

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

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

51 | timeframe; requiring the court to hold a hearing
52 | within a specified timeframe; providing standing to
53 | certain persons; authorizing certain persons to
54 | participate in the hearing under certain
55 | circumstances; requiring the court to enter an order
56 | within a specified timeframe; providing an exception
57 | to authorize the department to remove a child from his
58 | or her foster home or custodian; amending s. 63.062,
59 | F.S.; conforming provisions to changes made by the
60 | act; amending s. 63.093, F.S.; requiring an adoptive
61 | home study to be updated every 12 months after the
62 | date on which the first study was approved; requiring
63 | the department to adopt certain rules; amending s.
64 | 63.097, F.S.; requiring the court to issue a specified
65 | order under certain circumstances; prohibiting certain
66 | fees; requiring an adoption entity, beginning on a
67 | specified date, to quarterly report certain
68 | information to the department; requiring certain
69 | information to be itemized by certain categories;
70 | providing that confidentiality provisions do not apply
71 | to certain information; requiring an adoption entity
72 | to redact certain confidential identifying
73 | information; requiring the department to quarterly
74 | report certain information on its website; requiring
75 | the department to adopt rules; amending s. 63.132,

76 F.S.; requiring certain orders to contain a written
77 determination of reasonableness; conforming a
78 provision to changes made by the act; amending s.
79 63.212, F.S.; providing applicability; requiring a
80 specified statement to be included in certain
81 advertisements; amending s. 409.1451, F.S.; revising
82 the age requirements for receiving postsecondary
83 education services and support; revising the
84 requirements for receiving aftercare services;
85 amending s. 409.166, F.S.; revising the age
86 requirements for receiving adoption assistance;
87 amending s. 409.1664, F.S.; providing definitions;
88 providing certain adoption benefits to health care
89 practitioners and tax collector employees; specifying
90 methods for such persons to apply for such benefits;
91 increasing the amount of monetary adoption benefits
92 certain persons are eligible to receive; amending s.
93 409.167, F.S.; providing requirements for the
94 statewide adoption exchange and its photo listing
95 component and description of children placed on such
96 exchange; authorizing only certain persons to access
97 the statewide adoption exchange; authorizing certain
98 children to make certain requests and requiring them
99 to be consulted on certain decisions; conforming
100 provisions to changes made by the act; providing an

101 effective date.

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 visitors 18 years of age and older to the
135 home. An out-of-state criminal history records check must be
136 initiated for any person 18 years of age or older who resided in
137 another state if that state allows the release of such records.
138 The department must complete the records check within 14
139 business days after receiving a person's criminal history
140 results, unless additional information is required to complete
141 the processing. The department shall establish by rule standards
142 for evaluating any information contained in the automated system
143 relating to a person who must be screened for purposes of making
144 a placement decision.

145 (5)(a) If a child has been sheltered pursuant to s. 39.402
146 and the department must arrange an emergency placement in out-
147 of-home care for the child, the department must conduct a name-
148 based check of criminal history records to ascertain if the
149 person with whom placement of the child is being considered and
150 any other adult household members of such person are

151 disqualified. For purposes of this paragraph, the term
152 "emergency placement" means the department is placing a child in
153 the home of a private individual, including a neighbor, friend,
154 or relative, as a result of an immediate removal pursuant to s.
155 39.402.

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

175 (c) The department shall seek a court order to immediately

176 remove the child from the home if the person with whom the child
 177 was placed or any other adult household members or visitors of
 178 the home fail to provide their fingerprints within 15 calendar
 179 days after the name-based check is conducted and such persons
 180 are not exempt from a criminal history records check.

181 Section 3. Section 39.5035, Florida Statutes, is created
 182 to read:

183 39.5035 Deceased parents; special procedures.-

184 (1) (a) 1. If both parents of a child are deceased or the
 185 last known living parent of a child is deceased and a legal
 186 custodian has not been appointed for the child through a probate
 187 or guardianship proceeding, then an attorney for the department
 188 or any other person who has knowledge of the facts alleged or is
 189 informed of the alleged facts, and believes them to be true, may
 190 initiate a proceeding by filing a petition for adjudication and
 191 permanent commitment.

192 2. If a child has been placed in shelter status by order
 193 of the court but has not yet been adjudicated, a petition for
 194 adjudication and permanent commitment must be filed within 21
 195 days after the shelter hearing. In all other cases, the petition
 196 must be filed within a reasonable time after the date the
 197 petitioner first becomes aware of the facts that support the
 198 petition for adjudication and permanent commitment.

199 (b) If both parents die or the last known living parent
 200 dies after a child has already been adjudicated dependent, an

201 attorney for the department or any other person who has
 202 knowledge of the facts alleged or is informed of the alleged
 203 facts, and believes them to be true, may file a petition for
 204 permanent commitment. The petition must be filed within a
 205 reasonable time after the petitioner first becomes aware of the
 206 facts that support the petition for permanent commitment.

207 (2) The petition must be:

208 (a) In writing, identify the alleged deceased parents, and
 209 provide facts that establish that both parents of the child are
 210 deceased or the last known living parent is deceased and that a
 211 legal custodian has not been appointed for the child through a
 212 probate or guardianship proceeding.

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

215 (3) When a petition for adjudication and permanent
 216 commitment or a petition for permanent commitment has been
 217 filed, the clerk of court must set the case before the court for
 218 an adjudicatory hearing. The adjudicatory hearing must be held
 219 as soon as practicable after the petition is filed, but no later
 220 than 30 days after the filing date.

221 (4) Notice of the date, time, and place of the
 222 adjudicatory hearing and a copy of the petition must be served
 223 on the following persons:

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

225 (b) A living relative of each parent of the child, unless

226 a living relative cannot be found after a diligent search or
227 inquiry.

228 (c) The guardian ad litem for the child or the
229 representative of the guardian ad litem program, if the program
230 has been appointed.

231 (5) The court shall conduct adjudicatory hearings without
232 a jury and apply the rules of evidence in use in civil cases,
233 adjourning the hearings as necessary. The court must determine
234 whether the petitioner has established by clear and convincing
235 evidence that both parents of the child are deceased, or that
236 the last known living parent is deceased and the other parent
237 cannot be found after a diligent search or inquiry, and that a
238 legal custodian has not been appointed for the child through a
239 probate or guardianship proceeding. A certified copy of the
240 death certificate for each parent is sufficient evidence of the
241 parents' deaths.

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

244 (a) If the court finds that the petitioner has met the
245 clear and convincing standard, the court must enter a written
246 order adjudicating the child dependent and permanently
247 committing the child to the custody of the department for the
248 purpose of adoption. A disposition hearing must be scheduled no
249 later than 30 days after the entry of the order, in which the
250 department must provide a case plan that identifies the

251 permanency goal for the child to the court. Reasonable efforts
252 must be made to place the child in a timely manner in accordance
253 with the permanency plan and to complete all steps necessary to
254 finalize the permanent placement of the child. Thereafter, until
255 the adoption of the child is finalized or the child reaches the
256 age of 18 years, whichever occurs first, the court must hold
257 hearings every 6 months to review the progress being made toward
258 permanency for the child.

259 (b) If the court finds that clear and convincing evidence
260 does not establish that both parents of a child are deceased, or
261 that the last known living parent is deceased and the other
262 parent cannot be found after a diligent search or inquiry, and
263 that a legal custodian has not been appointed for the child
264 through a probate or guardianship proceeding, but that a
265 preponderance of the evidence establishes that the child does
266 not have a parent or legal custodian capable of providing
267 supervision or care, the court must enter a written order
268 adjudicating the child dependent. A disposition hearing must be
269 scheduled no later than 30 days after the entry of the order as
270 provided in s. 39.521.

271 (c) If the court finds that the petitioner has not met the
272 clear and convincing standard and that a preponderance of the
273 evidence does not establish that the child does not have a
274 parent or legal custodian capable of providing supervision or
275 care, the court must enter a written order so finding and

276 dismiss the petition.

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

279 (a) If the court finds that the petitioner has met the
280 clear and convincing standard, the court must enter a written
281 order permanently committing the child to the custody of the
282 department for purposes of adoption. A disposition hearing must
283 be scheduled no later than 30 days after the entry of the order,
284 in which the department must provide an amended case plan that
285 identifies the permanency goal for the child to the court.
286 Reasonable efforts must be made to place the child in a timely
287 manner in accordance with the permanency plan and to complete
288 all steps necessary to finalize the permanent placement of the
289 child. Thereafter, until the adoption of the child is finalized
290 or the child reaches the age of 18 years, whichever occurs
291 first, the court must hold hearings every 6 months to review the
292 progress being made toward permanency for the child.

293 (b) If the court finds that clear and convincing evidence
294 does not establish that both parents of a child are deceased or
295 that the last known living parent is deceased and the other
296 parent cannot be found after a diligent search or inquiry, the
297 court must enter a written order denying the petition. The order
298 has no effect on the child's prior adjudication. The order does
299 not bar the petitioner from filing a subsequent petition for
300 permanent commitment based on newly discovered evidence that

301 establishes that both parents of a child are deceased, or that
302 the last known living parent is deceased, and that a legal
303 custodian has not been appointed for the child through a probate
304 or guardianship proceeding.

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

307 39.522 Postdisposition change of custody.—

308 (7) Notwithstanding any other provision of this section, a
309 child's case manager, an authorized agent of the department, or
310 a law enforcement officer may, at any time, remove a child from
311 a court-ordered placement and take the child into custody if the
312 court-ordered caregiver of the child requests immediate removal
313 of the child from the home. Additionally, an authorized agent of
314 the department or a law enforcement officer may, at any time,
315 remove a child from a court-ordered placement and take the child
316 into custody if there is probable cause as required under s.
317 39.401(1)(b).

318 (a) If, at the time of the removal, the child was not
319 placed in licensed care in the department's custody, the
320 department must file a motion to modify placement within 1
321 business day after the child is taken into custody. The court
322 must then set a hearing within 24 hours after the motion is
323 filed unless all of the parties and the current caregiver agree
324 to the change of placement. At the hearing, the court must
325 determine if the department has established probable cause to

326 support the immediate removal of the child from his or her
327 current placement. The court may base its determination on a
328 sworn petition or affidavit or on testimony and may hear all
329 relevant and material evidence, including oral or written
330 reports, to the extent of their probative value, even if such
331 evidence would not be competent evidence at an adjudicatory
332 hearing.

333 (b) If the court finds that the department did not
334 establish probable cause to support the removal of the child
335 from his or her current placement, the court must enter an order
336 that the child be returned to such placement. An order by the
337 court to return the child to his or her current placement does
338 not preclude a party from filing a subsequent motion pursuant to
339 subsection (2).

340 (c) If the current caregiver admits that a change of
341 placement is needed or the department establishes probable cause
342 to support removal of the child, the court must enter an order
343 changing the placement of the child. The new placement for the
344 child must meet the home study criteria in this chapter if the
345 child is not placed in foster care.

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

350 Section 5. Paragraph (a) of subsection (1) of section

351 39.6221, Florida Statutes, is amended to read:

352 39.6221 Permanent guardianship of a dependent child.—

353 (1) If a court determines that reunification or adoption
 354 is not in the best interest of the child, the court may place
 355 the child in a permanent guardianship with a relative or other
 356 adult approved by the court if all of the following conditions
 357 are met:

358 (a) The child has been in the placement for not less than
 359 the preceding 6 months, or the preceding 3 months if the
 360 caregiver is already known by the child and such caregiver has
 361 been named as the successor guardian on the child's guardianship
 362 assistance agreement.

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

365 39.6225 Guardianship Assistance Program.—

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

371 (a) Completing secondary education or a program leading to
 372 an equivalent credential;

373 (b) Enrolled in an institution that provides postsecondary
 374 or vocational education;

375 (c) Participating in a program or activity designed to

376 promote or eliminate barriers to employment;

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

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

381 Any such barrier to participation must be supported by
382 documentation in the child's case file or school or medical
383 records of a physical, intellectual, emotional, or psychiatric
384 condition that impairs the child's ability to perform one or
385 more life activities.

386 Section 7. Paragraph (d) of subsection (3) of section
387 39.801, Florida Statutes, is redesignated as paragraph (e), and
388 a new paragraph (d) is added to that subsection to read:

389 39.801 Procedures and jurisdiction; notice; service of
390 process.—

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

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

398 Section 8. Subsections (4), (5), and (6) of section
399 39.812, Florida Statutes, are amended to read:

400 39.812 Postdisposition relief; petition for adoption.—

401 (4) The court shall retain jurisdiction over any child
402 placed in the custody of the department until the child is
403 adopted. After custody of a child for subsequent adoption has
404 been given to the department, the court has jurisdiction for the
405 purpose of reviewing the status of the child and the progress
406 being made toward permanent adoptive placement. As part of this
407 continuing jurisdiction, ~~for good cause shown by the guardian ad~~
408 ~~litem for the child,~~ the court may:

409 (a) Review the appropriateness of the adoptive placement
410 of the child if good cause is shown by the guardian ad litem for
411 the child.

412 (b) Review the department's denial of an application to
413 adopt a child. The department's decision to deny an application
414 to adopt a child is only reviewable under this section and is
415 not subject to chapter 120.

416 1. If the department denies an application to adopt a
417 child, the department must file written notification of the
418 denial with the court and provide copies to all parties within
419 10 business days after the department's decision.

420 2. A denied applicant may file a motion to have the court
421 review the department's denial within 30 business days after the
422 issuance of the department's written notification of its
423 decision to deny the application to adopt a child. The motion to
424 review must allege that the department unreasonably denied the
425 application to adopt and request that the court allow the denied

426 applicant to file a petition to adopt the child under chapter 63
427 without the department's consent.

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

432 4. The court shall hold a hearing within 30 business days
433 after the denied applicant files the motion to review. The court
434 may only consider whether the department's denial of the
435 application is consistent with its policies and if the
436 department made such decision in an expeditious manner. The
437 standard of review is whether the department's denial of the
438 application is an abuse of discretion.

439 5. If the department selected a different applicant to
440 adopt the child, the selected applicant may participate in the
441 hearing as a participant, as defined in s. 39.01, and may be
442 granted leave by the court to be heard without the need to file
443 a motion to intervene.

444 6. Within 15 business days after the conclusion of the
445 hearing, the court must enter a written order denying the motion
446 to review or finding that the department unreasonably denied the
447 application to adopt and authorizing the denied applicant to
448 file a petition to adopt the child under chapter 63 without the
449 department's consent.

450 (5) When a licensed foster parent or court-ordered

451 | custodian has applied to adopt a child who has resided with the
 452 | foster parent or custodian for at least 6 months and who has
 453 | previously been permanently committed to the legal custody of
 454 | the department and the department does not grant the application
 455 | to adopt, the department may not, in the absence of a prior
 456 | court order authorizing it to do so, remove the child from the
 457 | foster home or custodian, except when:

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

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

464 | (c) A motion to review the department's denial of an
 465 | application to adopt a child under paragraph (4) (b) has been
 466 | denied; or

467 | ~~(d)(e)~~ The foster parent or custodian agrees to the
 468 | child's removal.

469 | ~~(6)(5)~~ The petition for adoption must be filed in the
 470 | division of the circuit court which entered the judgment
 471 | terminating parental rights, unless a motion for change of venue
 472 | is granted pursuant to s. 47.122. A copy of the consent to
 473 | adoption executed by the department must be attached to the
 474 | petition, unless such consent is waived under ~~pursuant to~~ s.
 475 | 63.062(7). The petition must be accompanied by a statement,

476 signed by the prospective adoptive parents, acknowledging
 477 receipt of all information required to be disclosed under s.
 478 63.085 and a form provided by the department which details the
 479 social and medical history of the child and each parent and
 480 includes the social security number and date of birth for each
 481 parent, if such information is available or readily obtainable.
 482 The prospective adoptive parents may not file a petition for
 483 adoption until the judgment terminating parental rights becomes
 484 final. An adoption proceeding under this subsection is governed
 485 by chapter 63.

486 (7) (a) ~~(6) (a)~~ Once a child's adoption is finalized, the
 487 community-based care lead agency must make a reasonable effort
 488 to contact the adoptive family by telephone 1 year after the
 489 date of finalization of the adoption as a postadoption service.
 490 For purposes of this subsection, the term "reasonable effort"
 491 means the exercise of reasonable diligence and care by the
 492 community-based care lead agency to make contact with the
 493 adoptive family. At a minimum, the agency must document all of
 494 the following:

495 1. The number of attempts made by the community-based care
 496 lead agency to contact the adoptive family and whether those
 497 attempts were successful. ~~;~~

498 2. The types of postadoption services that were requested
 499 by the adoptive family and whether those services were provided
 500 by the community-based care lead agency. ~~;~~ ~~and~~

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

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

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

509 63.062 Persons required to consent to adoption; affidavit
 510 of nonpaternity; waiver of venue.—

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

524 Section 10. Subsections (4) and (5) of section 63.093,
 525 Florida Statutes, are amended, and subsection (6) is added to

526 that section, to read:

527 63.093 Adoption of children from the child welfare
528 system.—

529 (4) Before a child is placed in an adoptive home, the
530 community-based care lead agency or its subcontracted agency
531 must complete an adoptive home study of a prospective adoptive
532 parent that includes observation, screening, and evaluation of
533 the child and the prospective adoptive parent. An adoptive home
534 study must be updated every ~~is valid for~~ 12 months after the
535 date on which the first study was approved. If the child was
536 placed before the termination of parental rights, the updated
537 placement or licensing home study may serve as the adoption home
538 study. In addition, the community-based care lead agency or its
539 subcontracted agency must complete a preparation process, as
540 established by department rule, with the prospective adoptive
541 parent.

542 (5) At the conclusion of the adoptive home study and
543 preparation process, a decision must ~~shall~~ be made about the
544 prospective adoptive parent's appropriateness to adopt. This
545 decision must ~~shall~~ be reflected in the final recommendation
546 included in the adoptive home study. If the recommendation is
547 for approval, the adoptive parent application file must be
548 submitted to the community-based care lead agency or its
549 subcontracted agency for approval. The community-based care lead
550 agency or its subcontracted agency must approve or deny the home

551 study within 14 business days after receipt of the
 552 recommendation.

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

560
 561 Notwithstanding subsections (1) and (2), this section does not
 562 apply to a child adopted through the process provided in s.
 563 63.082(6).

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

567 63.097 Fees.—

568 (1) When the adoption entity is an agency, fees may be
 569 assessed if such fees ~~they~~ are approved by the department within
 570 the process of licensing the agency and if such fees ~~they~~ are
 571 for:

- 572 (a) Foster care expenses. ~~†~~
- 573 (b) Preplacement and postplacement social services. ~~†~~ ~~and~~
- 574 (c) Agency facility and administrative costs.
- 575 (3) The court must issue an order pursuant to s. 63.132(3)

576 ~~if Approval of the court is not required until~~ the total of
 577 amounts permitted under subsection (2) exceeds:

- 578 (a) \$5,000 in legal or other professional fees;
- 579 (b) \$800 in court costs; or
- 580 (c) \$5,000 in reasonable and necessary living and medical
 581 expenses.

582 (4) Any fees, costs, or expenses not included in
 583 subsection (2) ~~or prohibited under subsection (5)~~ require court
 584 approval and entry of an order pursuant to s. 63.132(3) before
 585 ~~prior to~~ payment and must be based on a finding of extraordinary
 586 circumstances.

587 (5) The following fees, costs, and expenses are
 588 prohibited:

589 (c) Any fee on the affidavit which is not a fee of the
 590 adoption entity, is not supported by a receipt, does not specify
 591 the service that was provided and for which the fee is being
 592 charged, such as a fee for facilitation, acquisition, or other
 593 similar service, or which does not identify the date the service
 594 was provided, the time required to provide the service, the
 595 person or entity providing the service, and the hourly fee
 596 charged.

597 (7) Beginning January 1, 2025, an adoption entity shall
 598 report quarterly to the department information related to the
 599 age, race, ethnicity, sex, and county of birth of the adopted
 600 child and the county of residence of the adoptive family for

601 each finalized adoption. The adoption entity shall also report
602 for each finalized adoption the fees, costs, and expenses that
603 were assessed by the adoption entity or paid by the adoption
604 entity on behalf of the prospective adoptive parents, itemized
605 by the categories enumerated in subsection (2), and any fees,
606 costs, and expenses approved by the court under subsection (4).
607 The confidentiality provisions of this chapter do not apply to
608 the fees, costs, and expenses assessed or paid in connection
609 with an adoption. In reporting the information required by this
610 subsection to the department, the adoption entity shall redact
611 any confidential identifying information concerning the child,
612 the child's biological parents, and the child's adoptive
613 parents. The department shall report quarterly on its website
614 information for each adoption entity including the actual fees,
615 costs, and expenses of finalized adoptions. The department shall
616 adopt rules to implement this subsection.

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

619 63.132 Affidavit of expenses and receipts.—

620 (3) The court must issue a separate order approving or
621 disapproving the fees, costs, and expenses itemized in the
622 affidavit. The court may approve only fees, costs, and
623 expenditures allowed under s. 63.097. An order approving fees,
624 costs, and expenses that exceed the limits set forth in s.
625 63.097 must include a written determination of reasonableness.

626 The court may reject in whole or in part any fee, cost, or
 627 expenditure listed if the court finds that the expense is any of
 628 the following:

629 (a) Contrary to this chapter.

630 (b) Not supported by a receipt, ~~if requested~~, if the
 631 expense is not a fee of the adoption entity.

632 (c) Not a reasonable fee or expense, considering the
 633 requirements of this chapter and the totality of the
 634 circumstances.

635 Section 13. Paragraph (g) of subsection (1) of section
 636 63.212, Florida Statutes, is amended to read:

637 63.212 Prohibited acts; penalties for violation.—

638 (1) It is unlawful for any person:

639 (g) Except an adoption entity, to place an advertisement
 640 or offer to the public, in any way, by any medium whatever that
 641 a minor is available for adoption or that a minor is sought for
 642 adoption; and, further, it is unlawful for any person purchasing
 643 advertising space or purchasing broadcast time to advertise
 644 adoption services to fail to include in any publication or fail
 645 to include in the broadcast for such advertisement the Florida
 646 license number of the adoption entity or The Florida Bar number
 647 of the attorney placing the advertisement. This prohibition
 648 applies, but is not limited, to a paid advertisement, an
 649 article, a notice, or any other paid communication published in
 650 any newspaper or magazine, or on the Internet, on a billboard,

651 over radio or television, or other similar media.

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

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

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

660 2. A person who publishes a telephone directory,
661 newspaper, magazine, billboard, or any other written
662 advertisement that is distributed in this state must ~~shall~~
663 ~~include, at the beginning of any classified heading for adoption~~
664 ~~and adoption services,~~ a statement that ~~informs directory users~~
665 ~~that~~ only attorneys licensed to practice law in this state and
666 ~~licensed~~ adoption entities licensed under the laws of this state
667 may legally provide adoption services under state law.

668 3. A person who places an advertisement ~~described in~~
669 ~~subparagraph 1. in a telephone directory~~ must include the
670 following information:

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

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

675 Section 14. Paragraph (a) of subsection (2) and paragraph

676 (a) of subsection (3) of section 409.1451, Florida Statutes, are
 677 amended to read:

678 409.1451 The Road-to-Independence Program.—

679 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

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

682 1. Was living in licensed care on his or her 18th birthday
 683 or is currently living in licensed care; or was at least 14 ~~16~~
 684 years of age and was adopted from foster care or placed with a
 685 court-approved dependency guardian after spending at least 6
 686 months in licensed care within the 12 months immediately
 687 preceding such placement or adoption;

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

690 3. Earned a standard high school diploma pursuant to s.
 691 1002.3105(5), s. 1003.4281, or s. 1003.4282, or its equivalent
 692 pursuant to s. 1003.435;

693 4. Has been admitted for enrollment as a full-time student
 694 or its equivalent in an eligible postsecondary educational
 695 institution as provided in s. 1009.533. For purposes of this
 696 section, the term "full-time" means 9 credit hours or the
 697 vocational school equivalent. A student may enroll part-time if
 698 he or she has a recognized disability or is faced with another
 699 challenge or circumstance that would prevent full-time
 700 attendance. A student needing to enroll part-time for any reason

701 other than having a recognized disability must get approval from
 702 his or her academic advisor;

703 5. Has reached 18 years of age but is not yet 23 years of
 704 age;

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

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

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

712 (3) AFTERCARE SERVICES.—

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

716 a. Not in foster care.

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

719 2. Subject to available funding, aftercare services as
 720 specified in subparagraph (b)8. are also available to a young
 721 adult who is between the ages of 18 and 22 and:

722 a.7 Is receiving financial assistance under subsection
 723 (2), is experiencing an emergency situation, and whose resources
 724 are insufficient to meet the emergency situation. Such
 725 assistance shall be in addition to any amount specified in

726 paragraph (2) (b), or
 727 b. Is eligible for the Extended Guardianship Assistance
 728 Program under s. 39.6225(9) or the extended adoption assistance
 729 program under s. 409.166(4), but is not participating in either
 730 program.

731 Section 15. Paragraph (d) of subsection (4) of section
 732 409.166, Florida Statutes, is amended to read:

733 409.166 Children within the child welfare system; adoption
 734 assistance program.—

735 (4) ADOPTION ASSISTANCE.—

736 (d) Effective January 1, 2019, adoption assistance
 737 payments may be made for a child whose adoptive parent entered
 738 into an initial adoption assistance agreement after the child
 739 reached 14 ~~16~~ years of age but before the child reached 18 years
 740 of age. Such payments may be made until the child reaches age 21
 741 if the child is:

742 1. Completing secondary education or a program leading to
 743 an equivalent credential;

744 2. Enrolled in an institution that provides postsecondary
 745 or vocational education;

746 3. Participating in a program or activity designed to
 747 promote or eliminate barriers to employment;

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

749 5. Unable to participate in programs or activities listed
 750 in subparagraphs 1.-4. full time due to a physical, an

751 intellectual, an emotional, or a psychiatric condition that
 752 limits participation. Any such barrier to participation must be
 753 supported by documentation in the child's case file or school or
 754 medical records of a physical, an intellectual, an emotional, or
 755 a psychiatric condition that impairs the child's ability to
 756 perform one or more life activities.

757 Section 16. Section 409.1664, Florida Statutes, is amended
 758 to read:

759 409.1664 Adoption benefits for qualifying adoptive
 760 employees of state agencies, veterans, servicemembers, ~~and~~ law
 761 enforcement officers, health care practitioners, and tax
 762 collector employees.—

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

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

766 (b) "Health care practitioner" means a person listed in s.
 767 456.001(4) who holds an active license from the Department of
 768 Health and whose gross income does not exceed \$150,000 per year.

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

771 (d) ~~(e)~~ "Qualifying adoptive employee" means a full-time or
 772 part-time employee of a state agency, a charter school
 773 established under s. 1002.33, or the Florida Virtual School
 774 established under s. 1002.37, who is not an independent
 775 contractor and who adopts a child within the child welfare

776 system pursuant to chapter 63 on or after July 1, 2015. The term
 777 includes instructional personnel, as defined in s. 1012.01, who
 778 are employed by the Florida School for the Deaf and the Blind,
 779 and includes other-personal-services employees who have been
 780 continuously employed full time or part time by a state agency
 781 for at least 1 year.

782 (e)~~(d)~~ "Servicemember" has the same meaning as in s.
 783 250.01(19).

784 (f)~~(e)~~ "State agency" means a branch, department, or
 785 agency of state government for which the Chief Financial Officer
 786 processes payroll requisitions, a state university or Florida
 787 College System institution as defined in s. 1000.21, a school
 788 district unit as defined in s. 1001.30, or a water management
 789 district as defined in s. 373.019.

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

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

793 (2) A qualifying adoptive employee, veteran, law
 794 enforcement officer, health care practitioner, tax collector
 795 employee, or servicemember who adopts a child within the child
 796 welfare system who is difficult to place as described in s.
 797 409.166(2)(d)2. is eligible to receive a lump-sum monetary
 798 benefit in the amount of \$25,000 ~~\$10,000~~ per such child, subject
 799 to applicable taxes. ~~A law enforcement officer who adopts a~~
 800 ~~child within the child welfare system who is difficult to place~~

801 ~~as described in s. 409.166(2)(d)2. is eligible to receive a~~
802 ~~lump-sum monetary benefit in the amount of \$25,000 per such~~
803 ~~child, subject to applicable taxes.~~ A qualifying adoptive
804 employee, veteran, law enforcement officer, health care
805 practitioner, tax collector employee, or servicemember who
806 adopts a child within the child welfare system who is not
807 difficult to place as described in s. 409.166(2)(d)2. is
808 eligible to receive a lump-sum monetary benefit in the amount of
809 \$10,000 ~~\$5,000~~ per such child, subject to applicable taxes. A
810 ~~law enforcement officer who adopts a child within the child~~
811 ~~welfare system who is not difficult to place as described in s.~~
812 ~~409.166(2)(d)2. is eligible to receive a lump-sum monetary~~
813 ~~benefit in the amount of \$10,000 per each such child, subject to~~
814 ~~applicable taxes.~~ A qualifying adoptive employee of a charter
815 school or the Florida Virtual School may retroactively apply for
816 the monetary benefit provided in this subsection if such
817 employee was employed by a charter school or the Florida Virtual
818 School when he or she adopted a child within the child welfare
819 system pursuant to chapter 63 on or after July 1, 2015. A
820 veteran or servicemember may apply for the monetary benefit
821 provided in this subsection if he or she is domiciled in this
822 state and adopts a child within the child welfare system
823 pursuant to chapter 63 on or after July 1, 2020. A law
824 enforcement officer may apply for the monetary benefit provided
825 in this subsection if he or she is domiciled in this state and

826 adopts a child within the child welfare system pursuant to
827 chapter 63 on or after July 1, 2022. A health care practitioner
828 or tax collector employee may apply for the monetary benefit
829 provided in this subsection if he or she is domiciled in this
830 state and adopts a child within the child welfare system
831 pursuant to chapter 63 on or after July 1, 2024.

832 (a) Benefits paid to a qualifying adoptive employee who is
833 a part-time employee must be prorated based on the qualifying
834 adoptive employee's full-time equivalency at the time of
835 applying for the benefits.

836 (b) Monetary benefits awarded under this subsection are
837 limited to one award per adopted child within the child welfare
838 system.

839 (c) The payment of a lump-sum monetary benefit for
840 adopting a child within the child welfare system under this
841 section is subject to a specific appropriation to the department
842 for such purpose.

843 (3) A qualifying adoptive employee must apply to his or
844 her agency head, or to his or her school director in the case of
845 a qualifying adoptive employee of a charter school or the
846 Florida Virtual School, to obtain the monetary benefit provided
847 in subsection (2). A veteran, ~~or~~ servicemember, or tax collector
848 employee must apply to the department to obtain the benefit. A
849 law enforcement officer must apply to the Department of Law
850 Enforcement to obtain the benefit. A health care practitioner

851 must apply to the Department of Health to obtain the benefit.
852 Applications must be on forms approved by the department and
853 must include a certified copy of the final order of adoption
854 naming the applicant as the adoptive parent. Monetary benefits
855 shall be approved on a first-come, first-served basis based upon
856 the date that each fully completed application is received by
857 the department.

858 (4) This section does not preclude a qualifying adoptive
859 employee, veteran, servicemember, health care practitioner, tax
860 collector employee, or law enforcement officer from receiving
861 adoption assistance for which he or she may qualify under s.
862 409.166 or any other statute that provides financial incentives
863 for the adoption of children.

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

867 (6) The department may adopt rules to administer this
868 section. The rules may provide for an application process such
869 as, but not limited to, an open enrollment period during which
870 qualifying adoptive employees, veterans, servicemembers, health
871 care practitioners, tax collector employees, or law enforcement
872 officers may apply for monetary benefits under this section.

873 (7) The Chief Financial Officer shall disburse a monetary
874 benefit to a qualifying adoptive employee upon the department's
875 submission of a payroll requisition. The Chief Financial Officer

876 shall transfer funds from the department to a state university,
 877 a Florida College System institution, a school district unit, a
 878 charter school, the Florida Virtual School, or a water
 879 management district, as appropriate, to enable payment to the
 880 qualifying adoptive employee through the payroll systems as long
 881 as funds are available for such purpose.

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

885 (9) Each state agency shall develop a uniform procedure
 886 for informing employees about this benefit and for assisting the
 887 department in making eligibility determinations and processing
 888 applications. Any procedure adopted by a state agency is valid
 889 and enforceable if the procedure does not conflict with the
 890 express terms of this section.

891 Section 17. Subsections (1) through (4) of section
 892 409.167, Florida Statutes, are amended to read:

893 409.167 Statewide adoption exchange; establishment;
 894 responsibilities; registration requirements; rules.—

895 (1) The Department of Children and Families shall
 896 establish, either directly or through purchase, a statewide
 897 adoption exchange, with a photo listing component, which serves
 898 ~~shall serve~~ all authorized licensed child-placing agencies in
 899 the state as a means of recruiting adoptive families for
 900 children who have been legally freed for adoption and who have

901 | been permanently placed with the department or a licensed child-
902 | placing agency. The statewide adoption exchange must ~~shall~~
903 | provide, in accordance with rules adopted by the department, a
904 | description and photo listing component of each child
905 | ~~descriptions and photographs of such children,~~ as well as any
906 | other information deemed useful in the recruitment of adoptive
907 | families for each child. The photo listing component of the
908 | statewide adoption exchange must be updated monthly and may not
909 | be accessible to the public, except to persons who have
910 | completed or are in the process of completing an adoption home
911 | study.

912 | (2) (a) Each district of the department shall refer each
913 | child in its care who has been legally freed for adoption to the
914 | statewide adoption exchange no later than 30 days after the date
915 | of acceptance by the department for permanent placement. The
916 | referral must be accompanied by a photo listing component
917 | ~~photograph~~ and description of the child. Any child who is 12
918 | years of age or older may request that a specific photo be used
919 | for that child's photo listing component and such child must be
920 | consulted during the development of his or her description.

921 | (b) The department shall establish criteria by which a
922 | district may determine that a child need not be registered with
923 | the statewide adoption exchange. Within 30 days after the date
924 | of acceptance by the department for permanent placement, the
925 | name of the child accepted for permanent placement must be

926 forwarded to the statewide adoption exchange by the district
 927 together with reference to the specific reason why the child
 928 should not be placed on the statewide adoption exchange. If the
 929 child has not been placed for adoption within 3 months after the
 930 date of acceptance by the department for permanent placement,
 931 the district must ~~shall~~ provide the statewide adoption exchange
 932 with the necessary photograph and information for registration
 933 of the child with the statewide adoption exchange and the child
 934 must ~~shall~~ be placed on the statewide adoption exchange. The
 935 department shall establish procedures for monitoring the status
 936 of children who are not placed on the statewide adoption
 937 exchange within 30 days after the date of acceptance by the
 938 department for permanent placement.

939 (3) In accordance with rules established by the
 940 department, the statewide adoption exchange may accept, from
 941 licensed child-placing agencies, information pertaining to
 942 children meeting the criteria of this section, and to
 943 prospective adoptive families, for registration with the
 944 statewide adoption exchange.

945 (4) For purposes of facilitating family-matching between
 946 children and prospective adoptive parents, the statewide
 947 adoption exchange must ~~shall~~ provide the photo listing component
 948 ~~service~~ to all licensed child-placing agencies and, in
 949 accordance with rules adopted ~~established~~ by the department, to
 950 all appropriate citizen groups and other organizations and

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951 associations interested in children's services. The photo
952 listing component of the statewide adoption exchange may not be
953 accessible to the public, except to persons who have completed
954 or are in the process of completing an adoption home study.

955 Section 18. This act shall take effect July 1, 2024.