

1 A bill to be entitled
2 An act relating to permanency for children; amending
3 s. 39.01, F.S.; defining the term "visitor"; amending
4 s. 39.0138, F.S.; renaming the "State Automated Child
5 Welfare Information System" as the "Comprehensive
6 Child Welfare Information System"; requiring the
7 Department of Children and Families to conduct a
8 criminal history records check of certain frequent
9 visitors to a home in which a child is placed;
10 requiring the department to conduct a name-based check
11 of criminal history records of all visitors to such
12 home and certain other persons in specified
13 circumstances; requiring certain persons to submit
14 their fingerprints to the department or other
15 specified entities; requiring the department or such
16 entities to submit such fingerprints to the Department
17 of Law Enforcement for state processing within a
18 specified timeframe; requiring the Department of Law
19 Enforcement to forward such fingerprints to the
20 Federal Bureau of Investigation within a specified
21 timeframe; requiring a child to be immediately removed
22 from a home if certain persons fail to provide their
23 fingerprints and are not otherwise exempt from a
24 criminal history records check; amending s. 39.202,
25 F.S.; authorizing certain information to be provided

26 | to any person in the event of the death of a child if
27 | the department concludes that the death was a result
28 | of abuse, abandonment, or neglect; creating s.
29 | 39.5035, F.S.; providing procedures and requirements
30 | relating to deceased parents of a dependent child;
31 | amending s. 39.522, F.S.; authorizing certain persons
32 | to remove a child from a court-ordered placement under
33 | certain circumstances; requiring the Department of
34 | Children and Families to file a specified motion, and
35 | the court to set a hearing, within specified
36 | timeframes under certain circumstances; requiring a
37 | certain determination by the court to support
38 | immediate removal of a child; authorizing the court to
39 | base its determination on certain evidence; requiring
40 | the court to enter certain orders and conduct certain
41 | hearings under certain circumstances; amending s.
42 | 39.6221, F.S.; revising a requisite condition for
43 | placing a child in a permanent guardianship; amending
44 | s. 39.6225, F.S.; revising eligibility for payments
45 | under the Guardianship Assistance Program; amending s.
46 | 39.801, F.S.; providing that service of process is not
47 | necessary under certain circumstances; amending s.
48 | 39.812, F.S.; authorizing the court to review the
49 | Department of Children and Families' denial of an
50 | application to adopt a child; requiring the department

51 to file written notification of its denial with the
52 court and provide copies to certain persons within a
53 specified timeframe; authorizing a denied applicant to
54 file a motion to review such denial within a specified
55 timeframe; requiring the court to hold a hearing
56 within a specified timeframe; providing standing to
57 certain persons; authorizing certain persons to
58 participate in the hearing under certain
59 circumstances; requiring the court to enter an order
60 within a specified timeframe; providing an exception
61 to authorize the department to remove a child from his
62 or her foster home or custodian; requiring the
63 department or its contracted child-placing agency to
64 conduct certain postadoption duties; conforming
65 provisions to changes made by the act; amending s.
66 63.032, F.S.; revising a definition; amending s.
67 63.062, F.S.; conforming provisions to changes made by
68 the act; amending s. 63.093, F.S.; requiring the
69 Department of Children and Families to contract with
70 one or more child-placing agencies to provide adoption
71 services; authorizing such agency to subcontract with
72 other entities to provide certain duties; requiring an
73 adoptive home study to be updated every 12 months
74 after the date on which the first study was approved;
75 requiring the department to adopt certain rules;

76 requiring the department to submit an annual report to
77 the Governor and Legislature by a specified date;
78 conforming provisions to changes made by the act;
79 amending s. 63.097, F.S.; revising and prohibiting
80 certain fees; amending s. 409.1451, F.S.; revising the
81 age requirements for receiving postsecondary education
82 services and support; revising the requirements for
83 receiving aftercare services; amending s. 409.166,
84 F.S.; revising the age requirements for receiving
85 adoption assistance; repealing s. 409.1662, F.S.,
86 relating to children within the child welfare system
87 and the adoption incentive program; amending s.
88 409.1664, F.S.; providing definitions; providing
89 certain adoption benefits to health care practitioners
90 and tax collector employees; specifying methods for
91 such persons to apply for such benefits; increasing
92 the amount of monetary adoption benefits certain
93 persons are eligible to receive; conforming provisions
94 to changes made by the act; amending s. 409.167, F.S.;
95 providing requirements for the statewide adoption
96 exchange and its photo listing component; authorizing
97 only certain persons to access such photo listing
98 component; conforming provisions to changes made by
99 the act; amending s. 409.988, F.S.; revising the
100 children a community-based care lead agency must

101 serve; providing effective dates.

102

103 Be It Enacted by the Legislature of the State of Florida:

104

105 Section 1. Subsection (88) is added to section 39.01,
106 Florida Statutes, to read:

107 39.01 Definitions.—When used in this chapter, unless the
108 context otherwise requires:

109 (88) "Visitor" means a person who:

110 (a) Provides care or supervision to a child in the home;

111 or

112 (b) Is 12 years of age or older, other than a child in
113 care, and who will be in the child's home at least:

114 1. Five consecutive days; or

115 2. Seven days or more in 1 month.

116 Section 2. Subsections (1) and (5) of section 39.0138,
117 Florida Statutes, are amended to read:

118 39.0138 Criminal history and other records checks; limit
119 on placement of a child.—

120 (1) The department shall conduct a records check through
121 the Comprehensive State Automated Child Welfare Information
122 System ~~(SACWIS)~~ and a local and statewide criminal history
123 records check on all persons, including parents, being
124 considered by the department for placement of a child under this
125 chapter, including all nonrelative placement decisions, and all

126 members of the household, 12 years of age and older, of the
 127 person being considered. For purposes of this section, a
 128 criminal history records check may include, but is not limited
 129 to, submission of fingerprints to the Department of Law
 130 Enforcement for processing and forwarding to the Federal Bureau
 131 of Investigation for state and national criminal history
 132 information, and local criminal records checks through local law
 133 enforcement agencies of all household members 18 years of age
 134 and older and other frequent visitors 18 years of age and older
 135 to the home. The department shall conduct a name-based check of
 136 criminal history records of all visitors to the home. An out-of-
 137 state criminal history records check must be initiated for any
 138 person 18 years of age or older who resided in another state if
 139 that state allows the release of such records. The department
 140 must complete the records check within 14 business days after
 141 receiving a person's criminal history results, unless additional
 142 information is required to complete the processing. The
 143 department shall establish by rule standards for evaluating any
 144 information contained in the automated system relating to a
 145 person who must be screened for purposes of making a placement
 146 decision.

147 (5) (a) If a child has been sheltered pursuant to s. 39.402
 148 and must be placed in out-of-home care due to an emergency, the
 149 department must conduct a name-based check of criminal history
 150 records to ascertain if the person with whom placement of the

151 child is being considered and any other adult household members
 152 of such person are disqualified.

153 (b) The department may place a child in the a home if the
 154 person with whom placement of the child is being considered and
 155 any other adult household members of such person are not
 156 disqualified by the name-based check, but, unless exempt, such
 157 persons must submit a full set of fingerprints to the department
 158 or to a vendor, an entity, or an agency authorized under s.
 159 943.053(13). Unless exempt, within 7 calendar days after the
 160 name-based check, the department, vendor, entity, or agency must
 161 submit the fingerprints to the Department of Law Enforcement for
 162 state processing. Within 15 calendar days after the name-based
 163 check was conducted, the Department of Law Enforcement must
 164 forward the fingerprints to the Federal Bureau of Investigation
 165 for national processing that otherwise meets placement
 166 ~~requirements if a name check of state and local criminal history~~
 167 ~~records systems does not disqualify the applicant and if the~~
 168 ~~department submits fingerprints to the Department of Law~~
 169 ~~Enforcement for forwarding to the Federal Bureau of~~
 170 ~~Investigation and is awaiting the results of the state and~~
 171 ~~national criminal history records check.~~

172 (c) The department shall seek a court order to immediately
 173 remove the child from the home if the person with whom placement
 174 of the child is being considered or any other adult household
 175 members of such person fail to provide their fingerprints within

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176 15 calendar days after the name-based check is conducted and
177 such persons are not exempt from a criminal history records
178 check.

179 Section 3. Paragraph (o) of subsection (2) of section
180 39.202, Florida Statutes, is amended to read:

181 39.202 Confidentiality of reports and records in cases of
182 child abuse or neglect; exception.—

183 (2) Except as provided in subsection (4), access to such
184 records, excluding the name of, or other identifying information
185 with respect to, the reporter which shall be released only as
186 provided in subsection (5), shall be granted only to the
187 following persons, officials, and agencies:

188 (o) Any person in the event of the death of a child
189 determined by the department at the closure of its investigation
190 in accordance with s. 39.301(16) to be a result of abuse,
191 abandonment, or neglect. Information identifying the person
192 reporting abuse, abandonment, or neglect may ~~shall~~ not be
193 released. Any information otherwise made confidential or exempt
194 by law may ~~shall~~ not be released pursuant to this paragraph.

195 Section 4. Section 39.5035, Florida Statutes, is created
196 to read:

197 39.5035 Deceased parents; special procedures.—

198 (1)(a)1. If both parents of a child are deceased or the
199 last known living parent of a child is deceased and a legal
200 custodian has not been appointed for the child through a probate

201 or guardianship proceeding, then an attorney for the department
202 or any other person who has knowledge of the facts alleged or is
203 informed of the alleged facts, and believes them to be true, may
204 initiate a proceeding by filing a petition for adjudication and
205 permanent commitment.

206 2. If a child has been placed in shelter status by order
207 of the court but has not yet been adjudicated, a petition for
208 adjudication and permanent commitment must be filed within 21
209 days after the shelter hearing. In all other cases, the petition
210 must be filed within a reasonable time after the date the
211 petitioner first becomes aware of the facts that support the
212 petition for adjudication and permanent commitment.

213 (b) If both parents die or the last known living parent
214 dies after a child has already been adjudicated dependent, an
215 attorney for the department or any other person who has
216 knowledge of the facts alleged or is informed of the alleged
217 facts, and believes them to be true, may file a petition for
218 permanent commitment. The petition must be filed within a
219 reasonable time after the petitioner first becomes aware of the
220 facts that support the petition for permanent commitment.

221 (2) The petition must be:

222 (a) In writing, identify the alleged deceased parents, and
223 provide facts that establish that both parents of the child are
224 deceased or the last known living parent is deceased and that a
225 legal custodian has not been appointed for the child through a

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226 probate or guardianship proceeding.

227 (b) Signed by the petitioner under oath stating the
228 petitioner's good faith in filing the petition.

229 (3) When a petition for adjudication and permanent
230 commitment or a petition for permanent commitment has been
231 filed, the clerk of court must set the case before the court for
232 an adjudicatory hearing. The adjudicatory hearing must be held
233 as soon as practicable after the petition is filed, but no later
234 than 30 days after the filing date.

235 (4) Notice of the date, time, and place of the
236 adjudicatory hearing and a copy of the petition must be served
237 on the following persons:

238 (a) Any person who has physical custody of the child.

239 (b) A living relative of each parent of the child, unless
240 a living relative cannot be found after a diligent search or
241 inquiry.

242 (c) The guardian ad litem for the child or the
243 representative of the guardian ad litem program, if the program
244 has been appointed.

245 (5) The court shall conduct adjudicatory hearings without
246 a jury and apply the rules of evidence in use in civil cases,
247 adjourning the hearings as necessary. The court must determine
248 whether the petitioner has established by clear and convincing
249 evidence that both parents of the child are deceased, or that
250 the last known living parent is deceased and the other parent

251 cannot be found after a diligent search or inquiry, and that a
252 legal custodian has not been appointed for the child through a
253 probate or guardianship proceeding. A certified copy of the
254 death certificate for each parent is sufficient evidence of the
255 parents' deaths.

256 (6) Within 30 days after an adjudicatory hearing on a
257 petition for adjudication and permanent commitment:

258 (a) If the court finds that the petitioner has met the
259 clear and convincing standard, the court must enter a written
260 order adjudicating the child dependent and permanently
261 committing the child to the custody of the department for the
262 purpose of adoption. A disposition hearing must be scheduled no
263 later than 30 days after the entry of the order, in which the
264 department must provide a case plan that identifies the
265 permanency goal for the child to the court. Reasonable efforts
266 must be made to place the child in a timely manner in accordance
267 with the permanency plan and to complete all steps necessary to
268 finalize the permanent placement of the child. Thereafter, until
269 the adoption of the child is finalized or the child reaches the
270 age of 18 years, whichever occurs first, the court must hold
271 hearings every 6 months to review the progress being made toward
272 permanency for the child.

273 (b) If the court finds that clear and convincing evidence
274 does not establish that both parents of a child are deceased, or
275 that the last known living parent is deceased and the other

276 parent cannot be found after a diligent search or inquiry, and
277 that a legal custodian has not been appointed for the child
278 through a probate or guardianship proceeding, but that a
279 preponderance of the evidence establishes that the child does
280 not have a parent or legal custodian capable of providing
281 supervision or care, the court must enter a written order
282 adjudicating the child dependent. A disposition hearing must be
283 scheduled no later than 30 days after the entry of the order as
284 provided in s. 39.521.

285 (c) If the court finds that the petitioner has not met the
286 clear and convincing standard and that a preponderance of the
287 evidence does not establish that the child does not have a
288 parent or legal custodian capable of providing supervision or
289 care, the court must enter a written order so finding and
290 dismiss the petition.

291 (7) Within 30 days after an adjudicatory hearing on a
292 petition for permanent commitment:

293 (a) If the court finds that the petitioner has met the
294 clear and convincing standard, the court must enter a written
295 order permanently committing the child to the custody of the
296 department for purposes of adoption. A disposition hearing must
297 be scheduled no later than 30 days after the entry of the order,
298 in which the department must provide an amended case plan that
299 identifies the permanency goal for the child to the court.
300 Reasonable efforts must be made to place the child in a timely

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301 manner in accordance with the permanency plan and to complete
302 all steps necessary to finalize the permanent placement of the
303 child. Thereafter, until the adoption of the child is finalized
304 or the child reaches the age of 18 years, whichever occurs
305 first, the court must hold hearings every 6 months to review the
306 progress being made toward permanency for the child.

307 (b) If the court finds that clear and convincing evidence
308 does not establish that both parents of a child are deceased or
309 that the last known living parent is deceased and the other
310 parent cannot be found after a diligent search or inquiry, the
311 court must enter a written order denying the petition. The order
312 has no effect on the child's prior adjudication. The order does
313 not bar the petitioner from filing a subsequent petition for
314 permanent commitment based on newly discovered evidence that
315 establishes that both parents of a child are deceased, or that
316 the last known living parent is deceased, and that a legal
317 custodian has not been appointed for the child through a probate
318 or guardianship proceeding.

319 Section 5. Subsection (7) is added to section 39.522,
320 Florida Statutes, to read:

321 39.522 Postdisposition change of custody.—

322 (7) Notwithstanding any other provision of this section, a
323 child's case manager, an authorized agent of the department, or
324 a law enforcement officer may, at any time, remove a child from
325 a court-ordered placement and take the child into custody if the

326 court-ordered caregiver of the child requests immediate removal
327 of the child from the home. Additionally, an authorized agent of
328 the department or a law enforcement officer may, at any time,
329 remove a child from a court-ordered placement and take the child
330 into custody if there is probable cause as required under s.
331 39.401(1) (b) .

332 (a) If, at the time of the removal, the child was not
333 placed in licensed care in the department's custody, the
334 department must file a motion to modify placement within 1
335 business day after the child is taken into custody. The court
336 must then set a hearing within 24 hours after the motion is
337 filed unless all of the parties and the current caregiver agree
338 to the change of placement. At the hearing, the court must
339 determine if the department has established probable cause to
340 support the immediate removal of the child from his or her
341 current placement. The court may base its determination on a
342 sworn petition or affidavit or on testimony and may hear all
343 relevant and material evidence, including oral or written
344 reports, to the extent of their probative value, even if such
345 evidence would not be competent evidence at an adjudicatory
346 hearing.

347 (b) If the court finds that the department did not
348 establish probable cause to support the removal of the child
349 from his or her current placement, the court must enter an order
350 that the child be returned to such placement. An order by the

351 court to return the child to his or her current placement does
352 not preclude a party from filing a subsequent motion pursuant to
353 subsection (2).

354 (c) If the current caregiver admits that a change of
355 placement is needed or the department establishes probable cause
356 to support removal of the child, the court must enter an order
357 changing the placement of the child. The new placement for the
358 child must meet the home study criteria in this chapter if the
359 child is not placed in foster care.

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

364 Section 6. Paragraph (a) of subsection (1) of section
365 39.6221, Florida Statutes, is amended to read:

366 39.6221 Permanent guardianship of a dependent child.—

367 (1) If a court determines that reunification or adoption
368 is not in the best interest of the child, the court may place
369 the child in a permanent guardianship with a relative or other
370 adult approved by the court if all of the following conditions
371 are met:

372 (a) The child has been in the placement for not less than
373 the preceding 6 months, or the preceding 3 months if the
374 caregiver has been named as the successor guardian on the
375 child's guardianship assistance agreement.

376 Section 7. Subsection (9) of section 39.6225, Florida
 377 Statutes, is amended to read:

378 39.6225 Guardianship Assistance Program.—

379 (9) Guardianship assistance payments may not ~~shall only~~ be
 380 made for a young adult unless the young adult's ~~whose~~ permanent
 381 guardian entered into a guardianship assistance agreement after
 382 the child attained 14 ~~16~~ years of age but before the child
 383 attained 18 years of age and if the child is:

384 (a) Completing secondary education or a program leading to
 385 an equivalent credential;

386 (b) Enrolled in an institution that provides postsecondary
 387 or vocational education;

388 (c) Participating in a program or activity designed to
 389 promote or eliminate barriers to employment;

390 (d) Employed for at least 80 hours per month; or

391 (e) Unable to participate in programs or activities listed
 392 in paragraphs (a)-(d) full time due to a physical, intellectual,
 393 emotional, or psychiatric condition that limits participation.

394 Any such barrier to participation must be supported by
 395 documentation in the child's case file or school or medical
 396 records of a physical, intellectual, emotional, or psychiatric
 397 condition that impairs the child's ability to perform one or
 398 more life activities.

399 Section 8. Paragraph (d) of subsection (3) of section
 400 39.801, Florida Statutes, is redesignated as paragraph (e), and

401 a new paragraph (d) is added to that subsection to read:

402 39.801 Procedures and jurisdiction; notice; service of
403 process.—

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

407 (d) Personal appearance of a person at the advisory
408 hearing as provided in s. 39.013(13) obviates the necessity of
409 serving process on that person and the court may proceed with
410 the advisory hearing and any subsequently noticed hearing.

411 Section 9. Subsections (4), (5), and (6) of section
412 39.812, Florida Statutes, are amended to read:

413 39.812 Postdisposition relief; petition for adoption.—

414 (4) The court shall retain jurisdiction over any child
415 placed in the custody of the department until the child is
416 adopted. After custody of a child for subsequent adoption has
417 been given to the department, the court has jurisdiction for the
418 purpose of reviewing the status of the child and the progress
419 being made toward permanent adoptive placement. As part of this
420 continuing jurisdiction, ~~for good cause shown by the guardian ad~~
421 ~~litem for the child,~~ the court may:

422 (a) Review the appropriateness of the adoptive placement
423 of the child if good cause is shown by the guardian ad litem for
424 the child.

425 (b) Review the department's denial of an application to

426 adopt a child. The department's decision to deny an application
427 to adopt a child is only reviewable under this section and is
428 not subject to chapter 120.

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

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

441 3. A denied applicant only has standing under this chapter
442 to file a motion to review the department's denial and to
443 present evidence in support of such motion. Such standing is
444 terminated upon the entry of the court's order.

445 4. The court shall hold a hearing within 30 business days
446 after the denied applicant files the motion to review. The court
447 may only consider whether the department's denial of the
448 application is consistent with its policies and if the
449 department made such decision in an expeditious manner. The
450 standard of review is whether the department's denial of the

451 application is an abuse of discretion.

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

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

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

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

473 (b) Thirty business days have expired following written
474 notice to the foster parent or custodian of the denial of the
475 application to adopt, within which period no formal challenge of

476 | the department's decision has been filed;

477 | (c) A motion to review the department's denial of an

478 | application to adopt a child under paragraph (4) (b) has been

479 | denied; or

480 | (d)-(e) The foster parent or custodian agrees to the

481 | child's removal.

482 | (6)-(5) The petition for adoption must be filed in the

483 | division of the circuit court which entered the judgment

484 | terminating parental rights, unless a motion for change of venue

485 | is granted pursuant to s. 47.122. A copy of the consent to

486 | adoption executed by the department must be attached to the

487 | petition, unless such consent is waived under ~~pursuant to~~ s.

488 | 63.062(7). The petition must be accompanied by a statement,

489 | signed by the prospective adoptive parents, acknowledging

490 | receipt of all information required to be disclosed under s.

491 | 63.085 and a form provided by the department which details the

492 | social and medical history of the child and each parent and

493 | includes the social security number and date of birth for each

494 | parent, if such information is available or readily obtainable.

495 | The prospective adoptive parents may not file a petition for

496 | adoption until the judgment terminating parental rights becomes

497 | final. An adoption proceeding under this subsection is governed

498 | by chapter 63.

499 | (7) (a)-(6) (a) Once a child's adoption is finalized, the

500 | department or its contracted child-placing agency ~~community~~

501 ~~based care lead agency~~ must make a reasonable effort to contact
 502 the adoptive family by telephone 1 year after the date of
 503 finalization of the adoption as a postadoption service. For
 504 purposes of this subsection, the term "reasonable effort" means
 505 the exercise of reasonable diligence and care by the department
 506 or its contracted child-placing agency ~~community-based care lead~~
 507 ~~agency~~ to make contact with the adoptive family. At a minimum,
 508 the department or its contracted child-placing agency must
 509 document all of the following:

510 1. The number of attempts made by the department or its
 511 contracted child-placing agency ~~community-based care lead agency~~
 512 to contact the adoptive family and whether those attempts were
 513 successful.†

514 2. The types of postadoption services that were requested
 515 by the adoptive family and whether those services were provided
 516 by the department or its contracted child-placing agency.
 517 ~~community-based care lead agency; and~~

518 3. Any feedback received by the department or its
 519 contracted child-placing agency ~~community-based care lead agency~~
 520 from the adoptive family relating to the quality or
 521 effectiveness of the services provided.

522 (b) The contracted child-placing agency ~~community-based~~
 523 ~~care lead agency~~ must report annually to the department on the
 524 outcomes achieved and recommendations for improvement under this
 525 subsection.

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526 Section 10. Subsections (6) and (7) of section 63.032,
527 Florida Statutes, are renumbered as subsections (7) and (6),
528 respectively, and present subsection (6) of that section is
529 amended to read:

530 63.032 Definitions.—As used in this chapter, the term:
531 (7)~~(6)~~ "Child-placing agency" means an ~~any child-placing~~
532 agency licensed by the department pursuant to s. 63.202 to place
533 minors for adoption.

534 Section 11. Subsection (7) of section 63.062, Florida
535 Statutes, is amended to read:

536 63.062 Persons required to consent to adoption; affidavit
537 of nonpaternity; waiver of venue.—

538 (7) If parental rights to the minor have previously been
539 terminated, the adoption entity with which the minor has been
540 placed for subsequent adoption may provide consent to the
541 adoption. In such case, no other consent is required. If the
542 minor has been permanently committed to the department for
543 subsequent adoption, the department must consent to the adoption
544 or the court order finding that the department unreasonably
545 denied the application to adopt entered under s. 39.812(4) must
546 be attached to the petition to adopt, and ~~The consent of the~~
547 ~~department shall be waived upon a determination by the court~~
548 ~~that such consent is being unreasonably withheld and if the~~
549 petitioner must file ~~has filed~~ with the court a favorable
550 preliminary adoptive home study as required under s. 63.092.

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551 Section 12. Section 63.093, Florida Statutes, is amended
552 to read:

553 63.093 Adoption of children from the child welfare
554 system.—

555 (1) Beginning July 1, 2025, the department shall contract
556 with one or more child-placing agencies to provide adoptive
557 services to prospective adoptive parents, complete the adoption
558 processes for children permanently committed to the department,
559 and support adoptive families. The department may allow a
560 contracted child-placing agency to subcontract with other
561 entities to provide the duties required in this section.

562 (2)(1) The department, through its contracted child-
563 placing agency or community-based care lead agency as defined in
564 s. 409.986(3), or its subcontracted agency, must respond to an
565 initial inquiry from a prospective adoptive parent within 7
566 business days after receipt of the inquiry. The response must
567 inform the prospective adoptive parent of the adoption process
568 and the requirements for adopting a child from the child welfare
569 system.

570 (3)(2) The department, through its contracted child-
571 placing agency or community-based care lead agency, or its
572 subcontracted agency, must refer a prospective adoptive parent
573 who is interested in adopting a child in the custody of the
574 department to a department-approved adoptive parent training
575 program. A prospective adoptive parent must successfully

576 complete the training program, unless the prospective adoptive
 577 parent is a licensed foster parent or a relative or nonrelative
 578 caregiver who has:

579 (a) Attended the training program within the last 5 years;
 580 or

581 (b) Had the child who is available for adoption placed in
 582 their home for 6 months or longer and has been determined to
 583 understand the challenges and parenting skills needed to
 584 successfully parent the child who is available for adoption.

585 (4)~~(3)~~ A prospective adoptive parent must complete an
 586 adoption application created by the department.

587 (5)~~(4)~~ Before a child is placed in an adoptive home, the
 588 department, through its contracted child-placing agency,
 589 ~~community-based care lead agency or its subcontracted agency~~
 590 must complete an adoptive home study of a prospective adoptive
 591 parent that includes observation, screening, and evaluation of
 592 the child and the prospective adoptive parent. An adoptive home
 593 study must be updated every ~~is valid for~~ 12 months after the
 594 date on which the first study was approved. If the child was
 595 placed before the termination of parental rights, the updated
 596 placement or licensing home study may serve as the adoption home
 597 study. In addition, the department, through is contracted child-
 598 placing agency, ~~community-based care lead agency or its~~
 599 ~~subcontracted agency~~ must complete a preparation process, as
 600 established by department rule, with the prospective adoptive

601 parent.

602 ~~(6)(5)~~ At the conclusion of the adoptive home study and
603 preparation process, a decision must ~~shall~~ be made about the
604 prospective adoptive parent's appropriateness to adopt. This
605 decision must ~~shall~~ be reflected in the final recommendation
606 included in the adoptive home study. If the recommendation is
607 for approval, the adoptive parent application file must be
608 submitted to the department, through its contracted child-
609 placing agency, community-based care lead agency or its
610 subcontracted agency for approval. The contracted child-placing
611 agency community-based care lead agency or its subcontracted
612 agency must approve or deny the home study within 14 business
613 days after receipt of the recommendation.

614 (7) The department shall adopt rules to eliminate
615 duplicative practices and delays in the adoption home study
616 process for a member of a uniformed service on active duty
617 seeking to adopt in the state, including, but not limited to,
618 providing a credit for adoption classes that have been taken in
619 another state which substantially cover the preservice training
620 required under s. 409.175(14)(b).

621 (8) By November 15 of each year, the department shall
622 submit an annual report to the Governor, the President of the
623 Senate, and the Speaker of the House of Representatives on the
624 status of adoptions within the state.

625

626 Notwithstanding subsections (2) and (3) ~~(1) and (2)~~, this
 627 section does not apply to a child adopted through the process
 628 provided in s. 63.082(6).

629 Section 13. Subsection (6) of section 63.097, Florida
 630 Statutes, is renumbered as subsection (7), paragraphs (a) and
 631 (c) of subsection (3) are amended, and a new subsection (6) is
 632 added to that section, to read:

633 63.097 Fees.—

634 (3) Approval of the court is not required until the total
 635 of amounts permitted under subsection (2) exceeds:

636 (a) \$2,500 ~~\$5,000~~ in legal or other fees;

637 (c) \$2,500 ~~\$5,000~~ in reasonable and necessary living and
 638 medical expenses.

639 (6) Excluding reasonable medically necessary expenses, the
 640 court may not approve the fees per child specified in this
 641 section if the fees exceed the total amount of the federal
 642 adoption tax credit for the current tax year.

643 Section 14. Paragraph (a) of subsection (2) and paragraph
 644 (a) of subsection (3) of section 409.1451, Florida Statutes, are
 645 amended to read:

646 409.1451 The Road-to-Independence Program.—

647 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

648 (a) A young adult is eligible for services and support
 649 under this subsection if he or she:

650 1. Was living in licensed care on his or her 18th birthday

651 or is currently living in licensed care; or was at least 14 ~~16~~
652 years of age and was adopted from foster care or placed with a
653 court-approved dependency guardian after spending at least 6
654 months in licensed care within the 12 months immediately
655 preceding such placement or adoption;

656 2. Spent at least 6 months in licensed care before
657 reaching his or her 18th birthday;

658 3. Earned a standard high school diploma pursuant to s.
659 1002.3105(5), s. 1003.4281, or s. 1003.4282, or its equivalent
660 pursuant to s. 1003.435;

661 4. Has been admitted for enrollment as a full-time student
662 or its equivalent in an eligible postsecondary educational
663 institution as provided in s. 1009.533. For purposes of this
664 section, the term "full-time" means 9 credit hours or the
665 vocational school equivalent. A student may enroll part-time if
666 he or she has a recognized disability or is faced with another
667 challenge or circumstance that would prevent full-time
668 attendance. A student needing to enroll part-time for any reason
669 other than having a recognized disability must get approval from
670 his or her academic advisor;

671 5. Has reached 18 years of age but is not yet 23 years of
672 age;

673 6. Has applied, with assistance from the young adult's
674 caregiver and the community-based lead agency, for any other
675 grants and scholarships for which he or she may qualify;

676 7. Submitted a Free Application for Federal Student Aid
677 which is complete and error free; and

678 8. Signed an agreement to allow the department and the
679 community-based care lead agency access to school records.

680 (3) AFTERCARE SERVICES.—

681 (a)1. Aftercare services are available to a young adult
682 who has reached 18 years of age but is not yet 23 years of age
683 and is:

684 a. Not in foster care.

685 b. Temporarily not receiving financial assistance under
686 subsection (2) to pursue postsecondary education.

687 c. Eligible for the Extended Guardianship Assistance
688 Program under s. 39.6225(9) or the extended adoption assistance
689 program under s. 409.166(4), but is not participating in either
690 program.

691 2. Subject to available funding, aftercare services as
692 specified in subparagraph (b)8. are also available to a young
693 adult who is between the ages of 18 and 22, is receiving
694 financial assistance under subsection (2), is experiencing an
695 emergency situation, and whose resources are insufficient to
696 meet the emergency situation. Such assistance shall be in
697 addition to any amount specified in paragraph (2)(b).

698 Section 15. Paragraph (d) of subsection (4) of section
699 409.166, Florida Statutes, is amended to read:

700 409.166 Children within the child welfare system; adoption

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701 assistance program.—

702 (4) ADOPTION ASSISTANCE.—

703 (d) Effective January 1, 2019, adoption assistance
704 payments may be made for a child whose adoptive parent entered
705 into an initial adoption assistance agreement after the child
706 reached 14 ~~16~~ years of age but before the child reached 18 years
707 of age. Such payments may be made until the child reaches age 21
708 if the child is:

709 1. Completing secondary education or a program leading to
710 an equivalent credential;

711 2. Enrolled in an institution that provides postsecondary
712 or vocational education;

713 3. Participating in a program or activity designed to
714 promote or eliminate barriers to employment;

715 4. Employed for at least 80 hours per month; or

716 5. Unable to participate in programs or activities listed
717 in subparagraphs 1.-4. full time due to a physical, an
718 intellectual, an emotional, or a psychiatric condition that
719 limits participation. Any such barrier to participation must be
720 supported by documentation in the child's case file or school or
721 medical records of a physical, an intellectual, an emotional, or
722 a psychiatric condition that impairs the child's ability to
723 perform one or more life activities.

724 Section 16. Section 409.1662, Florida Statutes, is
725 repealed.

726 Section 17. Section 409.1664, Florida Statutes, is amended
 727 to read:

728 409.1664 Adoption benefits for qualifying adoptive
 729 employees of state agencies, veterans, servicemembers, ~~and~~ law
 730 enforcement officers, health care practitioners, and tax
 731 collector employees.-

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

733 (a) "Child within the child welfare system" has the same
 734 meaning as provided in s. 409.166(2).

735 (b) "Health care practitioner" means a person listed in s.
 736 456.001(4) who holds an active license from the Department of
 737 Health and whose gross income does not exceed \$150,000 per year.

738 (c)~~(b)~~ "Law enforcement officer" has the same meaning as
 739 provided in s. 943.10(1).

740 (d)~~(e)~~ "Qualifying adoptive employee" means a full-time or
 741 part-time employee of a state agency, a charter school
 742 established under s. 1002.33, or the Florida Virtual School
 743 established under s. 1002.37, who is not an independent
 744 contractor and who adopts a child within the child welfare
 745 system pursuant to chapter 63 on or after July 1, 2015. The term
 746 includes instructional personnel, as defined in s. 1012.01, who
 747 are employed by the Florida School for the Deaf and the Blind,
 748 and includes other-personal-services employees who have been
 749 continuously employed full time or part time by a state agency
 750 for at least 1 year.

751 ~~(e)-(d)~~ "Servicemember" has the same meaning as in s.
752 250.01(19).

753 ~~(f)-(e)~~ "State agency" means a branch, department, or
754 agency of state government for which the Chief Financial Officer
755 processes payroll requisitions, a state university or Florida
756 College System institution as defined in s. 1000.21, a school
757 district unit as defined in s. 1001.30, or a water management
758 district as defined in s. 373.019.

759 (g) "Tax collector employee" means an employee of an
760 office of county tax collector in the state.

761 ~~(h)-(f)~~ "Veteran" has the same meaning as in s. 1.01(14).

762 (2) A qualifying adoptive employee, veteran, law
763 enforcement officer, health care practitioner, tax collector
764 employee, or servicemember who adopts a child within the child
765 welfare system who is difficult to place as described in s.
766 409.166(2)(d)2. is eligible to receive a lump-sum monetary
767 benefit in the amount of \$25,000 ~~\$10,000~~ per such child, subject
768 to applicable taxes. ~~A law enforcement officer who adopts a~~
769 ~~child within the child welfare system who is difficult to place~~
770 ~~as described in s. 409.166(2)(d)2. is eligible to receive a~~
771 ~~lump-sum monetary benefit in the amount of \$25,000 per such~~
772 ~~child, subject to applicable taxes.~~ A qualifying adoptive
773 employee, veteran, law enforcement officer, health care
774 practitioner, tax collector employee, or servicemember who
775 adopts a child within the child welfare system who is not

776 difficult to place as described in s. 409.166(2)(d)2. is
777 eligible to receive a lump-sum monetary benefit in the amount of
778 \$10,000 ~~\$5,000~~ per such child, subject to applicable taxes. A
779 ~~law enforcement officer who adopts a child within the child~~
780 ~~welfare system who is not difficult to place as described in s.~~
781 ~~409.166(2)(d)2. is eligible to receive a lump-sum monetary~~
782 ~~benefit in the amount of \$10,000 per each such child, subject to~~
783 ~~applicable taxes.~~ A qualifying adoptive employee of a charter
784 school or the Florida Virtual School may retroactively apply for
785 the monetary benefit provided in this subsection if such
786 employee was employed by a charter school or the Florida Virtual
787 School when he or she adopted a child within the child welfare
788 system pursuant to chapter 63 on or after July 1, 2015. A
789 veteran or servicemember may apply for the monetary benefit
790 provided in this subsection if he or she is domiciled in this
791 state and adopts a child within the child welfare system
792 pursuant to chapter 63 on or after July 1, 2020. A law
793 enforcement officer may apply for the monetary benefit provided
794 in this subsection if he or she is domiciled in this state and
795 adopts a child within the child welfare system pursuant to
796 chapter 63 on or after July 1, 2022. A health care practitioner
797 and tax collector employee may apply for the monetary benefit
798 provided in this subsection if he or she is domiciled in this
799 state and adopts a child within the child welfare system
800 pursuant to chapter 63 on or after July 1, 2024.

801 (a) Benefits paid to a qualifying adoptive employee who is
802 a part-time employee must be prorated based on the qualifying
803 adoptive employee's full-time equivalency at the time of
804 applying for the benefits.

805 (b) Monetary benefits awarded under this subsection are
806 limited to one award per adopted child within the child welfare
807 system.

808 (c) The payment of a lump-sum monetary benefit for
809 adopting a child within the child welfare system under this
810 section is subject to a specific appropriation to the department
811 for such purpose.

812 (3) A qualifying adoptive employee must apply to his or
813 her agency head, or to his or her school director in the case of
814 a qualifying adoptive employee of a charter school or the
815 Florida Virtual School, to obtain the monetary benefit provided
816 in subsection (2). A veteran, ~~or servicemember,~~ or tax collector
817 employee must apply to the department to obtain the benefit. A
818 law enforcement officer must apply to the Department of Law
819 Enforcement to obtain the benefit. A health care practitioner
820 must apply to the Department of Health to obtain the benefit.
821 Applications must be on forms approved by the department and
822 must include a certified copy of the final order of adoption
823 naming the applicant as the adoptive parent. Monetary benefits
824 shall be approved on a first-come, first-served basis based upon
825 the date that each fully completed application is received by

826 | the department.

827 | (4) This section does not preclude a qualifying adoptive
828 | employee, veteran, servicemember, health care practitioner, tax
829 | collector employee, or law enforcement officer from receiving
830 | adoption assistance for which he or she may qualify under s.
831 | 409.166 or any other statute that provides financial incentives
832 | for the adoption of children.

833 | (5) Parental leave for a qualifying adoptive employee must
834 | be provided in accordance with the personnel policies and
835 | procedures of his or her employer.

836 | (6) The department may adopt rules to administer this
837 | section. The rules may provide for an application process such
838 | as, but not limited to, an open enrollment period during which
839 | qualifying adoptive employees, veterans, servicemembers, health
840 | care practitioners, tax collector employees, or law enforcement
841 | officers may apply for monetary benefits under this section.

842 | (7) The Chief Financial Officer shall disburse a monetary
843 | benefit to a qualifying adoptive employee upon the department's
844 | submission of a payroll requisition. The Chief Financial Officer
845 | shall transfer funds from the department to a state university,
846 | a Florida College System institution, a school district unit, a
847 | charter school, the Florida Virtual School, or a water
848 | management district, as appropriate, to enable payment to the
849 | qualifying adoptive employee through the payroll systems as long
850 | as funds are available for such purpose.

851 (8) To receive an approved monetary benefit under this
 852 section, a veteran or servicemember must be registered as a
 853 vendor with the state.

854 (9) Each state agency shall develop a uniform procedure
 855 for informing employees about this benefit and for assisting the
 856 department in making eligibility determinations and processing
 857 applications. Any procedure adopted by a state agency is valid
 858 and enforceable if the procedure does not conflict with the
 859 express terms of this section.

860 Section 18. Subsections (1) through (4) of section
 861 409.167, Florida Statutes, are amended to read:

862 409.167 Statewide adoption exchange; establishment;
 863 responsibilities; registration requirements; rules.—

864 (1) The Department of Children and Families shall
 865 establish, either directly or through purchase, a statewide
 866 adoption exchange, with a photo listing component, which serves
 867 ~~shall serve~~ all authorized licensed child-placing agencies in
 868 the state as a means of recruiting adoptive families for
 869 children who have been legally freed for adoption and who have
 870 been permanently placed with the department or a licensed child-
 871 placing agency. The statewide adoption exchange must ~~shall~~
 872 provide, in accordance with rules adopted by the department,
 873 descriptions and photographs of such children, as well as any
 874 other information deemed useful in the recruitment of adoptive
 875 families for each child. The photo listing component of the

876 statewide adoption exchange must be updated monthly and may not
877 be accessible to the public, except to persons who have
878 completed or are in the process of completing an adoption home
879 study.

880 (2) (a) Each district of the department shall refer each
881 child in its care who has been legally freed for adoption to the
882 statewide adoption exchange no later than 30 days after the date
883 of acceptance by the department for permanent placement. The
884 referral must be accompanied by a photograph and description of
885 the child.

886 (b) The department shall establish criteria by which a
887 district may determine that a child need not be registered with
888 the statewide adoption exchange. Within 30 days after the date
889 of acceptance by the department for permanent placement, the
890 name of the child accepted for permanent placement must be
891 forwarded to the statewide adoption exchange by the district
892 together with reference to the specific reason why the child
893 should not be placed on the statewide adoption exchange. If the
894 child has not been placed for adoption within 3 months after the
895 date of acceptance by the department for permanent placement,
896 the district must ~~shall~~ provide the statewide adoption exchange
897 with the necessary photograph and information for registration
898 of the child with the statewide adoption exchange and the child
899 must ~~shall~~ be placed on the statewide adoption exchange. The
900 department shall establish procedures for monitoring the status

901 of children who are not placed on the statewide adoption
 902 exchange within 30 days after the date of acceptance by the
 903 department for permanent placement.

904 (3) In accordance with rules established by the
 905 department, the statewide adoption exchange may accept, from
 906 licensed child-placing agencies, information pertaining to
 907 children meeting the criteria of this section, and to
 908 prospective adoptive families, for registration with the
 909 statewide adoption exchange.

910 (4) For purposes of facilitating family-matching between
 911 children and prospective adoptive parents, the statewide
 912 adoption exchange must ~~shall~~ provide the photo listing component
 913 ~~service~~ to all licensed child-placing agencies and, in
 914 accordance with rules adopted ~~established~~ by the department, to
 915 all appropriate citizen groups and other organizations and
 916 associations interested in children's services. The photo
 917 listing component of the statewide adoption exchange may not be
 918 accessible to the public, except to persons who have completed
 919 or are in the process of completing an adoption home study.

920 Section 19. Effective July 1, 2025, paragraph (a) of
 921 subsection (1) of section 409.988, Florida Statutes, is amended
 922 to read:

923 409.988 Community-based care lead agency duties; general
 924 provisions.—

925 (1) DUTIES.—A lead agency:

926 (a)1. Shall serve:
 927 ~~a.~~ all children referred as a result of a report of abuse,
 928 neglect, or abandonment to the department's central abuse
 929 hotline, including, but not limited to, children who are the
 930 subject of verified reports and children who are not the subject
 931 of verified reports but who are at moderate to extremely high
 932 risk of abuse, neglect, or abandonment, as determined using the
 933 department's risk assessment instrument, regardless of the level
 934 of funding allocated to the lead agency by the state if all
 935 related funding is transferred.

936 ~~b. Children who were adopted from the child welfare system~~
 937 ~~and whose families require postadoption supports.~~

938 2. May also serve children who have not been the subject
 939 of reports of abuse, neglect, or abandonment, but who are at
 940 risk of abuse, neglect, or abandonment, to prevent their entry
 941 into the child protection and child welfare system.

942 Section 20. Except as otherwise expressly provided in this
 943 act, this act shall take effect July 1, 2024.