

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

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

3 Representative Stevenson offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (6) of section 63.082, Florida

8 Statutes, is amended to read:

9 63.082 Execution of consent to adoption or affidavit of
 10 nonpaternity; family social and medical history; revocation of
 11 consent.—

12 (6)(a)1. The Legislature finds that there is a compelling
 13 state interest in ensuring that a child involved in chapter 39
 14 proceedings is served in a way that minimizes his or her trauma,
 15 provides safe placement, maintains continuity of bonded
 16 placements, and achieves permanency as soon as possible.

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17 2. The Legislature also finds that the use of intervention
18 in dependency cases for the purpose of adoption has the
19 potential to be traumatic for a child in the dependency system
20 and that the disruption of a stable and bonded long-term
21 placement by a change of placement to a person or family with
22 whom the child has no bond or connection may create additional
23 trauma for the child.

24 3. The Legislature further finds that the right of a
25 parent to determine an appropriate placement for a child who has
26 been found dependent is not absolute and must be weighed against
27 other factors that take the child's safety, well-being, and best
28 interests into account.

29 4. Therefore, it is the intent of the Legislature to
30 reduce the disruption of stable and bonded long-term placements
31 that have been identified as prospective adoptive placements.

32 (b) If a parent executes a consent for adoption of a child
33 minor with an adoption entity or qualified prospective adoptive
34 parents and the minor child is under the supervision of the
35 department, or otherwise subject to the jurisdiction of the
36 dependency court as a result of the entry of a shelter order, a
37 dependency petition, or a petition for termination of parental
38 rights pursuant to chapter 39, but parental rights have not yet
39 been terminated, the adoption consent is valid, binding, and
40 enforceable by the court. For the purposes of this subsection, a
41 consent to adoption of a child with an adoption entity or

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42 qualified prospective adoptive parents is valid if executed
43 during the pendency of the chapter 39 proceeding up to and
44 including the 30th day after the filing of the petition for
45 termination of parental rights pursuant to s. 39.802.

46 ~~(c)-(b)~~ Upon execution of the consent of the parent, the
47 adoption entity may file a motion ~~shall be permitted to~~
48 intervene and change placement of the child in the dependency
49 case as a party in interest and must provide the court that
50 acquired jurisdiction over the child ~~minor~~, pursuant to the
51 shelter order or dependency petition filed by the department, a
52 copy of the preliminary home study of the prospective adoptive
53 parents selected by the parent or adoption entity and any other
54 evidence of the suitability of the placement. The preliminary
55 home study must be maintained with strictest confidentiality
56 within the dependency court file and the department's file. A
57 preliminary home study must be provided to the court in all
58 cases in which an adoption entity has been allowed to intervene
59 ~~intervened~~ pursuant to this section. ~~Unless the court has~~
60 ~~concerns regarding the qualifications of the home study~~
61 ~~provider, or concerns that the home study may not be adequate to~~
62 ~~determine the best interests of the child, the home study~~
63 ~~provided by the adoption entity shall be deemed to be sufficient~~
64 ~~and no additional home study needs to be performed by the~~
65 ~~department.~~

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66 (d)1.(e) If an adoption entity files a motion to intervene
67 and change placement of the child in the dependency case in
68 accordance with this chapter, the dependency court must ~~shall~~
69 promptly grant an evidentiary a hearing to determine all of the
70 following:

71 a. If ~~whether~~ the adoption entity has filed the required
72 documents to be allowed ~~permitted~~ to intervene.

73 b. If the preliminary home study is adequate and provides
74 the information required to make a best interests determination.

75 c. If ~~and whether~~ a change of placement of the child is in
76 the best interests of the child.

77 2. Absent good cause or mutual agreement of the parties,
78 the final hearing on the motion to intervene and change
79 placement ~~the change of placement~~ of the child must be held
80 within 30 days after the filing of the motion, and a written
81 final order shall be filed within 15 days after the hearing.

82 (e) If the child has been in a prospective adoptive
83 placement for at least 9 continuous months or 15 of the last 24
84 months immediately preceding the filing of the motion to
85 intervene, there is a rebuttable presumption that the placement
86 is stable and that it is in the child's best interests to remain
87 in his or her current stable placement. The court shall grant
88 party status to the current caregiver who is a prospective
89 adoptive placement for the limited purpose of filing motions and
90 presenting evidence pursuant to this subsection. This limited

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91 party status expires upon the issuance of a final order on the
92 motion to intervene and change of placement of the child. To
93 rebut the presumption established in this paragraph, the
94 intervening party must prove by clear and convincing evidence
95 that it is in the best interests of the child to disrupt the
96 current stable prospective adoptive placement using the factors
97 set forth in paragraph (f) and any other factors that the court
98 deems relevant.

99 ~~(f)-(d) At a hearing to determine if it is in If after~~
100 ~~consideration of all relevant factors, including those set forth~~
101 ~~in paragraph (e), the court determines that the prospective~~
102 ~~adoptive parents are properly qualified to adopt the minor child~~
103 ~~and that the adoption is in the best interests of the minor~~
104 ~~child, the court shall promptly order the transfer of custody of~~
105 ~~the minor child to the prospective adoptive parents, under the~~
106 ~~supervision of the adoption entity. The court may establish~~
107 ~~reasonable requirements for the transfer of custody in the~~
108 ~~transfer order, including a reasonable period of time to~~
109 ~~transition final custody to the prospective adoptive parents.~~
110 ~~The adoption entity shall thereafter provide monthly supervision~~
111 ~~reports to the department until finalization of the adoption. If~~
112 ~~the child has been determined to be dependent by the court, the~~
113 ~~department shall provide information to the prospective adoptive~~
114 ~~parents at the time they receive placement of the dependent~~
115 ~~child regarding approved parent training classes available~~

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116 ~~within the community. The department shall file with the court~~
117 ~~an acknowledgment of the parent's receipt of the information~~
118 ~~regarding approved parent training classes available within the~~
119 ~~community.~~

120 ~~(e) In determining whether the best interests of a child~~
121 ~~to change placement the child are served by transferring the~~
122 ~~eustody of the minor child to the prospective adoptive parents~~
123 ~~parent selected by the parent or adoption entity, the court~~
124 ~~shall consider and weigh all relevant factors, including, but~~
125 ~~not limited to, all of the following:~~

126 1. ~~The permanency offered by both the child's current~~
127 ~~placement and the prospective adoptive placement selected by the~~
128 ~~parent or adoption entity.~~

129 2. ~~The established bond bonded relationship between the~~
130 ~~child and the current caregiver with whom the child is residing~~
131 ~~if that placement is a prospective adoptive placement. in any~~
132 ~~potential adoptive home in which the child has been residing;~~

133 3. ~~The stability of the prospective adoptive placement~~
134 ~~potential adoptive home in which the child has been residing,~~
135 ~~which must be presumed stable if the placement meets the~~
136 ~~requirements in paragraph (e), as well as the desirability of~~
137 ~~maintaining continuity of placement.~~

138 4. ~~The importance of maintaining sibling relationships, if~~
139 ~~possible.~~

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140 5. The reasonable preferences and wishes of the child, if
141 the court deems the child to be of sufficient maturity,
142 understanding, and experience to express a preference. ~~;~~

143 6. Whether a petition for termination of parental rights
144 has been filed pursuant to s. 39.806(1)(f), (g), or (h); and

145 7. What is best for the child. ~~;~~ and

146 ~~8. The right of the parent to determine an appropriate~~
147 ~~placement for the child.~~

148 (g) 1. If after consideration of all relevant factors,
149 including those set forth in paragraph (f), the court determines
150 that the home study is adequate and provides the information
151 necessary to make a determination that the prospective adoptive
152 parents are properly qualified to adopt the child and that the
153 change of placement is in the best interests of the child, the
154 court must order the change of placement to the prospective
155 adoptive placement selected by the parent or adoption entity,
156 under the supervision of the adoption entity.

157 2. The order must allow for a reasonable period of time to
158 transition placement in accordance with a transition plan
159 developed by the department in consultation with the current
160 caregivers, the prospective adoptive parent, and the guardian ad
161 litem, if one is appointed.

162 3. The transition plan must be developed to minimize the
163 trauma of removal from his or her current placement and take the

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164 needs of each child into account, including each child's age,
165 relationships, bonds, and preferences.

166 4. The adoption entity must thereafter provide monthly
167 supervision reports to the department until finalization of the
168 adoption. If the child has been determined to be dependent by
169 the court, the department must provide information to the
170 prospective adoptive parents at the time they receive placement
171 of the dependent child regarding approved parent training
172 classes available within the community. The department must file
173 with the court an acknowledgment of the prospective adoptive
174 parents' receipt of the information regarding approved parent
175 training classes available within the community.

176 (h)-(f) The adoption entity is shall be responsible for
177 keeping the dependency court informed of the status of the
178 adoption proceedings at least every 90 days after from the date
179 of the order changing placement of the child until the date of
180 finalization of the adoption.

181 (i)-(g) The parent who is a party to the dependency case
182 must be provided written notice of his or her right to
183 participate in a private adoption plan, including written notice
184 of the factors set forth in paragraph (f). This written notice
185 must be provided with the petition for dependency filed pursuant
186 to s. 39.501, in the order that adjudicates the child dependent
187 issued pursuant to s. 39.507, in the order of disposition issued
188 pursuant to s. 39.521 at the arraignment hearing held pursuant

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189 ~~to s. 39.506, in the order that approves the case plan issued~~
190 ~~pursuant to s. 39.603, and in the order that changes the~~
191 ~~permanency goal to adoption issued pursuant to s. 39.621, the~~
192 ~~court shall provide written notice to the biological parent who~~
193 ~~is a party to the case of his or her right to participate in a~~
194 ~~private adoption plan including written notice of the factors~~
195 ~~provided in paragraph (e).~~

196 Section 2. Subsection (3) and paragraph (e) of subsection
197 (4) of section 63.087, Florida Statutes, are amended to read:

198 63.087 Proceeding to terminate parental rights pending
199 adoption; general provisions.—

200 (3) PREREQUISITE FOR ADOPTION.—A petition for adoption may
201 not be filed until after the date the court enters the judgment
202 terminating parental rights pending adoption. The clerk of the
203 court must issue a separate case number and maintain a separate
204 court file for a petition for adoption. A petition for adoption
205 may not be maintained in the same court file as the proceeding
206 to terminate parental rights. Adoptions of relatives, adult
207 adoptions, or adoptions of stepchildren are not required to file
208 a separate termination of parental rights proceeding pending
209 adoption. In such cases, the petitioner may file a joint
210 petition for termination of parental rights and adoption,
211 attaching all required consents, affidavits, notices, and
212 acknowledgments. Unless otherwise provided by law, this chapter
213 applies to joint petitions.

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214 (4) PETITION.—

215 (e) The petition must include:

216 1. The child's ~~minor's~~ name, gender, date of birth, and
217 place of birth. The petition must contain all names by which the
218 child ~~minor~~ is or has been known, excluding the child's ~~minor's~~
219 prospective adoptive name but including the child's ~~minor's~~
220 legal name at the time of the filing of the petition. ~~In the~~
221 ~~case of an infant child whose adoptive name appears on the~~
222 ~~original birth certificate, the adoptive name shall not be~~
223 ~~included in the petition, nor shall it be included elsewhere in~~
224 ~~the termination of parental rights proceeding.~~

225 2. All information required by the Uniform Child Custody
226 Jurisdiction and Enforcement Act and the Indian Child Welfare
227 Act.

228 3. A statement of the grounds under s. 63.089 upon which
229 the petition is based.

230 4. The name, address, and telephone number of any adoption
231 entity seeking to place the child ~~minor~~ for adoption.

232 5. The name, address, and telephone number of the division
233 of the circuit court in which the petition is to be filed.

234 6. A certification that the petitioner will comply ~~of~~
235 ~~compliance~~ with the requirements of s. 63.0425 regarding notice
236 to grandparents of an impending adoption.

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237 7. A copy of the original birth certificate of the child
238 attached to the petition or filed with the court before the
239 final hearing on the petition to terminate parental rights.

240 Section 3. Subsection (2) of section 63.122, Florida
241 Statutes, is amended to read:

242 63.122 Notice of hearing on petition.—

243 (2) Notice of hearing must be given as prescribed by the
244 Florida Family Law Rules of ~~Civil~~ Procedure, and service of
245 process must be made as specified by law for civil actions.

246 Section 4. Subsections (1) and (3) of section 63.132,
247 Florida Statutes, are amended to read:

248 63.132 Affidavit of expenses and receipts.—

249 (1) Before the hearing on the petition for adoption, the
250 prospective adoptive parents ~~parent~~ and any adoption entity must
251 file ~~two copies of~~ an affidavit under this section.

252 (a) The affidavit must be signed by the adoption entity
253 and the prospective adoptive parents. A copy of the affidavit
254 must be provided to the adoptive parents at the time the
255 affidavit is executed.

256 (b) The affidavit must itemize all disbursements and
257 receipts of anything of value, including professional and legal
258 fees, made or agreed to be made by or on behalf of the
259 prospective adoptive parents ~~parent~~ and any adoption entity in
260 connection with the adoption or in connection with any prior
261 proceeding to terminate parental rights which involved the child

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262 ~~minor~~ who is the subject of the petition for adoption. The
263 affidavit must also include, for each hourly legal or counseling
264 fee itemized, the service provided for which the hourly fee is
265 being charged, the date the service was provided, the time
266 required to provide the service if the service was charged by
267 the hour, the person or entity that provided the service, and
268 the hourly fee charged.

269 (c) The affidavit must show any expenses or receipts
270 incurred in connection with:

- 271 1. The birth of the child ~~minor~~.
- 272 2. The placement of the child ~~minor~~ with the petitioner.
- 273 3. The medical or hospital care received by the mother or
274 by the child ~~minor~~ during the mother's prenatal care and
275 confinement.
- 276 4. The living expenses of the birth mother. The living
277 expenses must be itemized in detail to apprise the court of the
278 exact expenses incurred.
- 279 5. The services relating to the adoption or to the
280 placement of the child ~~minor~~ for adoption that were received by
281 or on behalf of the petitioner, the adoption entity, either
282 parent, the child ~~minor~~, or any other person.

283

284 The affidavit must state whether any of these expenses were paid
285 for by collateral sources, including, but not limited to, health
286 insurance, Medicaid, Medicare, or public assistance.

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287 (3) The court must issue a separate order approving or
288 disapproving the fees, costs, and expenses itemized in the
289 affidavit. The court may approve only fees, costs, and
290 expenditures allowed under s. 63.097. The court may reject in
291 whole or in part any fee, cost, or expenditure listed if the
292 court finds that the expense is any of the following:

293 (a) Contrary to this chapter.~~;~~

294 (b) Not supported by a receipt, if requested in the
295 ~~record~~, if the expense is not a fee of the adoption entity.~~;~~~~or~~

296 (c) Not a reasonable fee or expense, considering the
297 requirements of this chapter and the totality of the
298 circumstances.

299 Section 5. Paragraph (c) of subsection (1) of section
300 63.212, Florida Statutes, is amended to read:

301 63.212 Prohibited acts; penalties for violation.—

302 (1) It is unlawful for any person:

303 (c) To sell or surrender, or to arrange for the sale or
304 surrender of, a child ~~minor~~ to another person for money or
305 anything of value or to receive such ~~minor~~ child for such
306 payment or thing of value. If a child ~~minor~~ is being adopted by
307 a relative or by a stepparent, or is being adopted through an
308 adoption entity, this paragraph does not prohibit the person who
309 is contemplating adopting the child from paying, under ss.
310 63.097 and 63.132, the actual prenatal care and living expenses
311 of the mother of the child to be adopted, or from paying, under

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312 ss. 63.097 and 63.132, the actual living and medical expenses of
313 such mother for a reasonable time, not to exceed 6 weeks, ~~if~~
314 ~~medical needs require such support,~~ after the birth of the child
315 minor.

316 Section 6. (1) On or before July 15, 2023, the Department
317 of Children and Families shall provide to the Office of Program
318 Policy Analysis and Government Accountability (OPPAGA) a list of
319 all residential child-caring agencies registered under s.
320 409.176, Florida Statutes, and all child-placing agencies
321 licensed under s. 63.202, Florida Statutes, and the contact
322 information for each such agency.

323 (2) On or before October 1, 2023, all registered child-
324 caring agencies and all licensed child-placing agencies shall
325 provide OPPAGA with data as requested by OPPAGA related to
326 contact information for any intermediary adoption entities with
327 which the agency contracts, any fees and compensation for any
328 portion of adoption interventions in which the agency has been
329 involved, and any related costs for adoption interventions
330 initiated under chapter 39, Florida Statutes.

331 (3) By January 1, 2024, OPPAGA shall submit a report to
332 the President of the Senate and the Speaker of the House of
333 Representatives which examines the adoption process in this
334 state. At a minimum, the report must include:

335 (a) An update of OPPAGA Report No. 08-05 from January 2008
336 and an expanded analysis on how long the adoption process takes

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337 before a child reaches permanency and any barriers to timely
338 permanency.

339 (b) A general overview and analysis of adoptions under
340 chapter 63, Florida Statutes, including adoptions of children
341 outside of the child welfare system.

342 (c) A national comparative analysis of state processes
343 that allow private adoption entities to intervene or participate
344 in dependency cases and requirements for such intervention or
345 participation.

346 (d) A national comparative analysis of statutory fee
347 limits for adoption services when private adoption entities
348 intervene in dependency cases, including attorney fees,
349 recruitment fees, marketing fees, matching fees, and counseling
350 fees.

351 (e) A national comparative analysis of any regulations on
352 marketing and client recruitment methods or strategies of
353 private adoption entities in dependency cases.

354 Section 7. This act shall take effect July 1, 2023.

356 -----

357 **T I T L E A M E N D M E N T**

358 Remove everything before the enacting clause and insert:

359 A bill to be entitled

360 An act relating to adoption of children in dependency
361 court; amending s. 63.082, F.S.; providing legislative

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362 findings and intent; specifying that certain adoption
363 consents are valid, binding, and enforceable by the
364 court; specifying that a consent to adoption is not
365 valid after a certain period during the pendency of a
366 petition for termination of parental rights;
367 authorizing the adoption entity to file a specified
368 motion under certain circumstances; deleting a
369 provision regarding the sufficiency of the home study
370 provided by the adoption entity; requiring that an
371 evidentiary hearing be granted if a certain motion is
372 filed; specifying the determinations to be made at
373 such hearing; providing a rebuttable presumption;
374 requiring the court to grant party status to the
375 current caregivers under certain circumstances;
376 providing when such party status expires; requiring
377 the intervening party to prove certain factors to
378 rebut a certain presumption; revising the factors for
379 a best interests consideration at a certain hearing;
380 requiring the court to promptly order the transfer of
381 custody of the child to the prospective adoptive
382 placement under certain circumstances in accordance
383 with a certain transition plan; requiring an adoption
384 entity to provide certain monthly reports to the
385 department; requiring certain information to be
386 provided to the prospective adoptive parents;

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387 requiring the department to file a certain
388 acknowledgment with the court; requiring certain
389 written notice to be provided to certain parties and
390 included in certain petitions and orders; conforming
391 provisions to changes made by the act; amending s.
392 63.087, F.S.; requiring the clerk of the court to
393 issue a separate case number and maintain a separate
394 court file for a petition for adoption; prohibiting
395 such petition from being maintained in a specified
396 court file; revising requirements for a petition for
397 adoption; amending s. 63.122, F.S.; requiring that a
398 certain notice of hearing be given as prescribed by
399 the Florida Family Law Rules of Procedure, rather than
400 by the Florida Rules of Civil Procedure; amending s.
401 63.132, F.S.; requiring certain parents and entities
402 to file an affidavit; specifying that certain fees are
403 hourly fees; making technical changes; amending s.
404 63.212, F.S.; providing that a person contemplating
405 adopting a child may make specified payments to the
406 mother of the child for a specified period of time
407 regardless of whether the medical needs of the mother
408 require such support; requiring the Department of
409 Children and Families to provide a certain list of all
410 child-caring and child-placing agencies to the Office
411 of Program Policy Analysis and Government

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412 | Accountability (OPPAGA) by a specified date; requiring
413 | certain child-caring and child-placing agencies to
414 | provide certain data to OPPAGA on or before a
415 | specified date; requiring OPAGGA to submit a specified
416 | report to the Legislature by a specified date;
417 | providing requirements for the report; providing an
418 | effective date.