

Amendment No.2

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WITHDRAWN	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 Trabulsy offered the following:

4

5 **Amendment (with title amendment)**

6 Between lines 539 and 540, insert:

7 Section 11. Subsections (1), (3), and (4) and paragraph
 8 (c) of subsection (5) of section 63.097, Florida Statutes, are
 9 amended, and subsection (7) is added to that section, to read:

10 63.097 Fees.—

11 (1) When the adoption entity is an agency, fees may be
 12 assessed if such fees ~~they~~ are approved by the department within
 13 the process of licensing the agency and if such fees ~~they~~ are
 14 for:

15 (a) Foster care expenses. ~~;~~

16 (b) Preplacement and postplacement social services. ~~;~~ ~~and~~

Amendment No.2

- 17 (c) Agency facility and administrative costs.
- 18 (3) The court must issue an order pursuant to s. 63.132(3)
- 19 ~~if Approval of the court is not required until~~ the total of
- 20 amounts permitted under subsection (2) exceeds:
- 21 (a) \$5,000 in legal or other professional fees;
- 22 (b) \$800 in court costs; or
- 23 (c) \$5,000 in reasonable and necessary living and medical
- 24 expenses.
- 25 (4) Any fees, costs, or expenses not included in
- 26 subsection (2) ~~or prohibited under subsection (5)~~ require court
- 27 approval and entry of an order pursuant to s. 63.132(3) before
- 28 ~~prior to~~ payment and must be based on a finding of extraordinary
- 29 circumstances.
- 30 (5) The following fees, costs, and expenses are
- 31 prohibited:
- 32 (c) Any fee on the affidavit which is not a fee of the
- 33 adoption entity, is not supported by a receipt, does not specify
- 34 the service that was provided and for which the fee is being
- 35 charged, such as a fee for facilitation, acquisition, or other
- 36 similar service, or which does not identify the date the service
- 37 was provided, the time required to provide the service, the
- 38 person or entity providing the service, and the hourly fee
- 39 charged.
- 40 (7) Beginning January 1, 2025, an adoption entity shall
- 41 report quarterly to the department information related to the

Amendment No.2

42 age, race, ethnicity, sex, and county of birth of the adopted
43 child and the county of residence of the adoptive family for
44 each finalized adoption. The adoption entity shall also report
45 for each finalized adoption the fees, costs, and expenses that
46 were assessed by the adoption entity or paid by the adoption
47 entity on behalf of the prospective adoptive parents, itemized
48 by the categories enumerated in subsection (2), and any fees,
49 costs, and expenses approved by the court under subsection (4).
50 The confidentiality provisions of this chapter do not apply to
51 the fees, costs, and expenses assessed or paid in connection
52 with an adoption. In reporting the information required by this
53 subsection to the department, the adoption entity shall redact
54 any confidential identifying information concerning the child,
55 the child's biological parents, and the child's adoptive
56 parents. The department shall report quarterly on its website
57 information for each adoption entity including the actual fees,
58 costs, and expenses of finalized adoptions. The department shall
59 adopt rules to implement this subsection.

60 Section 12. Subsection (3) of section 63.132, Florida
61 Statutes, is amended to read:

62 63.132 Affidavit of expenses and receipts.—

63 (3) The court must issue a separate order approving or
64 disapproving the fees, costs, and expenses itemized in the
65 affidavit. The court may approve only fees, costs, and
66 expenditures allowed under s. 63.097. An order approving fees,

Amendment No.2

67 costs, and expenses that exceed the limits set forth in s.
68 63.097 must include a written determination of reasonableness.
69 The court may reject in whole or in part any fee, cost, or
70 expenditure listed if the court finds that the expense is any of
71 the following:
72 (a) Contrary to this chapter.
73 (b) Not supported by a receipt, ~~if requested~~, if the
74 expense is not a fee of the adoption entity.
75 (c) Not a reasonable fee or expense, considering the
76 requirements of this chapter and the totality of the
77 circumstances.
78 Section 13. Paragraph (g) of subsection (1) of section
79 63.212, Florida Statutes, is amended to read:
80 63.212 Prohibited acts; penalties for violation.—
81 (1) It is unlawful for any person:
82 (g) Except an adoption entity, to place an advertisement
83 or offer to the public, in any way, by any medium whatever that
84 a minor is available for adoption or that a minor is sought for
85 adoption; and, further, it is unlawful for any person purchasing
86 advertising space or purchasing broadcast time to advertise
87 adoption services to fail to include in any publication or fail
88 to include in the broadcast for such advertisement the Florida
89 license number of the adoption entity or The Florida Bar number
90 of the attorney placing the advertisement. This prohibition
91 applies, but is not limited, to a paid advertisement, an

868149 - h1083-line 539.docx

Published On: 2/21/2024 7:43:11 PM

Amendment No.2

92 article, a notice, or any other paid communication published in
93 any newspaper or magazine, or on the Internet, on a billboard,
94 over radio or television, or other similar media.

95 1. Only a person who is an attorney licensed to practice
96 law in this state or an adoption entity licensed under the laws
97 of this state may place an a paid advertisement in this state ~~or~~
98 ~~paid listing of the person's telephone number, on the person's~~
99 ~~own behalf, in a telephone directory~~ that:

100 a. A child is offered or wanted for adoption; or

101 b. The person is able to place, locate, or receive a child
102 for adoption.

103 2. A person who publishes a telephone directory,
104 newspaper, magazine, billboard, or any other written
105 advertisement that is distributed in this state must ~~shall~~
106 ~~include, at the beginning of any classified heading for adoption~~
107 ~~and adoption services,~~ a statement that ~~informs directory users~~
108 ~~that~~ only attorneys licensed to practice law in this state and
109 ~~licensed~~ adoption entities licensed under the laws of this state
110 may legally provide adoption services under state law.

111 3. A person who places an advertisement ~~described in~~
112 ~~subparagraph 1. in a telephone directory~~ must include the
113 following information:

114 a. For an attorney licensed to practice law in this state,
115 the person's Florida Bar number.

Amendment No.2

116 b. For a child-placing agency licensed under the laws of
117 this state, the number on the person's adoption entity license.
118

119 -----
120 **T I T L E A M E N D M E N T**

121 Between lines 62 and 63, insert:
122 63.097, F.S.; requiring the court to issue a specified order
123 under certain circumstances; prohibiting certain fees; requiring
124 an adoption entity, beginning on a specified date, to quarterly
125 report certain information to the department; requiring certain
126 information to be itemized by certain categories; providing that
127 confidentiality provisions do not apply to certain information;
128 requiring an adoption entity to redact certain confidential
129 identifying information; requiring the department to quarterly
130 report certain information on its website; requiring the
131 department to adopt rules; amending s. 63.132, F.S.; requiring
132 certain orders to contain a written determination of
133 reasonableness; conforming a provision to changes made by the
134 act; amending s. 63.212, F.S.; providing applicability;
135 requiring a specified statement to be included in certain
136 advertisements; amending s.