 4 approves an enhanced rate due to circumstances such as, but
 5 not limited to, a child's need for extensive care or
 6 supervision.

7 3. For the support and maintenance of a child other
 8 than a child described in subparagraph 1. or subparagraph 2.
 9 residing in this state, who was born in the United States or
 10 born to a United States citizen who was in the military or
 11 working overseas at the time of the child's birth, and whose
 12 biological parents have had their parental rights terminated.
 13 An adoption promotion subsidy provided under this subparagraph
 14 may be provided for the 3 years following the finalization of
 15 the adoption and may not exceed \$3,000 annually. The payment
 16 shall be in an amount agreed to between the adoptive parents
 17 and the department and must be memorialized in writing. In
 18 order to be eligible for an adoption promotion subsidy, an
 19 adopting parent must be a legal resident of the state and have
 20 filed a sworn statement of domicile pursuant to s. 222.17. A
 21 stepparent who is legally married to a child's biological
 22 parent is not eligible for a subsidy under this subparagraph.

23 (b) The department shall keep the data and records
 24 necessary to evaluate the effectiveness of the subsidy in
 25 promoting adoption and supporting adoptive families. The
 26 department shall provide this information to the Office of
 27 Adoption and Child Protection.

28 (3) WAIVER OF ADOPTION FEES.--Adoption fees shall be
 29 waived for an adoptive parent who adopts a child who is in the
 30 custody of the department. Adoption fees may be waived for
 31 families who adopt children in the custody of a licensed

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1 child-placing agency, or who adopt children placed by an
2 intermediary, and who receive or may be eligible for subsidies
3 under this section. Retroactive reimbursement of fees is not
4 required for families who adopt children in the custody of
5 licensed child-placing agencies.

6 (4) RULEMAKING.--The department shall adopt rules
7 pursuant to ss. 120.536(1) and 120.54 to administer this
8 section.

9 Section 6. The sum of \$50,000 in nonrecurring general
10 revenue is appropriated from the General Revenue Fund to the
11 One Church, One Child of Florida Corporation for the purpose
12 of funding the activities of the corporation for the 2007-2008
13 fiscal year as provided in s. 409.1755, Florida Statutes. In
14 addition, the sum of \$50,000 in nonrecurring general revenue
15 is appropriated from the General Revenue Fund to the
16 Department of Children and Family Services for the purpose of
17 contracting with the One Church, One Child of Florida
18 Corporation for the preparation of a business plan that
19 includes, but is not limited to, a plan for development of a
20 private foundation to support the corporation and a plan for
21 making the corporation's adoption fees competitive with other
22 adoption agencies that contract with the department or the
23 department's community-based care providers. The business plan
24 must be completed and submitted for the department's approval
25 by June 1, 2008.

26 Section 7. This act shall take effect July 1, 2007.
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