

1 A bill to be entitled
2 An act relating to dependent children; amending s.
3 39.202, F.S.; providing that certain records relating
4 to the death of a child may only be released after
5 receipt of the final report of the medical examiner;
6 providing an exception; creating s. 39.5035, F.S.;
7 authorizing certain persons to file a petition for
8 adjudication and permanent commitment or a petition
9 for permanent commitment under certain circumstances;
10 specifying the timeframe to file such petitions;
11 providing requirements for such petitions; requiring
12 an adjudicatory hearing be held within a specified
13 time after a petition is filed; requiring that certain
14 persons be served with notice of the adjudicatory
15 hearing; providing requirements for the adjudicatory
16 hearing; requiring a finding of clear and convincing
17 evidence; requiring the court to enter specified
18 orders within a certain amount of time after the
19 adjudicatory hearing; requiring certain hearings be
20 held after the adjudicatory hearing under certain
21 circumstances; amending s. 39.522, F.S.; authorizing
22 certain persons to remove a child from a court-ordered
23 placement under certain circumstances; requiring the
24 Department of Children and Families to file a
25 specified motion and the court to hold a hearing

26 | within a certain time period under certain
27 | circumstances; requiring the court to find probable
28 | cause for the removal of the child based on certain
29 | evidence; requiring the court to enter certain orders;
30 | requiring a specified hearing if the court modifies
31 | the child's placement; amending s. 39.6013, F.S.;
32 | removing standards for the evidence required for the
33 | court to amend a case plan; authorizing the court to
34 | base certain determinations on certain evidence;
35 | amending s. 39.6221, F.S.; revising and providing
36 | requirements for the court to place a child in a
37 | permanent guardianship with a relative or other adult;
38 | amending s. 39.701, F.S.; requiring the court and a
39 | citizen review panel to determine if certain relatives
40 | meet the eligibility requirements of the Guardianship
41 | Assistance Program; amending s. 39.801, F.S.; waiving
42 | service of process to certain persons under certain
43 | circumstances; amending s. 39.812, F.S.; authorizing
44 | the court to review the department's denial of an
45 | application to adopt a child; requiring the department
46 | to file written notification of its denial with the
47 | court and provide copies to certain persons within a
48 | specified time period; providing requirements to have
49 | a court review the department's denial of an
50 | application to adopt; requiring the court to hold a

51 hearing within a specified time; providing standing to
52 certain persons; authorizing certain persons to
53 participate in the hearing under certain
54 circumstances; requiring the court to enter an order
55 within a specified amount of time; conforming
56 provisions to changes made by the act; amending s.
57 63.062, F.S.; conforming provisions to changes made by
58 the act; amending s. 409.167, F.S.; providing that the
59 photo listing component of the statewide adoption
60 exchange is only accessible to certain persons;
61 amending s. 409.175, F.S.; authorizing the department
62 to exempt certain persons or entities from licensure;
63 providing requirements for such exemption; requiring
64 the department to adopt rules; extending the number of
65 days the department may extend a license expiration
66 date; providing an effective date.

67
68 Be It Enacted by the Legislature of the State of Florida:

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70 Section 1. Paragraph (o) of subsection (2) of section
71 39.202, Florida Statutes, is amended to read:

72 39.202 Confidentiality of reports and records in cases of
73 child abuse or neglect; exception.—

74 (2) Except as provided in subsection (4), access to such
75 records, excluding the name of, or other identifying information

76 | with respect to, the reporter which shall be released only as
 77 | provided in subsection (5), shall be granted only to the
 78 | following persons, officials, and agencies:

79 | (o) Any person in the event of the death of a child
 80 | determined by the department after receipt of the final report
 81 | of the medical examiner to be a result of abuse, abandonment, or
 82 | neglect. Information identifying the person reporting abuse,
 83 | abandonment, or neglect may shall not be released. Information
 84 | may not be released if there is an active, concurrent criminal
 85 | investigation and a law enforcement officer or the state
 86 | attorney informs the department that the release of information
 87 | may compromise a successful criminal prosecution in the child
 88 | abuse, neglect, or abandonment case. Any information otherwise
 89 | made confidential or exempt by law may shall not be released
 90 | under pursuant to this paragraph.

91 | Section 2. Section 39.5035, Florida Statutes, is created
 92 | to read:

93 | 39.5035 Deceased parents; special procedures.-

94 | (1)(a)1. If both parents of a child die or the last known
 95 | living parent dies and a legal custodian has not been appointed
 96 | for the child through a probate or guardianship proceeding, an
 97 | attorney for the department or any other person who has
 98 | knowledge of such facts or is informed of such facts and
 99 | believes them to be true may initiate a proceeding by filing a
 100 | petition for adjudication and permanent commitment. The petition

101 must be filed within a reasonable time after the petitioner
102 first becomes aware of the facts that support the petition for
103 adjudication and permanent commitment.

104 2. If a child has been placed in shelter status by order
105 of the court but has not yet been adjudicated, a petition for
106 adjudication and permanent commitment must be filed within 21
107 days after the shelter hearing.

108 (b) If, after a child has already been adjudicated
109 dependent, both parents of the child die or the last known
110 living parent dies and a legal custodian has not been appointed
111 for the child through a probate or guardianship proceeding, an
112 attorney for the department or any other person who has
113 knowledge of the facts or is informed of the facts and believes
114 them to be true may file a petition for permanent commitment.
115 The petition must be filed within a reasonable time after the
116 petitioner first becomes aware of the facts that support the
117 petition for permanent commitment.

118 (2) The petition must:

119 (a) Be in writing, identify the alleged deceased parent or
120 parents, and provide facts that establish that both parents of
121 the child are deceased or the last known living parent is
122 deceased and that a legal custodian has not been appointed for
123 the child through a probate or guardianship proceeding.

124 (b) Be signed by the petitioner under oath stating the
125 petitioner's good faith in filing the petition.

126 (3) The clerk of court must set the case before the court
127 for an adjudicatory hearing as soon as practicable, but not
128 later than 30 days after a petition for adjudication and
129 permanent commitment or petition for permanent commitment is
130 filed.

131 (4) A copy of the petition and notice of the date, time,
132 and place of the adjudicatory hearing must be served on all of
133 the following persons:

134 (a) The person who has physical custody of the child.

135 (b) A living relative of each parent of the child, unless
136 a living relative of each parent cannot be found after a
137 diligent search or inquiry.

138 (c) The guardian ad litem for the child or a
139 representative of the guardian ad litem program, if a guardian
140 ad litem has been appointed for the child.

141 (5) The adjudicatory hearing must be conducted by a judge
142 without a jury in accordance with the Florida Rules of Civil
143 Procedure. The hearings may be adjourned from time to time as
144 necessary. At the hearing, the judge must determine whether the
145 petitioner has established by clear and convincing evidence that
146 both parents of the child are deceased or that one parent is
147 deceased, the other parent cannot be found after a diligent
148 search, and a legal custodian has not been appointed for the
149 child through a probate or guardianship proceeding. A certified
150 copy of a death certificate for a parent is clear and convincing

151 evidence of the parent's death.

152 (6) Within 30 days after an adjudicatory hearing on a
153 petition for adjudication and permanent commitment, the court
154 must:

155 (a) If the court finds that the petitioner met the clear
156 and convincing standard:

157 1. Enter a written order adjudicating the child dependent
158 and permanently committing the child to the custody of the
159 department for the purpose of adoption.

160 2. Schedule a disposition hearing as provided in s. 39.521
161 within 30 days after the entry of the order in which the
162 department must provide a case plan that identifies the
163 permanency goal for the child to the court. Reasonable efforts
164 must be made to place the child in a timely manner in accordance
165 with the permanency plan and to complete all steps necessary to
166 finalize the permanent placement of the child.

167 3. Hold hearings every 6 months to review the progress
168 being made toward permanency for the child until the adoption of
169 the child is finalized or the child reaches the age of 18 years,
170 whichever occurs first.

171 (b) Enter a written order adjudicating the child dependent
172 if the court finds that the petitioner has not met the clear and
173 convincing standard but that a preponderance of the evidence
174 establishes that the child does not have a parent or legal
175 custodian capable of providing supervision or care to the child.

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176 The court must schedule a disposition hearing as provided in s.
177 39.521 within 30 days after the entry of the order in which the
178 department must provide a case plan that identifies the
179 permanency goal for the child to the court. Reasonable efforts
180 must be made to place the child in a timely manner in accordance
181 with the permanency plan and to complete all steps necessary to
182 finalize the permanent placement of the child.

183 (c) Enter a written order dismissing the petition if the
184 court finds that the petitioner has not met the clear and
185 convincing standard and that a preponderance of the evidence
186 does not establish that the child does not have a parent or
187 legal custodian capable of providing supervision or care to the
188 child.

189 (7) Within 30 days after an adjudicatory hearing on a
190 petition for permanent commitment, the court must:

191 (a) If the court finds that the petitioner met the clear
192 and convincing standard:

193 1. Enter a written order permanently committing the child
194 to the custody of the department for the purpose of adoption.

195 2. Schedule a disposition hearing as provided in s. 39.521
196 within 30 days after the entry of the order in which the
197 department must provide an amended case plan that identifies the
198 permanency goal for the child to the court. Reasonable efforts
199 must be made to place the child in a timely manner in accordance
200 with the permanency plan and to complete all steps necessary to

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201 finalize the permanent placement of the child.

202 3. Hold hearings every 6 months to review the progress
203 being made toward permanency for the child until the adoption of
204 the child is finalized or the child reaches the age of 18 years,
205 whichever occurs first.

206 (b) Enter an order dismissing the petition if the court
207 finds that the petitioner has not met the clear and convincing
208 standard. The order does not affect the child's prior
209 adjudication of dependency. The order does not bar the
210 petitioner from filing a subsequent petition for permanent
211 commitment based on newly discovered evidence that establishes
212 that both parents of the child are deceased or that the last
213 living known parent is deceased and that a legal custodian has
214 not been appointed for the child through a probate or
215 guardianship proceeding.

216 Section 3. Subsection (7) is added to section 39.522,
217 Florida Statutes, to read:

218 39.522 Postdisposition change of custody.—

219 (7) Notwithstanding any other provision of this section, a
220 child's case manager, an authorized agent of the department, or
221 a law enforcement officer may, at any time, remove a child from
222 a court-ordered placement and take the child into custody if the
223 court-ordered caregiver of the child requests immediate removal
224 of the child from the home. Additionally, an authorized agent of
225 the department or a law enforcement officer may, at any time,

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226 remove a child from a court-ordered placement and take the child
227 into custody if there is probable cause as required under s.
228 39.401(1)(b).

229 (a) If the child is not placed in licensed care upon
230 removal, the department must file a motion to modify placement
231 within 1 business day after the child is taken into custody. The
232 court must then set a hearing within 24 hours after the motion
233 is filed unless all of the parties and the current caregiver
234 agree to the change of placement. At the hearing, the court must
235 determine if the department has established probable cause to
236 support the immediate removal of the child from his or her
237 current placement. The court may base its determination on a
238 sworn petition or affidavit or on testimony and may hear all
239 relevant and material evidence, including oral or written
240 reports, to the extent of their probative value, even if such
241 evidence would not be competent evidence at an adjudicatory
242 hearing.

243 (b) If the court finds that the department did not
244 establish probable cause to support the removal of the child
245 from his or her current placement, the court must enter an order
246 that the child be returned to such placement. An order by the
247 court to return the child to his or her current placement does
248 not preclude a party from filing a subsequent motion pursuant to
249 subsection (2).

250 (c) If the current caregiver admits that a change of

251 placement is needed or the department establishes probable cause
252 to support removal of the child, the court must enter an order
253 changing the placement of the child. The new placement for the
254 child must meet the home study criteria in chapter 39 if the
255 child is not placed in foster care.

256 (d) If the court finds probable cause and modifies the
257 child's placement, the court must conduct a hearing pursuant to
258 subsection (2) or subsection (3), unless such hearing is waived
259 by all parties and the caregiver.

260 Section 4. Subsections (4) and (5) of section 39.6013,
261 Florida Statutes, are amended to read:

262 39.6013 Case plan amendments.—

263 (4) At any hearing, the case plan may be amended by the
264 court or upon motion of any party ~~at any hearing~~ to change the
265 goal of the plan, employ the use of concurrent planning, or add
266 or remove tasks the parent must complete in order to
267 substantially comply with the plan if there is a ~~preponderance~~
268 ~~of~~ evidence demonstrating the need for the amendment. The court
269 may base its determination to amend the case plan on testimony
270 and may hear all relevant and material evidence, including oral
271 or written reports, to the extent of their probative value, even
272 if such evidence would not be competent evidence at an
273 adjudicatory hearing. The need to amend the case plan may be
274 based on information discovered or circumstances arising after
275 the approval of the case plan for:

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276 (a) A previously unaddressed condition that, without
277 services, may prevent the child from safely returning to the
278 home or may prevent the child from safely remaining in the home;

279 (b) The child's need for permanency, taking into
280 consideration the child's age and developmental needs;

281 (c) The failure of a party to substantially comply with a
282 task in the original case plan, including the ineffectiveness of
283 a previously offered service; or

284 (d) An error or oversight in the case plan.

285 (5) At any hearing, the case plan may be amended by the
286 court or upon motion of any party ~~at any hearing~~ to provide
287 appropriate services to the child if there is ~~competent~~ evidence
288 demonstrating the need for the amendment. The court may base its
289 determination to amend the case plan on testimony and may hear
290 all relevant and material evidence, including oral or written
291 reports, to the extent of their probative value, even if such
292 evidence would not be competent evidence at an adjudicatory
293 hearing. The reason for amending the case plan may be based on
294 information discovered or circumstances arising after the
295 approval of the case plan regarding the provision of safe and
296 proper care to the child.

297 Section 5. Paragraph (a) of subsection (1) of section
298 39.6221, Florida Statutes, is amended, and paragraph (g) is
299 added to that subsection to read:

300 39.6221 Permanent guardianship of a dependent child.—

301 (1) If a court determines that reunification or adoption
302 is not in the best interest of the child, the court may place
303 the child in a permanent guardianship with a relative or other
304 adult approved by the court if all of the following conditions
305 are met:

306 (a) The child has been in the placement for not less than
307 the preceding 6 months, or the preceding 3 months if the
308 caregiver is named as the successor guardian on the child's
309 guardianship assistance agreement pursuant to s. 39.6225.

310 (g) The court determines if the prospective permanent
311 guardian is eligible for the Guardianship Assistance Program
312 under s. 39.6225.

313 Section 6. Paragraph (c) of subsection (2) of section
314 39.701, Florida Statutes, is amended to read:

315 39.701 Judicial review.—

316 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
317 AGE.—

318 (c) Review determinations.—The court and any citizen
319 review panel shall take into consideration the information
320 contained in the social services study and investigation and all
321 medical, psychological, and educational records that support the
322 terms of the case plan; testimony by the social services agency,
323 the parent, the foster parent or caregiver, the guardian ad
324 litem or surrogate parent for educational decisionmaking if one
325 has been appointed for the child, and any other person deemed

326 appropriate; and any relevant and material evidence submitted to
327 the court, including written and oral reports to the extent of
328 their probative value. These reports and evidence may be
329 received by the court in its effort to determine the action to
330 be taken with regard to the child and may be relied upon to the
331 extent of their probative value, even though not competent in an
332 adjudicatory hearing. In its deliberations, the court and any
333 citizen review panel shall seek to determine:

334 1. If the parent was advised of the right to receive
335 assistance from any person or social service agency in the
336 preparation of the case plan.

337 2. If the parent has been advised of the right to have
338 counsel present at the judicial review or citizen review
339 hearings. If not so advised, the court or citizen review panel
340 shall advise the parent of such right.

341 3. If a guardian ad litem needs to be appointed for the
342 child in a case in which a guardian ad litem has not previously
343 been appointed or if there is a need to continue a guardian ad
344 litem in a case in which a guardian ad litem has been appointed.

345 4. Who holds the rights to make educational decisions for
346 the child. If appropriate, the court may refer the child to the
347 district school superintendent for appointment of a surrogate
348 parent or may itself appoint a surrogate parent under the
349 Individuals with Disabilities Education Act and s. 39.0016.

350 5. The compliance or lack of compliance of all parties

351 with applicable items of the case plan, including the parents'
352 compliance with child support orders.

353 6. The compliance or lack of compliance with a visitation
354 contract between the parent and the social service agency for
355 contact with the child, including the frequency, duration, and
356 results of the parent-child visitation and the reason for any
357 noncompliance.

358 7. The frequency, kind, and duration of contacts among
359 siblings who have been separated during placement, as well as
360 any efforts undertaken to reunite separated siblings if doing so
361 is in the best interests of the child.

362 8. The compliance or lack of compliance of the parent in
363 meeting specified financial obligations pertaining to the care
364 of the child, including the reason for failure to comply, if
365 applicable.

366 9. Whether the child is receiving safe and proper care
367 according to s. 39.6012, including, but not limited to, the
368 appropriateness of the child's current placement, including
369 whether the child is in a setting that is as family-like and as
370 close to the parent's home as possible, consistent with the
371 child's best interests and special needs, and including
372 maintaining stability in the child's educational placement, as
373 documented by assurances from the community-based care lead
374 agency that:

375 a. The placement of the child takes into account the

376 appropriateness of the current educational setting and the
377 proximity to the school in which the child is enrolled at the
378 time of placement.

379 b. The community-based care lead agency has coordinated
380 with appropriate local educational agencies to ensure that the
381 child remains in the school in which the child is enrolled at
382 the time of placement.

383 10. A projected date likely for the child's return home or
384 other permanent placement.

385 11. When appropriate, the basis for the unwillingness or
386 inability of the parent to become a party to a case plan. The
387 court and the citizen review panel shall determine if the
388 efforts of the social service agency to secure party
389 participation in a case plan were sufficient.

390 12. For a child who has reached 13 years of age but is not
391 yet 18 years of age, the adequacy of the child's preparation for
392 adulthood and independent living. For a child who is 15 years of
393 age or older, the court shall determine if appropriate steps are
394 being taken for the child to obtain a driver license or
395 learner's driver license.

396 13. If amendments to the case plan are required.
397 Amendments to the case plan must be made under s. 39.6013.

398 14. If the parents and caregivers have developed a
399 productive relationship that includes meaningful communication
400 and mutual support.

401 15. If there are any barriers to a relative meeting the
402 eligibility requirements under s. 39.6225.

403 Section 7. Paragraph (d) of subsection (3) of section
404 39.801, Florida Statutes, is redesignated as paragraph (e), and
405 a new paragraph (d) is added to that subsection, to read:

406 39.801 Procedures and jurisdiction; notice; service of
407 process.—

408 (3) Before the court may terminate parental rights, in
409 addition to the other requirements set forth in this part, the
410 following requirements must be met:

411 (d) If a person entitled to service under paragraph (a)
412 personally appears at the advisory hearing, or any other hearing
413 before the court that is held after the advisory hearing, the
414 necessity of serving process is waived for that person.

415 Section 8. Subsections (4) and (5) of section 39.812,
416 Florida Statutes, are amended to read:

417 39.812 Postdisposition relief; petition for adoption.—

418 (4) The court shall retain jurisdiction over any child
419 placed in the custody of the department until the child is
420 adopted. After custody of a child for subsequent adoption has
421 been given to the department, the court has jurisdiction for the
422 purpose of reviewing the status of the child and the progress
423 being made toward permanent adoptive placement. As part of this
424 continuing jurisdiction, the court may:

425 (a) For good cause shown by the guardian ad litem for the

426 | ~~child, the court may~~ review the appropriateness of the adoptive
427 | placement of the child.

428 | (b) Review the department's denial of an application to
429 | adopt a child. The department's decision to deny an application
430 | to adopt a child is only reviewable under this section and is
431 | not subject to chapter 120.

432 | 1. If the department denies an application to adopt a
433 | child, the department must file written notification of the
434 | denial with the court and provide copies to all parties within
435 | 10 business days after the department's decision.

436 | 2. A denied applicant may file a motion to review the
437 | department's denial within 30 business days after the issuance
438 | of the department's written notification of its decision to deny
439 | the application to adopt a child. The motion to review must
440 | allege that the department unreasonably denied the application
441 | to adopt and request that the court allow the denied applicant
442 | to file a petition to adopt the child under chapter 63 without
443 | the department's consent.

444 | 3. A denied applicant only has standing under chapter 39
445 | to file the motion to review the department's denial and to
446 | present evidence in support of such motion. Such standing is
447 | terminated upon the entry of the court's order.

448 | 4. The court shall hold a hearing within 30 business days
449 | after the denied applicant files the motion to review. The court
450 | may only consider whether the department's denial of the

451 application is consistent with its policies and if the
452 department made such decision in an expeditious manner. The
453 standard of review is whether the department's denial of the
454 application is an abuse of discretion.

455 5. If the department selected a different applicant to
456 adopt the child, the selected applicant may participate in the
457 hearing as a participant, as defined in s. 39.01, and may be
458 granted leave by the court to be heard without the need to file
459 a motion to intervene.

460 6. Within 15 business days after the conclusion of the
461 hearing, the court must enter a written order denying the motion
462 to review or finding that the department unreasonably denied the
463 application to adopt and authorizing the denied applicant to
464 file a petition to adopt the child under chapter 63 without the
465 department's consent.

466 (5) When a licensed foster parent or court-ordered
467 custodian has applied to adopt a child who has resided with the
468 foster parent or custodian for at least 6 months and who has
469 previously been permanently committed to the legal custody of
470 the department and the department does not grant the application
471 to adopt, the department may not, in the absence of a prior
472 court order authorizing it to do so, remove the child from the
473 foster home or custodian, except when:

474 (a) There is probable cause to believe that the child is
475 at imminent risk of abuse or neglect;

476 (b) Thirty business days have expired following written
477 notice to the foster parent or custodian of the denial of the
478 application to adopt, within which period no formal challenge of
479 the department's decision has been filed;

480 (c) A motion to review the department's denial of an
481 application to adopt a child under paragraph (4) (b) has been
482 denied; or

483 (d)-(e) The foster parent or custodian agrees to the
484 child's removal.

485 (6)-(5) The petition for adoption must be filed in the
486 division of the circuit court which entered the judgment
487 terminating parental rights, unless a motion for change of venue
488 is granted pursuant to s. 47.122. A copy of the consent to
489 adoption executed by the department must be attached to the
490 petition, unless such consent is waived under paragraph (4) (b)
491 pursuant to s. 63.062(7). The petition must be accompanied by a
492 statement, signed by the prospective adoptive parents,
493 acknowledging receipt of all information required to be
494 disclosed under s. 63.085 and a form provided by the department
495 which details the social and medical history of the child and
496 each parent and includes the social security number and date of
497 birth for each parent, if such information is available or
498 readily obtainable. The prospective adoptive parents may not
499 file a petition for adoption until the judgment terminating
500 parental rights becomes final. An adoption proceeding under this

501 subsection is governed by chapter 63.

502 Section 9. Subsection (7) of section 63.062, Florida
 503 Statutes, is amended to read:

504 63.062 Persons required to consent to adoption; affidavit
 505 of nonpaternity; waiver of venue.—

506 (7) If parental rights to the minor have previously been
 507 terminated, the adoption entity with which the minor has been
 508 placed for subsequent adoption may provide consent to the
 509 adoption. In such case, no other consent is required. If the
 510 minor has been permanently committed to the department for
 511 subsequent adoption, the department must consent to the adoption
 512 or the court order finding that the department unreasonably
 513 denied the application to adopt entered under s. 39.812(4) must
 514 be attached to the petition to adopt, and ~~The consent of the~~
 515 ~~department shall be waived upon a determination by the court~~
 516 ~~that such consent is being unreasonably withheld and if the~~
 517 petitioner must file ~~has filed~~ with the court a favorable
 518 preliminary adoptive home study as required under s. 63.092.

519 Section 10. Subsections (1) and (4) of section 409.167,
 520 Florida Statutes, are amended to read:

521 409.167 Statewide adoption exchange; establishment;
 522 responsibilities; registration requirements; rules.—

523 (1) The Department of Children and Families shall
 524 establish, either directly or through purchase, a statewide
 525 adoption exchange, with a photo listing component, which shall

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526 | serve all authorized licensed child-placing agencies in the
527 | state as a means of recruiting adoptive families for children
528 | who have been legally freed for adoption and who have been
529 | permanently placed with the department or a licensed child-
530 | placing agency. The statewide adoption exchange must shall
531 | provide, in accordance with rules adopted by the department,
532 | descriptions and photographs of such children, as well as any
533 | other information deemed useful in the recruitment of adoptive
534 | families for each child. The photo listing component of the
535 | statewide adoption exchange must be updated monthly and may not
536 | be accessible to the public, except to persons who have
537 | completed or are in the process of completing an adoption home
538 | study.

539 | (4) For purposes of facilitating family-matching between
540 | children and prospective adoptive parents, the statewide
541 | adoption exchange must shall provide the photo listing component
542 | service to all licensed child-placing agencies and, in
543 | accordance with rules adopted established by the department, to
544 | all appropriate citizen groups and other organizations and
545 | associations interested in children's services. The photo
546 | listing component of the statewide adoption exchange may not be
547 | accessible to the public, except to persons who have completed
548 | or are in the process of completing an adoption home study.

549 | Section 11. Paragraph (i) of subsection (6) and subsection
550 | (7) of section 409.175, Florida Statutes, are amended, and

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551 paragraph (m) is added to subsection (6) of that section to
552 read:

553 409.175 Licensure of family foster homes, residential
554 child-caring agencies, and child-placing agencies; public
555 records exemption.—

556 (6)

557 (i) Upon determination that the applicant meets the state
558 minimum licensing requirements and has obtained a letter from a
559 community-based care lead agency which indicates that the family
560 foster home meets the criteria established by the lead agency,
561 the department shall issue a license without charge to a
562 specific person or agency at a specific location. A license may
563 be issued if all the screening materials have been timely
564 submitted; however, a license may not be issued or renewed if
565 any person at the home or agency has failed the required
566 screening. The license is nontransferable. A copy of the license
567 must ~~shall~~ be displayed in a conspicuous place. Except as
568 provided in paragraph (k), the license is valid for up to 1 year
569 after ~~from~~ the date of issuance, unless the license is suspended
570 or revoked by the department or is voluntarily surrendered by
571 the licensee. The license is the property of the department.

572 (m) The department may exempt from licensure any person or
573 entity seeking to operate a home or facility that provides
574 temporary care and supervision, at the same time, for 5 to 14
575 children who are not related to the primary caregiver and for a

576 period of time not to exceed 10 hours per week or 6 hours per
577 day for any individual child while the parents or other legal
578 custodians of the child are engaged in short-term activities,
579 not including the employment of the parents or other legal
580 custodians of the child.

581 1. A person or entity operating a home or facility under
582 this paragraph must register with the department regarding the
583 person's or entity's intent to provide temporary care and
584 supervision of children. The person or entity must maintain
585 records and make such records available at any time to an
586 authorized representative of the department. These records must
587 include, at a minimum, all of the following information:

588 a. The names, ages, and home addresses of the children
589 under the care and supervision of the person or entity.

590 b. The names, addresses, and telephone numbers of the
591 parents or legal custodians of each child.

592 c. The intended whereabouts of the parents or legal
593 custodians of each child while the child is under the care and
594 supervision of the person or entity.

595 d. Attendance information, including the dates and times
596 each child is under the care and supervision of the person or
597 entity.

598 e. Telephone numbers of persons to contact in case of
599 emergency for each child.

600 2. A person or entity seeking an exemption from licensure

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601 under this paragraph must undergo and require all employees to
602 undergo a level 2 background screening pursuant to chapter 435.

603 3. If a person or entity providing temporary care and
604 supervision to children fails to comply with all requirements
605 for an exemption from licensure, the person or entity will be
606 subject to the licensure requirements of this section.

607 4. The department shall adopt rules for the establishment,
608 registration, and exemption from licensure of temporary care
609 programs.

610 (7) The department may extend a license expiration date
611 once for a ~~period of up to 60~~ 30 days. ~~However, the department~~
612 ~~may not extend a license expiration date more than once during a~~
613 ~~licensure period.~~

614 Section 12. This act shall take effect July 1, 2023.