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1  
 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

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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

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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,

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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; amending s. 409.166,  
 84 F.S.; revising the age requirements for receiving  
 85 adoption assistance; amending s. 409.1664, F.S.;  
 86 providing definitions; providing certain adoption  
 87 benefits to health care practitioners and tax  
 88 collector employees; specifying methods for such  
 89 persons to apply for such benefits; increasing the  
 90 amount of monetary adoption benefits certain persons  
 91 are eligible to receive; amending s. 409.167, F.S.;  
 92 providing requirements for the statewide adoption  
 93 exchange and its photo listing component and  
 94 description of children placed on such exchange;  
 95 authorizing only certain persons to access the  
 96 statewide adoption exchange; authorizing certain  
 97 children to make certain requests and requiring them  
 98 to be consulted on certain decisions; conforming  
 99 provisions to changes made by the act; providing an  
 100 effective date.

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

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

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

(88) "Visitor" means a person who:

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

or

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

1. Five consecutive days; or

2. Seven days or more in 1 month.

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

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

(1) The department shall conduct a records check through the Comprehensive ~~State Automated~~ Child Welfare Information System ~~(SACWIS)~~ and a local and statewide criminal history records check on all persons, including parents, being considered by the department for placement of a child under this chapter, including all nonrelative placement decisions, and all members of the household, 12 years of age and older, of the

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

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

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

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

174 (c) The department shall seek a court order to immediately  
175 remove the child from the home if the person with whom the child

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

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

182 39.5035 Deceased parents; special procedures.-

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

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

198 (b) If both parents die or the last known living parent  
199 dies after a child has already been adjudicated dependent, an  
200 attorney for the department or any other person who has

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

206 (2) The petition must be:

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

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

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

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

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

224 (b) A living relative of each parent of the child, unless  
225 a living relative cannot be found after a diligent search or

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226 inquiry.

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

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

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

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

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

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

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

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

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

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

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

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

306 39.522 Postdisposition change of custody.—

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

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

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

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

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

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

349 Section 5. Paragraph (a) of subsection (1) of section  
350 39.6221, Florida Statutes, is amended to read:

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351 39.6221 Permanent guardianship of a dependent child.—

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

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

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

364 39.6225 Guardianship Assistance Program.—

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

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

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

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

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376 (d) Employed for at least 80 hours per month; or  
 377 (e) Unable to participate in programs or activities listed  
 378 in paragraphs (a)-(d) full time due to a physical, intellectual,  
 379 emotional, or psychiatric condition that limits participation.  
 380 Any such barrier to participation must be supported by  
 381 documentation in the child's case file or school or medical  
 382 records of a physical, intellectual, emotional, or psychiatric  
 383 condition that impairs the child's ability to perform one or  
 384 more life activities.

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

388 39.801 Procedures and jurisdiction; notice; service of  
 389 process.—

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

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

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

399 39.812 Postdisposition relief; petition for adoption.—

400 (4) The court shall retain jurisdiction over any child

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

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

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

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

419 2. A denied applicant may file a motion to have the court  
 420 review the department's denial within 30 business days after the  
 421 issuance of the department's written notification of its  
 422 decision to deny the application to adopt a child. The motion to  
 423 review must allege that the department unreasonably denied the  
 424 application to adopt and request that the court allow the denied  
 425 applicant to file a petition to adopt the child under chapter 63

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426 without the department's consent.

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

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

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

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

449 (5) When a licensed foster parent or court-ordered  
450 custodian has applied to adopt a child who has resided with the

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

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

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

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

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

468 (6) ~~(5)~~ The petition for adoption must be filed in the  
469 division of the circuit court which entered the judgment  
470 terminating parental rights, unless a motion for change of venue  
471 is granted pursuant to s. 47.122. A copy of the consent to  
472 adoption executed by the department must be attached to the  
473 petition, unless such consent is waived under ~~pursuant to~~ s.  
474 63.062(7). The petition must be accompanied by a statement,  
475 signed by the prospective adoptive parents, acknowledging

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

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

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

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

500 3. Any feedback received by the community-based care lead

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501 agency from the adoptive family relating to the quality or  
 502 effectiveness of the services provided.

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

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

508 63.062 Persons required to consent to adoption; affidavit  
 509 of nonpaternity; waiver of venue.—

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

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

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526           63.093 Adoption of children from the child welfare  
527 system.—

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

541           (5) At the conclusion of the adoptive home study and  
542 preparation process, a decision must ~~shall~~ be made about the  
543 prospective adoptive parent's appropriateness to adopt. This  
544 decision must ~~shall~~ be reflected in the final recommendation  
545 included in the adoptive home study. If the recommendation is  
546 for approval, the adoptive parent application file must be  
547 submitted to the community-based care lead agency or its  
548 subcontracted agency for approval. The community-based care lead  
549 agency or its subcontracted agency must approve or deny the home  
550 study within 14 business days after receipt of the

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551 recommendation.

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

559  
 560 Notwithstanding subsections (1) and (2), this section does not  
 561 apply to a child adopted through the process provided in s.  
 562 63.082(6).

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

566 63.097 Fees.—

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

- 571 (a) Foster care expenses. ~~†~~
- 572 (b) Preplacement and postplacement social services. ~~†~~ ~~and~~
- 573 (c) Agency facility and administrative costs.

574 (3) The court must issue an order pursuant to s. 63.132(3)  
 575 if ~~Approval of the court is not required until~~ the total of

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576 amounts permitted under subsection (2) exceeds:  
 577 (a) \$5,000 in legal or other professional fees;  
 578 (b) \$800 in court costs; or  
 579 (c) \$5,000 in reasonable and necessary living and medical  
 580 expenses.  
 581 (4) Any fees, costs, or expenses not included in  
 582 subsection (2) ~~or prohibited under subsection (5)~~ require court  
 583 approval and entry of an order pursuant to s. 63.132(3) before  
 584 ~~prior to~~ payment and must be based on a finding of extraordinary  
 585 circumstances.  
 586 (5) The following fees, costs, and expenses are  
 587 prohibited:  
 588 (c) Any fee on the affidavit which is not a fee of the  
 589 adoption entity, is not supported by a receipt, does not specify  
 590 the service that was provided and for which the fee is being  
 591 charged, such as a fee for facilitation, acquisition, or other  
 592 similar service, or which does not identify the date the service  
 593 was provided, the time required to provide the service, the  
 594 person or entity providing the service, and the hourly fee  
 595 charged.  
 596 (7) Beginning January 1, 2025, an adoption entity shall  
 597 report quarterly to the department information related to the  
 598 age, race, ethnicity, sex, and county of birth of the adopted  
 599 child and the county of residence of the adoptive family for  
 600 each finalized adoption. The adoption entity shall also report

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

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

618 63.132 Affidavit of expenses and receipts.—

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

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626 expenditure listed if the court finds that the expense is any of  
 627 the following:

628 (a) Contrary to this chapter.

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

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

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

636 63.212 Prohibited acts; penalties for violation.—

637 (1) It is unlawful for any person:

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

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

- 656           a. A child is offered or wanted for adoption; or
- 657           b. The person is able to place, locate, or receive a child  
 658 for adoption.

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

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

- 670           a. For an attorney licensed to practice law in this state,  
 671 the person's Florida Bar number.
- 672           b. For a child-placing agency licensed under the laws of  
 673 this state, the number on the person's adoption entity license.

674           Section 14. Paragraph (a) of subsection (2) of section  
 675 409.1451, Florida Statutes, is amended to read:

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676 | 409.1451 The Road-to-Independence Program.—  
 677 | (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—  
 678 | (a) A young adult is eligible for services and support  
 679 | under this subsection if he or she:  
 680 | 1. Was living in licensed care on his or her 18th birthday  
 681 | or is currently living in licensed care; or was at least 14 ~~16~~  
 682 | years of age and was adopted from foster care or placed with a  
 683 | court-approved dependency guardian after spending at least 6  
 684 | months in licensed care within the 12 months immediately  
 685 | preceding such placement or adoption;  
 686 | 2. Spent at least 6 months in licensed care before  
 687 | reaching his or her 18th birthday;  
 688 | 3. Earned a standard high school diploma pursuant to s.  
 689 | 1002.3105(5), s. 1003.4281, or s. 1003.4282, or its equivalent  
 690 | pursuant to s. 1003.435;  
 691 | 4. Has been admitted for enrollment as a full-time student  
 692 | or its equivalent in an eligible postsecondary educational  
 693 | institution as provided in s. 1009.533. For purposes of this  
 694 | section, the term "full-time" means 9 credit hours or the  
 695 | vocational school equivalent. A student may enroll part-time if  
 696 | he or she has a recognized disability or is faced with another  
 697 | challenge or circumstance that would prevent full-time  
 698 | attendance. A student needing to enroll part-time for any reason  
 699 | other than having a recognized disability must get approval from  
 700 | his or her academic advisor;

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701           5. Has reached 18 years of age but is not yet 23 years of  
702 age;

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

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

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

710           Section 15. Paragraph (d) of subsection (4) of section  
711 409.166, Florida Statutes, is amended to read:

712           409.166 Children within the child welfare system; adoption  
713 assistance program.—

714           (4) ADOPTION ASSISTANCE.—

715           (d) Effective January 1, 2019, adoption assistance  
716 payments may be made for a child whose adoptive parent entered  
717 into an initial adoption assistance agreement after the child  
718 reached 14 ~~16~~ years of age but before the child reached 18 years  
719 of age. Such payments may be made until the child reaches age 21  
720 if the child is:

721           1. Completing secondary education or a program leading to  
722 an equivalent credential;

723           2. Enrolled in an institution that provides postsecondary  
724 or vocational education;

725           3. Participating in a program or activity designed to

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726 | promote or eliminate barriers to employment;

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

728 |         5. Unable to participate in programs or activities listed

729 | in subparagraphs 1.-4. full time due to a physical, an

730 | intellectual, an emotional, or a psychiatric condition that

731 | limits participation. Any such barrier to participation must be

732 | supported by documentation in the child's case file or school or

733 | medical records of a physical, an intellectual, an emotional, or

734 | a psychiatric condition that impairs the child's ability to

735 | perform one or more life activities.

736 |         Section 16. Section 409.1664, Florida Statutes, is amended

737 | to read:

738 |         409.1664 Adoption benefits for qualifying adoptive

739 | employees of state agencies, veterans, servicemembers, ~~and~~ law

740 | enforcement officers, health care practitioners, and tax

741 | collector employees.-

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

743 |         (a) "Child within the child welfare system" has the same

744 | meaning as provided in s. 409.166(2).

745 |         (b) "Health care practitioner" means a person listed in s.

746 | 456.001(4) who holds an active license from the Department of

747 | Health and whose gross income does not exceed \$150,000 per year.

748 |         (c) ~~(b)~~ "Law enforcement officer" has the same meaning as

749 | provided in s. 943.10(1).

750 |         (d) ~~(e)~~ "Qualifying adoptive employee" means a full-time or

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751 part-time employee of a state agency, a charter school  
752 established under s. 1002.33, or the Florida Virtual School  
753 established under s. 1002.37, who is not an independent  
754 contractor and who adopts a child within the child welfare  
755 system pursuant to chapter 63 on or after July 1, 2015. The term  
756 includes instructional personnel, as defined in s. 1012.01, who  
757 are employed by the Florida School for the Deaf and the Blind,  
758 and includes other-personal-services employees who have been  
759 continuously employed full time or part time by a state agency  
760 for at least 1 year.

761 (e)~~(d)~~ "Servicemember" has the same meaning as in s.  
762 250.01(19).

763 (f)~~(e)~~ "State agency" means a branch, department, or  
764 agency of state government for which the Chief Financial Officer  
765 processes payroll requisitions, a state university or Florida  
766 College System institution as defined in s. 1000.21, a school  
767 district unit as defined in s. 1001.30, or a water management  
768 district as defined in s. 373.019.

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

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

772 (2) A qualifying adoptive employee, veteran, law  
773 enforcement officer, health care practitioner, tax collector  
774 employee, or servicemember who adopts a child within the child  
775 welfare system who is difficult to place as described in s.

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776 409.166(2)(d)2. is eligible to receive a lump-sum monetary  
 777 benefit in the amount of \$25,000 ~~\$10,000~~ per such child, subject  
 778 to applicable taxes. ~~A law enforcement officer who adopts a~~  
 779 ~~child within the child welfare system who is difficult to place~~  
 780 ~~as described in s. 409.166(2)(d)2. is eligible to receive a~~  
 781 ~~lump-sum monetary benefit in the amount of \$25,000 per such~~  
 782 ~~child, subject to applicable taxes. A qualifying adoptive~~  
 783 ~~employee, veteran, law enforcement officer, health care~~  
 784 ~~practitioner, tax collector employee, or servicemember who~~  
 785 ~~adopts a child within the child welfare system who is not~~  
 786 ~~difficult to place as described in s. 409.166(2)(d)2. is~~  
 787 ~~eligible to receive a lump-sum monetary benefit in the amount of~~  
 788 ~~\$10,000~~ \$5,000 per such child, subject to applicable taxes. A  
 789 ~~law enforcement officer who adopts a child within the child~~  
 790 ~~welfare system who is not difficult to place as described in s.~~  
 791 ~~409.166(2)(d)2. is eligible to receive a lump-sum monetary~~  
 792 ~~benefit in the amount of \$10,000 per each such child, subject to~~  
 793 ~~applicable taxes. A qualifying adoptive employee of a charter~~  
 794 ~~school or the Florida Virtual School may retroactively apply for~~  
 795 ~~the monetary benefit provided in this subsection if such~~  
 796 ~~employee was employed by a charter school or the Florida Virtual~~  
 797 ~~School when he or she adopted a child within the child welfare~~  
 798 ~~system pursuant to chapter 63 on or after July 1, 2015. A~~  
 799 ~~veteran or servicemember may apply for the monetary benefit~~  
 800 ~~provided in this subsection if he or she is domiciled in this~~

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801 state and adopts a child within the child welfare system  
 802 pursuant to chapter 63 on or after July 1, 2020. A law  
 803 enforcement officer may apply for the monetary benefit provided  
 804 in this subsection if he or she is domiciled in this state and  
 805 adopts a child within the child welfare system pursuant to  
 806 chapter 63 on or after July 1, 2022. A health care practitioner  
 807 or tax collector employee may apply for the monetary benefit  
 808 provided in this subsection if he or she is domiciled in this  
 809 state and adopts a child within the child welfare system  
 810 pursuant to chapter 63 on or after July 1, 2024.

811 (a) Benefits paid to a qualifying adoptive employee who is  
 812 a part-time employee must be prorated based on the qualifying  
 813 adoptive employee's full-time equivalency at the time of  
 814 applying for the benefits.

815 (b) Monetary benefits awarded under this subsection are  
 816 limited to one award per adopted child within the child welfare  
 817 system.

818 (c) The payment of a lump-sum monetary benefit for  
 819 adopting a child within the child welfare system under this  
 820 section is subject to a specific appropriation to the department  
 821 for such purpose.

822 (3) A qualifying adoptive employee must apply to his or  
 823 her agency head, or to his or her school director in the case of  
 824 a qualifying adoptive employee of a charter school or the  
 825 Florida Virtual School, to obtain the monetary benefit provided

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826 | in subsection (2). A veteran, ~~or servicemember,~~ or tax collector  
 827 | employee must apply to the department to obtain the benefit. A  
 828 | law enforcement officer must apply to the Department of Law  
 829 | Enforcement to obtain the benefit. A health care practitioner  
 830 | must apply to the Department of Health to obtain the benefit.  
 831 | Applications must be on forms approved by the department and  
 832 | must include a certified copy of the final order of adoption  
 833 | naming the applicant as the adoptive parent. Monetary benefits  
 834 | shall be approved on a first-come, first-served basis based upon  
 835 | the date that each fully completed application is received by  
 836 | the department.

837 |         (4) This section does not preclude a qualifying adoptive  
 838 | employee, veteran, servicemember, health care practitioner, tax  
 839 | collector employee, or law enforcement officer from receiving  
 840 | adoption assistance for which he or she may qualify under s.  
 841 | 409.166 or any other statute that provides financial incentives  
 842 | for the adoption of children.

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

846 |         (6) The department may adopt rules to administer this  
 847 | section. The rules may provide for an application process such  
 848 | as, but not limited to, an open enrollment period during which  
 849 | qualifying adoptive employees, veterans, servicemembers, health  
 850 | care practitioners, tax collector employees, or law enforcement

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851 officers may apply for monetary benefits under this section.

852 (7) The Chief Financial Officer shall disburse a monetary  
 853 benefit to a qualifying adoptive employee upon the department's  
 854 submission of a payroll requisition. The Chief Financial Officer  
 855 shall transfer funds from the department to a state university,  
 856 a Florida College System institution, a school district unit, a  
 857 charter school, the Florida Virtual School, or a water  
 858 management district, as appropriate, to enable payment to the  
 859 qualifying adoptive employee through the payroll systems as long  
 860 as funds are available for such purpose.

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

864 (9) Each state agency shall develop a uniform procedure  
 865 for informing employees about this benefit and for assisting the  
 866 department in making eligibility determinations and processing  
 867 applications. Any procedure adopted by a state agency is valid  
 868 and enforceable if the procedure does not conflict with the  
 869 express terms of this section.

870 Section 17. Subsections (1) through (4) of section  
 871 409.167, Florida Statutes, are amended to read:

872 409.167 Statewide adoption exchange; establishment;  
 873 responsibilities; registration requirements; rules.—

874 (1) The Department of Children and Families shall  
 875 establish, either directly or through purchase, a statewide

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876 adoption exchange, with a photo listing component, which serves  
 877 ~~shall serve~~ all authorized licensed child-placing agencies in  
 878 the state as a means of recruiting adoptive families for  
 879 children who have been legally freed for adoption and who have  
 880 been permanently placed with the department or a licensed child-  
 881 placing agency. The statewide adoption exchange must shall  
 882 provide, in accordance with rules adopted by the department, a  
 883 description and photo listing component of each child  
 884 ~~descriptions and photographs of such children,~~ as well as any  
 885 other information deemed useful in the recruitment of adoptive  
 886 families for each child. The photo listing component of the  
 887 statewide adoption exchange must be updated monthly and may not  
 888 be accessible to the public, except to persons who have  
 889 completed or are in the process of completing an adoption home  
 890 study.

891 (2) (a) Each district of the department shall refer each  
 892 child in its care who has been legally freed for adoption to the  
 893 statewide adoption exchange no later than 30 days after the date  
 894 of acceptance by the department for permanent placement. The  
 895 referral must be accompanied by a photo listing component  
 896 ~~photograph~~ and description of the child. Any child who is 12  
 897 years of age or older may request that a specific photo be used  
 898 for that child's photo listing component and such child must be  
 899 consulted during the development of his or her description.

900 (b) The department shall establish criteria by which a

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901 district may determine that a child need not be registered with  
902 the statewide adoption exchange. Within 30 days after the date  
903 of acceptance by the department for permanent placement, the  
904 name of the child accepted for permanent placement must be  
905 forwarded to the statewide adoption exchange by the district  
906 together with reference to the specific reason why the child  
907 should not be placed on the statewide adoption exchange. If the  
908 child has not been placed for adoption within 3 months after the  
909 date of acceptance by the department for permanent placement,  
910 the district must ~~shall~~ provide the statewide adoption exchange  
911 with the necessary photograph and information for registration  
912 of the child with the statewide adoption exchange and the child  
913 must ~~shall~~ be placed on the statewide adoption exchange. The  
914 department shall establish procedures for monitoring the status  
915 of children who are not placed on the statewide adoption  
916 exchange within 30 days after the date of acceptance by the  
917 department for permanent placement.

918 (3) In accordance with rules established by the  
919 department, the statewide adoption exchange may accept, from  
920 licensed child-placing agencies, information pertaining to  
921 children meeting the criteria of this section, and to  
922 prospective adoptive families, for registration with the  
923 statewide adoption exchange.

924 (4) For purposes of facilitating family-matching between  
925 children and prospective adoptive parents, the statewide

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926 adoption exchange must ~~shall~~ provide the photo listing component  
927 ~~service~~ to all licensed child-placing agencies and, in  
928 accordance with rules adopted ~~established~~ by the department, to  
929 all appropriate citizen groups and other organizations and  
930 associations interested in children's services. The photo  
931 listing component of the statewide adoption exchange may not be  
932 accessible to the public, except to persons who have completed  
933 or are in the process of completing an adoption home study.

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