

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 visitors to
9 a home in which a child is placed; requiring the
10 department to conduct a name-based check of criminal
11 history records of certain persons in specified
12 circumstances; requiring certain persons to submit
13 their fingerprints to the department or other
14 specified entities; requiring the department or such
15 entities to submit such fingerprints to the Department
16 of Law Enforcement for state processing within a
17 specified timeframe; requiring the Department of Law
18 Enforcement to forward such fingerprints to the
19 Federal Bureau of Investigation within a specified
20 timeframe; requiring a child to be immediately removed
21 from a home if certain persons fail to provide their
22 fingerprints and are not exempt from a criminal
23 history records check; creating s. 39.5035, F.S.;
24 providing procedures and requirements relating to
25 deceased parents of a dependent child; amending s.

26 | 39.522, F.S.; authorizing certain persons to remove a
27 | child from a court-ordered placement under certain
28 | circumstances; requiring the Department of Children
29 | and Families to file a specified motion, and the court
30 | to set a hearing, within specified timeframes under
31 | certain circumstances; requiring a certain
32 | determination by the court to support immediate
33 | removal of a child; authorizing the court to base its
34 | determination on certain evidence; requiring the court
35 | to enter certain orders and conduct certain hearings
36 | under certain circumstances; amending s. 39.6221,
37 | F.S.; revising a requisite condition for placing a
38 | child in a permanent guardianship; amending s.
39 | 39.6225, F.S.; revising eligibility for payments under
40 | the Guardianship Assistance Program; amending s.
41 | 39.801, F.S.; providing that service of process is not
42 | necessary under certain circumstances; amending s.
43 | 39.812, F.S.; authorizing the court to review the
44 | Department of Children and Families' 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 timeframe; authorizing a denied applicant to
49 | file a motion to review such denial within a specified
50 | timeframe; requiring the court to hold a hearing

51 within a specified timeframe; 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 timeframe; providing an exception
56 to authorize the department to remove a child from his
57 or her foster home or custodian; amending s. 63.062,
58 F.S.; conforming provisions to changes made by the
59 act; amending s. 63.093, F.S.; requiring an adoptive
60 home study to be updated every 12 months after the
61 date on which the first study was approved; requiring
62 the department to adopt certain rules; amending s.
63 409.1451, F.S.; revising the age requirements for
64 receiving postsecondary education services and
65 support; revising the requirements for receiving
66 aftercare services; amending s. 409.166, F.S.;
67 revising the age requirements for receiving adoption
68 assistance; amending s. 409.1664, F.S.; providing
69 definitions; providing certain adoption benefits to
70 health care practitioners and tax collector employees;
71 specifying methods for such persons to apply for such
72 benefits; increasing the amount of monetary adoption
73 benefits certain persons are eligible to receive;
74 amending s. 409.167, F.S.; providing requirements for
75 the statewide adoption exchange and its photo listing

76 component and description of children placed on such
 77 exchange; authorizing only certain persons to access
 78 the statewide adoption exchange; authorizing certain
 79 children to make certain requests and requiring them
 80 to be consulted on certain decisions; conforming
 81 provisions to changes made by the act; providing an
 82 effective date.

83

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

85

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

88 39.01 Definitions.—When used in this chapter, unless the
 89 context otherwise requires:

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

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

92 or

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

95 1. Five consecutive days; or

96 2. Seven days or more in 1 month.

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

99 39.0138 Criminal history and other records checks; limit
 100 on placement of a child.—

101 (1) The department shall conduct a records check through
102 the Comprehensive State Automated Child Welfare Information
103 System ~~(SACWIS)~~ and a local and statewide criminal history
104 records check on all persons, including parents, being
105 considered by the department for placement of a child under this
106 chapter, including all nonrelative placement decisions, and all
107 members of the household, 12 years of age and older, of the
108 person being considered. For purposes of this section, a
109 criminal history records check may include, but is not limited
110 to, submission of fingerprints to the Department of Law
111 Enforcement for processing and forwarding to the Federal Bureau
112 of Investigation for state and national criminal history
113 information, and local criminal records checks through local law
114 enforcement agencies of all household members 18 years of age
115 and older and other visitors 18 years of age and older to the
116 home. An out-of-state criminal history records check must be
117 initiated for any person 18 years of age or older who resided in
118 another state if that state allows the release of such records.
119 The department must complete the records check within 14
120 business days after receiving a person's criminal history
121 results, unless additional information is required to complete
122 the processing. The department shall establish by rule standards
123 for evaluating any information contained in the automated system
124 relating to a person who must be screened for purposes of making
125 a placement decision.

126 (5) (a) If a child has been sheltered pursuant to s. 39.402
 127 and must be placed in out-of-home care due to an emergency, the
 128 department must conduct a name-based check of criminal history
 129 records to ascertain if the person with whom placement of the
 130 child is being considered and any other adult household members
 131 of such person are disqualified.

132 (b) The department may place a child in ~~the~~ a home if the
 133 person with whom placement of the child is being considered and
 134 any other adult household members or visitors of the home are
 135 not disqualified by the name-based check, but, unless exempt,
 136 such persons must submit a full set of fingerprints to the
 137 department or to a vendor, an entity, or an agency authorized
 138 under s. 943.053(13). Unless exempt, within 7 calendar days
 139 after the name-based check, the department, vendor, entity, or
 140 agency must submit the fingerprints to the Department of Law
 141 Enforcement for state processing. Within 15 calendar days after
 142 the name-based check was conducted, the Department of Law
 143 Enforcement must forward the fingerprints to the Federal Bureau
 144 of Investigation for national processing ~~that otherwise meets~~
 145 placement requirements if a name check of state and local
 146 criminal history records systems does not disqualify the
 147 applicant and if the department submits fingerprints to the
 148 Department of Law Enforcement for forwarding to the Federal
 149 Bureau of Investigation and is awaiting the results of the state
 150 and national criminal history records check.

151 (c) The department shall seek a court order to immediately
 152 remove the child from the home if the person with whom the child
 153 was placed or any other adult household members or visitors of
 154 the home fail to provide their fingerprints within 15 calendar
 155 days after the name-based check is conducted and such persons
 156 are not exempt from a criminal history records check.

157 Section 3. Section 39.5035, Florida Statutes, is created
 158 to read:

159 39.5035 Deceased parents; special procedures.-

160 (1)(a)1. If both parents of a child are deceased or the
 161 last known living parent of a child is deceased and a legal
 162 custodian has not been appointed for the child through a probate
 163 or guardianship proceeding, then an attorney for the department
 164 or any other person who has knowledge of the facts alleged or is
 165 informed of the alleged facts, and believes them to be true, may
 166 initiate a proceeding by filing a petition for adjudication and
 167 permanent commitment.

168 2. If a child has been placed in shelter status by order
 169 of the court but has not yet been adjudicated, a petition for
 170 adjudication and permanent commitment must be filed within 21
 171 days after the shelter hearing. In all other cases, the petition
 172 must be filed within a reasonable time after the date the
 173 petitioner first becomes aware of the facts that support the
 174 petition for adjudication and permanent commitment.

175 (b) If both parents die or the last known living parent

176 dies after a child has already been adjudicated dependent, an
177 attorney for the department or any other person who has
178 knowledge of the facts alleged or is informed of the alleged
179 facts, and believes them to be true, may file a petition for
180 permanent commitment. The petition must be filed within a
181 reasonable time after the petitioner first becomes aware of the
182 facts that support the petition for permanent commitment.

183 (2) The petition must be:

184 (a) In writing, identify the alleged deceased parents, and
185 provide facts that establish that both parents of the child are
186 deceased or the last known living parent is deceased and that a
187 legal custodian has not been appointed for the child through a
188 probate or guardianship proceeding.

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

191 (3) When a petition for adjudication and permanent
192 commitment or a petition for permanent commitment has been
193 filed, the clerk of court must set the case before the court for
194 an adjudicatory hearing. The adjudicatory hearing must be held
195 as soon as practicable after the petition is filed, but no later
196 than 30 days after the filing date.

197 (4) Notice of the date, time, and place of the
198 adjudicatory hearing and a copy of the petition must be served
199 on the following persons:

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

201 (b) A living relative of each parent of the child, unless
202 a living relative cannot be found after a diligent search or
203 inquiry.

204 (c) The guardian ad litem for the child or the
205 representative of the guardian ad litem program, if the program
206 has been appointed.

207 (5) The court shall conduct adjudicatory hearings without
208 a jury and apply the rules of evidence in use in civil cases,
209 adjourning the hearings as necessary. The court must determine
210 whether the petitioner has established by clear and convincing
211 evidence that both parents of the child are deceased, or that
212 the last known living parent is deceased and the other parent
213 cannot be found after a diligent search or inquiry, and that a
214 legal custodian has not been appointed for the child through a
215 probate or guardianship proceeding. A certified copy of the
216 death certificate for each parent is sufficient evidence of the
217 parents' deaths.

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

220 (a) If the court finds that the petitioner has met the
221 clear and convincing standard, the court must enter a written
222 order adjudicating the child dependent and permanently
223 committing the child to the custody of the department for the
224 purpose of adoption. A disposition hearing must be scheduled no
225 later than 30 days after the entry of the order, in which the

226 department must provide a case plan that identifies the
227 permanency goal for the child to the court. Reasonable efforts
228 must be made to place the child in a timely manner in accordance
229 with the permanency plan and to complete all steps necessary to
230 finalize the permanent placement of the child. Thereafter, until
231 the adoption of the child is finalized or the child reaches the
232 age of 18 years, whichever occurs first, the court must hold
233 hearings every 6 months to review the progress being made toward
234 permanency for the child.

235 (b) If the court finds that clear and convincing evidence
236 does not establish that both parents of a child are deceased, or
237 that the last known living parent is deceased and the other
238 parent cannot be found after a diligent search or inquiry, and
239 that a legal custodian has not been appointed for the child
240 through a probate or guardianship proceeding, but that a
241 preponderance of the evidence establishes that the child does
242 not have a parent or legal custodian capable of providing
243 supervision or care, the court must enter a written order
244 adjudicating the child dependent. A disposition hearing must be
245 scheduled no later than 30 days after the entry of the order as
246 provided in s. 39.521.

247 (c) If the court finds that the petitioner has not met the
248 clear and convincing standard and that a preponderance of the
249 evidence does not establish that the child does not have a
250 parent or legal custodian capable of providing supervision or

251 care, the court must enter a written order so finding and
252 dismiss the petition.

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

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

269 (b) If the court finds that clear and convincing evidence
270 does not establish that both parents of a child are deceased or
271 that the last known living parent is deceased and the other
272 parent cannot be found after a diligent search or inquiry, the
273 court must enter a written order denying the petition. The order
274 has no effect on the child's prior adjudication. The order does
275 not bar the petitioner from filing a subsequent petition for

276 permanent commitment based on newly discovered evidence that
277 establishes that both parents of a child are deceased, or that
278 the last known living parent is deceased, and that a legal
279 custodian has not been appointed for the child through a probate
280 or guardianship proceeding.

281 Section 4. Subsection (7) is added to section 39.522,
282 Florida Statutes, to read:

283 39.522 Postdisposition change of custody.—

284 (7) Notwithstanding any other provision of this section, a
285 child's case manager, an authorized agent of the department, or
286 a law enforcement officer may, at any time, remove a child from
287 a court-ordered placement and take the child into custody if the
288 court-ordered caregiver of the child requests immediate removal
289 of the child from the home. Additionally, an authorized agent of
290 the department or a law enforcement officer may, at any time,
291 remove a child from a court-ordered placement and take the child
292 into custody if there is probable cause as required under s.
293 39.401(1)(b).

294 (a) If, at the time of the removal, the child was not
295 placed in licensed care in the department's custody, the
296 department must file a motion to modify placement within 1
297 business day after the child is taken into custody. The court
298 must then set a hearing within 24 hours after the motion is
299 filed unless all of the parties and the current caregiver agree
300 to the change of placement. At the hearing, the court must

301 determine if the department has established probable cause to
302 support the immediate removal of the child from his or her
303 current placement. The court may base its determination on a
304 sworn petition or affidavit or on testimony and may hear all
305 relevant and material evidence, including oral or written
306 reports, to the extent of their probative value, even if such
307 evidence would not be competent evidence at an adjudicatory
308 hearing.

309 (b) If the court finds that the department did not
310 establish probable cause to support the removal of the child
311 from his or her current placement, the court must enter an order
312 that the child be returned to such placement. An order by the
313 court to return the child to his or her current placement does
314 not preclude a party from filing a subsequent motion pursuant to
315 subsection (2).

316 (c) If the current caregiver admits that a change of
317 placement is needed or the department establishes probable cause
318 to support removal of the child, the court must enter an order
319 changing the placement of the child. The new placement for the
320 child must meet the home study criteria in this chapter if the
321 child is not placed in foster care.

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

326 Section 5. Paragraph (a) of subsection (1) of section
 327 39.6221, Florida Statutes, is amended to read:

328 39.6221 Permanent guardianship of a dependent child.—

329 (1) If a court determines that reunification or adoption
 330 is not in the best interest of the child, the court may place
 331 the child in a permanent guardianship with a relative or other
 332 adult approved by the court if all of the following conditions
 333 are met:

334 (a) The child has been in the placement for not less than
 335 the preceding 6 months, or the preceding 3 months if the
 336 caregiver is already known by the child and such caregiver has
 337 been named as the successor guardian on the child's guardianship
 338 assistance agreement.

339 Section 6. Subsection (9) of section 39.6225, Florida
 340 Statutes, is amended to read:

341 39.6225 Guardianship Assistance Program.—

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

347 (a) Completing secondary education or a program leading to
 348 an equivalent credential;

349 (b) Enrolled in an institution that provides postsecondary
 350 or vocational education;

- 351 (c) Participating in a program or activity designed to
 352 promote or eliminate barriers to employment;
- 353 (d) Employed for at least 80 hours per month; or
- 354 (e) Unable to participate in programs or activities listed
 355 in paragraphs (a)-(d) full time due to a physical, intellectual,
 356 emotional, or psychiatric condition that limits participation.
 357 Any such barrier to participation must be supported by
 358 documentation in the child's case file or school or medical
 359 records of a physical, intellectual, emotional, or psychiatric
 360 condition that impairs the child's ability to perform one or
 361 more life activities.

362 Section 7. Paragraph (d) of subsection (3) of section
 363 39.801, Florida Statutes, is redesignated as paragraph (e), and
 364 a new paragraph (d) is added to that subsection to read:

365 39.801 Procedures and jurisdiction; notice; service of
 366 process.—

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

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

374 Section 8. Subsections (4), (5), and (6) of section
 375 39.812, Florida Statutes, are amended to read:

376 39.812 Postdisposition relief; petition for adoption.—

377 (4) The court shall retain jurisdiction over any child
378 placed in the custody of the department until the child is
379 adopted. After custody of a child for subsequent adoption has
380 been given to the department, the court has jurisdiction for the
381 purpose of reviewing the status of the child and the progress
382 being made toward permanent adoptive placement. As part of this
383 continuing jurisdiction, ~~for good cause shown by the guardian ad~~
384 ~~litem for the child,~~ the court may:

385 (a) Review the appropriateness of the adoptive placement
386 of the child if good cause is shown by the guardian ad litem for
387 the child.

388 (b) Review the department's denial of an application to
389 adopt a child. The department's decision to deny an application
390 to adopt a child is only reviewable under this section and is
391 not subject to chapter 120.

392 1. If the department denies an application to adopt a
393 child, the department must file written notification of the
394 denial with the court and provide copies to all parties within
395 10 business days after the department's decision.

396 2. A denied applicant may file a motion to have the court
397 review the department's denial within 30 business days after the
398 issuance of the department's written notification of its
399 decision to deny the application to adopt a child. The motion to
400 review must allege that the department unreasonably denied the

401 application to adopt and request that the court allow the denied
402 applicant to file a petition to adopt the child under chapter 63
403 without the department's consent.

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

408 4. The court shall hold a hearing within 30 business days
409 after the denied applicant files the motion to review. The court
410 may only consider whether the department's denial of the
411 application is consistent with its policies and if the
412 department made such decision in an expeditious manner. The
413 standard of review is whether the department's denial of the
414 application is an abuse of discretion.

415 5. If the department selected a different applicant to
416 adopt the child, the selected applicant may participate in the
417 hearing as a participant, as defined in s. 39.01, and may be
418 granted leave by the court to be heard without the need to file
419 a motion to intervene.

420 6. Within 15 business days after the conclusion of the
421 hearing, the court must enter a written order denying the motion
422 to review or finding that the department unreasonably denied the
423 application to adopt and authorizing the denied applicant to
424 file a petition to adopt the child under chapter 63 without the
425 department's consent.

426 (5) When a licensed foster parent or court-ordered
427 custodian has applied to adopt a child who has resided with the
428 foster parent or custodian for at least 6 months and who has
429 previously been permanently committed to the legal custody of
430 the department and the department does not grant the application
431 to adopt, the department may not, in the absence of a prior
432 court order authorizing it to do so, remove the child from the
433 foster home or custodian, except when:

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

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

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

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

445 (6)-(5) The petition for adoption must be filed in the
446 division of the circuit court which entered the judgment
447 terminating parental rights, unless a motion for change of venue
448 is granted pursuant to s. 47.122. A copy of the consent to
449 adoption executed by the department must be attached to the
450 petition, unless such consent is waived under ~~pursuant to~~ s.

451 63.062(7). The petition must be accompanied by a statement,
 452 signed by the prospective adoptive parents, acknowledging
 453 receipt of all information required to be disclosed under s.
 454 63.085 and a form provided by the department which details the
 455 social and medical history of the child and each parent and
 456 includes the social security number and date of birth for each
 457 parent, if such information is available or readily obtainable.
 458 The prospective adoptive parents may not file a petition for
 459 adoption until the judgment terminating parental rights becomes
 460 final. An adoption proceeding under this subsection is governed
 461 by chapter 63.

462 (7) (a) ~~(6) (a)~~ Once a child's adoption is finalized, the
 463 community-based care lead agency must make a reasonable effort
 464 to contact the adoptive family by telephone 1 year after the
 465 date of finalization of the adoption as a postadoption service.
 466 For purposes of this subsection, the term "reasonable effort"
 467 means the exercise of reasonable diligence and care by the
 468 community-based care lead agency to make contact with the
 469 adoptive family. At a minimum, the agency must document all of
 470 the following:

471 1. The number of attempts made by the community-based care
 472 lead agency to contact the adoptive family and whether those
 473 attempts were successful. †

474 2. The types of postadoption services that were requested
 475 by the adoptive family and whether those services were provided

476 by the community-based care lead agency.~~;~~ and

477 3. Any feedback received by the community-based care lead
478 agency from the adoptive family relating to the quality or
479 effectiveness of the services provided.

480 (b) The community-based care lead agency must report
481 annually to the department on the outcomes achieved and
482 recommendations for improvement under this subsection.

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

485 63.062 Persons required to consent to adoption; affidavit
486 of nonpaternity; waiver of venue.—

487 (7) If parental rights to the minor have previously been
488 terminated, the adoption entity with which the minor has been
489 placed for subsequent adoption may provide consent to the
490 adoption. In such case, no other consent is required. If the
491 minor has been permanently committed to the department for
492 subsequent adoption, the department must consent to the adoption
493 or the court order finding that the department unreasonably
494 denied the application to adopt entered under s. 39.812(4) must
495 be attached to the petition to adopt, and ~~The consent of the~~
496 ~~department shall be waived upon a determination by the court~~
497 ~~that such consent is being unreasonably withheld and if the~~
498 petitioner must file ~~has filed~~ with the court a favorable
499 preliminary adoptive home study as required under s. 63.092.

500 Section 10. Subsections (4) and (5) of section 63.093,

501 Florida Statutes, are amended, and subsection (6) is added to
 502 that section, to read:

503 63.093 Adoption of children from the child welfare
 504 system.—

505 (4) Before a child is placed in an adoptive home, the
 506 community-based care lead agency or its subcontracted agency
 507 must complete an adoptive home study of a prospective adoptive
 508 parent that includes observation, screening, and evaluation of
 509 the child and the prospective adoptive parent. An adoptive home
 510 study must be updated every ~~is valid for~~ 12 months after the
 511 date on which the first study was approved. If the child was
 512 placed before the termination of parental rights, the updated
 513 placement or licensing home study may serve as the adoption home
 514 study. In addition, the community-based care lead agency or its
 515 subcontracted agency must complete a preparation process, as
 516 established by department rule, with the prospective adoptive
 517 parent.

518 (5) At the conclusion of the adoptive home study and
 519 preparation process, a decision must ~~shall~~ be made about the
 520 prospective adoptive parent's appropriateness to adopt. This
 521 decision must ~~shall~~ be reflected in the final recommendation
 522 included in the adoptive home study. If the recommendation is
 523 for approval, the adoptive parent application file must be
 524 submitted to the community-based care lead agency or its
 525 subcontracted agency for approval. The community-based care lead

526 agency or its subcontracted agency must approve or deny the home
 527 study within 14 business days after receipt of the
 528 recommendation.

529 (6) The department shall adopt rules to eliminate
 530 duplicative practices and delays in the adoption home study
 531 process for a member of a uniformed service on active duty
 532 seeking to adopt in the state, including, but not limited to,
 533 providing a credit for adoption classes that have been taken in
 534 another state which substantially cover the preservice training
 535 required under s. 409.175(14)(b).

536
 537 Notwithstanding subsections (1) and (2), this section does not
 538 apply to a child adopted through the process provided in s.
 539 63.082(6).

540 Section 11. Paragraph (a) of subsection (2) and paragraph
 541 (a) of subsection (3) of section 409.1451, Florida Statutes, are
 542 amended to read:

543 409.1451 The Road-to-Independence Program.—

544 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

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

547 1. Was living in licensed care on his or her 18th birthday
 548 or is currently living in licensed care; or was at least 14 ~~16~~
 549 years of age and was adopted from foster care or placed with a
 550 court-approved dependency guardian after spending at least 6

- 551 months in licensed care within the 12 months immediately
552 preceding such placement or adoption;
- 553 2. Spent at least 6 months in licensed care before
554 reaching his or her 18th birthday;
- 555 3. Earned a standard high school diploma pursuant to s.
556 1002.3105(5), s. 1003.4281, or s. 1003.4282, or its equivalent
557 pursuant to s. 1003.435;
- 558 4. Has been admitted for enrollment as a full-time student
559 or its equivalent in an eligible postsecondary educational
560 institution as provided in s. 1009.533. For purposes of this
561 section, the term "full-time" means 9 credit hours or the
562 vocational school equivalent. A student may enroll part-time if
563 he or she has a recognized disability or is faced with another
564 challenge or circumstance that would prevent full-time
565 attendance. A student needing to enroll part-time for any reason
566 other than having a recognized disability must get approval from
567 his or her academic advisor;
- 568 5. Has reached 18 years of age but is not yet 23 years of
569 age;
- 570 6. Has applied, with assistance from the young adult's
571 caregiver and the community-based lead agency, for any other
572 grants and scholarships for which he or she may qualify;
- 573 7. Submitted a Free Application for Federal Student Aid
574 which is complete and error free; and
- 575 8. Signed an agreement to allow the department and the

576 community-based care lead agency access to school records.

577 (3) AFTERCARE SERVICES.—

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

581 a. Not in foster care.

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

584 c. Eligible for the Extended Guardianship Assistance
585 Program under s. 39.6225(9) or the extended adoption assistance
586 program under s. 409.166(4), but is not participating in either
587 program.

588 2. Subject to available funding, aftercare services as
589 specified in subparagraph (b)8. are also available to a young
590 adult who is between the ages of 18 and 22, is receiving
591 financial assistance under subsection (2), is experiencing an
592 emergency situation, and whose resources are insufficient to
593 meet the emergency situation. Such assistance shall be in
594 addition to any amount specified in paragraph (2)(b).

595 Section 12. Paragraph (d) of subsection (4) of section
596 409.166, Florida Statutes, is amended to read:

597 409.166 Children within the child welfare system; adoption
598 assistance program.—

599 (4) ADOPTION ASSISTANCE.—

600 (d) Effective January 1, 2019, adoption assistance

601 payments may be made for a child whose adoptive parent entered
 602 into an initial adoption assistance agreement after the child
 603 reached 14 ~~16~~ years of age but before the child reached 18 years
 604 of age. Such payments may be made until the child reaches age 21
 605 if the child is:

606 1. Completing secondary education or a program leading to
 607 an equivalent credential;

608 2. Enrolled in an institution that provides postsecondary
 609 or vocational education;

610 3. Participating in a program or activity designed to
 611 promote or eliminate barriers to employment;

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

613 5. Unable to participate in programs or activities listed
 614 in subparagraphs 1.-4. full time due to a physical, an
 615 intellectual, an emotional, or a psychiatric condition that
 616 limits participation. Any such barrier to participation must be
 617 supported by documentation in the child's case file or school or
 618 medical records of a physical, an intellectual, an emotional, or
 619 a psychiatric condition that impairs the child's ability to
 620 perform one or more life activities.

621 Section 13. Section 409.1664, Florida Statutes, is amended
 622 to read:

623 409.1664 Adoption benefits for qualifying adoptive
 624 employees of state agencies, veterans, servicemembers, ~~and~~ law
 625 enforcement officers, health care practitioners, and tax

626 collector employees.—

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

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

630 (b) "Health care practitioner" means a person listed in s.
631 456.001(4) who holds an active license from the Department of
632 Health and whose gross income does not exceed \$150,000 per year.

633 (c)-(b) "Law enforcement officer" has the same meaning as
634 provided in s. 943.10(1).

635 (d)-(e) "Qualifying adoptive employee" means a full-time or
636 part-time employee of a state agency, a charter school
637 established under s. 1002.33, or the Florida Virtual School
638 established under s. 1002.37, who is not an independent
639 contractor and who adopts a child within the child welfare
640 system pursuant to chapter 63 on or after July 1, 2015. The term
641 includes instructional personnel, as defined in s. 1012.01, who
642 are employed by the Florida School for the Deaf and the Blind,
643 and includes other-personal-services employees who have been
644 continuously employed full time or part time by a state agency
645 for at least 1 year.

646 (e)-(d) "Servicemember" has the same meaning as in s.
647 250.01(19).

648 (f)-(e) "State agency" means a branch, department, or
649 agency of state government for which the Chief Financial Officer
650 processes payroll requisitions, a state university or Florida

651 College System institution as defined in s. 1000.21, a school
 652 district unit as defined in s. 1001.30, or a water management
 653 district as defined in s. 373.019.

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

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

657 (2) A qualifying adoptive employee, veteran, law
 658 enforcement officer, health care practitioner, tax collector
 659 employee, or servicemember who adopts a child within the child
 660 welfare system who is difficult to place as described in s.
 661 409.166(2) (d)2. is eligible to receive a lump-sum monetary
 662 benefit in the amount of \$25,000 ~~\$10,000~~ per such child, subject
 663 to applicable taxes. ~~A law enforcement officer who adopts a~~
 664 ~~child within the child welfare system who is difficult to place~~
 665 ~~as described in s. 409.166(2) (d)2. is eligible to receive a~~
 666 ~~lump-sum monetary benefit in the amount of \$25,000 per such~~
 667 ~~child, subject to applicable taxes.~~ A qualifying adoptive
 668 employee, veteran, law enforcement officer, health care
 669 practitioner, tax collector employee, or servicemember who
 670 adopts a child within the child welfare system who is not
 671 difficult to place as described in s. 409.166(2) (d)2. is
 672 eligible to receive a lump-sum monetary benefit in the amount of
 673 \$10,000 ~~\$5,000~~ per such child, subject to applicable taxes. A
 674 ~~law enforcement officer who adopts a child within the child~~
 675 ~~welfare system who is not difficult to place as described in s.~~

676 ~~409.166(2)(d)2. is eligible to receive a lump-sum monetary~~
677 ~~benefit in the amount of \$10,000 per each such child, subject to~~
678 ~~applicable taxes.~~ A qualifying adoptive employee of a charter
679 school or the Florida Virtual School may retroactively apply for
680 the monetary benefit provided in this subsection if such
681 employee was employed by a charter school or the Florida Virtual
682 School when he or she adopted a child within the child welfare
683 system pursuant to chapter 63 on or after July 1, 2015. A
684 veteran or servicemember may apply for the monetary benefit
685 provided in this subsection if he or she is domiciled in this
686 state and adopts a child within the child welfare system
687 pursuant to chapter 63 on or after July 1, 2020. A law
688 enforcement officer may apply for the monetary benefit provided
689 in this subsection if he or she is domiciled in this state and
690 adopts a child within the child welfare system pursuant to
691 chapter 63 on or after July 1, 2022. A health care practitioner
692 or tax collector employee may apply for the monetary benefit
693 provided in this subsection if he or she is domiciled in this
694 state and adopts a child within the child welfare system
695 pursuant to chapter 63 on or after July 1, 2024.

696 (a) Benefits paid to a qualifying adoptive employee who is
697 a part-time employee must be prorated based on the qualifying
698 adoptive employee's full-time equivalency at the time of
699 applying for the benefits.

700 (b) Monetary benefits awarded under this subsection are

701 | limited to one award per adopted child within the child welfare
 702 | system.

703 | (c) The payment of a lump-sum monetary benefit for
 704 | adopting a child within the child welfare system under this
 705 | section is subject to a specific appropriation to the department
 706 | for such purpose.

707 | (3) A qualifying adoptive employee must apply to his or
 708 | her agency head, or to his or her school director in the case of
 709 | a qualifying adoptive employee of a charter school or the
 710 | Florida Virtual School, to obtain the monetary benefit provided
 711 | in subsection (2). A veteran, ~~or servicemember,~~ or tax collector
 712 | employee must apply to the department to obtain the benefit. A
 713 | law enforcement officer must apply to the Department of Law
 714 | Enforcement to obtain the benefit. A health care practitioner
 715 | must apply to the Department of Health to obtain the benefit.
 716 | Applications must be on forms approved by the department and
 717 | must include a certified copy of the final order of adoption
 718 | naming the applicant as the adoptive parent. Monetary benefits
 719 | shall be approved on a first-come, first-served basis based upon
 720 | the date that each fully completed application is received by
 721 | the department.

722 | (4) This section does not preclude a qualifying adoptive
 723 | employee, veteran, servicemember, health care practitioner, tax
 724 | collector employee, or law enforcement officer from receiving
 725 | adoption assistance for which he or she may qualify under s.

726 409.166 or any other statute that provides financial incentives
727 for the adoption of children.

728 (5) Parental leave for a qualifying adoptive employee must
729 be provided in accordance with the personnel policies and
730 procedures of his or her employer.

731 (6) The department may adopt rules to administer this
732 section. The rules may provide for an application process such
733 as, but not limited to, an open enrollment period during which
734 qualifying adoptive employees, veterans, servicemembers, health
735 care practitioners, tax collector employees, or law enforcement
736 officers may apply for monetary benefits under this section.

737 (7) The Chief Financial Officer shall disburse a monetary
738 benefit to a qualifying adoptive employee upon the department's
739 submission of a payroll requisition. The Chief Financial Officer
740 shall transfer funds from the department to a state university,
741 a Florida College System institution, a school district unit, a
742 charter school, the Florida Virtual School, or a water
743 management district, as appropriate, to enable payment to the
744 qualifying adoptive employee through the payroll systems as long
745 as funds are available for such purpose.

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

749 (9) Each state agency shall develop a uniform procedure
750 for informing employees about this benefit and for assisting the

751 department in making eligibility determinations and processing
 752 applications. Any procedure adopted by a state agency is valid
 753 and enforceable if the procedure does not conflict with the
 754 express terms of this section.

755 Section 14. Subsections (1) through (4) of section
 756 409.167, Florida Statutes, are amended to read:

757 409.167 Statewide adoption exchange; establishment;
 758 responsibilities; registration requirements; rules.—

759 (1) The Department of Children and Families shall
 760 establish, either directly or through purchase, a statewide
 761 adoption exchange, with a photo listing component, which serves
 762 ~~shall serve~~ all authorized licensed child-placing agencies in
 763 the state as a means of recruiting adoptive families for
 764 children who have been legally freed for adoption and who have
 765 been permanently placed with the department or a licensed child-
 766 placing agency. The statewide adoption exchange must ~~shall~~
 767 provide, in accordance with rules adopted by the department, a
 768 description and photo listing component of each child
 769 ~~descriptions and photographs of such children,~~ as well as any
 770 other information deemed useful in the recruitment of adoptive
 771 families for each child. The photo listing component of the
 772 statewide adoption exchange must be updated monthly and may not
 773 be accessible to the public, except to persons who have
 774 completed or are in the process of completing an adoption home
 775 study.

776 (2) (a) Each district of the department shall refer each
777 child in its care who has been legally freed for adoption to the
778 statewide adoption exchange no later than 30 days after the date
779 of acceptance by the department for permanent placement. The
780 referral must be accompanied by a photo listing component
781 ~~photograph~~ and description of the child. Any child who is 12
782 years of age or older may request that a specific photo be used
783 for that child's photo listing component and such child must be
784 consulted during the development of his or her description.

785 (b) The department shall establish criteria by which a
786 district may determine that a child need not be registered with
787 the statewide adoption exchange. Within 30 days after the date
788 of acceptance by the department for permanent placement, the
789 name of the child accepted for permanent placement must be
790 forwarded to the statewide adoption exchange by the district
791 together with reference to the specific reason why the child
792 should not be placed on the statewide adoption exchange. If the
793 child has not been placed for adoption within 3 months after the
794 date of acceptance by the department for permanent placement,
795 the district must ~~shall~~ provide the statewide adoption exchange
796 with the necessary photograph and information for registration
797 of the child with the statewide adoption exchange and the child
798 must ~~shall~~ be placed on the statewide adoption exchange. The
799 department shall establish procedures for monitoring the status
800 of children who are not placed on the statewide adoption

801 exchange within 30 days after the date of acceptance by the
 802 department for permanent placement.

803 (3) In accordance with rules established by the
 804 department, the statewide adoption exchange may accept, from
 805 licensed child-placing agencies, information pertaining to
 806 children meeting the criteria of this section, and to
 807 prospective adoptive families, for registration with the
 808 statewide adoption exchange.

809 (4) For purposes of facilitating family-matching between
 810 children and prospective adoptive parents, the statewide
 811 adoption exchange must ~~shall~~ provide the photo listing component
 812 ~~service~~ to all licensed child-placing agencies and, in
 813 accordance with rules adopted ~~established~~ by the department, to
 814 all appropriate citizen groups and other organizations and
 815 associations interested in children's services. The photo
 816 listing component of the statewide adoption exchange may not be
 817 accessible to the public, except to persons who have completed
 818 or are in the process of completing an adoption home study.

819 Section 15. This act shall take effect July 1, 2024.