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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/20/2024	.	
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The Appropriations Committee on Health and Human Services
(Collins) recommended the following:

Senate Amendment (with title amendment)

Delete lines 693 - 815

and insert:

Section 14. Subsections (1), (3), (4), and (5) of section
63.097, Florida Statutes, are amended, and a new subsection (7)
is added to that section, to read:

63.097 Fees.—

(1) When the adoption entity is an agency, fees may be
assessed if such fees ~~they~~ are approved by the department within



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11 the process of licensing the agency and if such fees ~~they~~ are
12 for:

13 (a) Foster care expenses;

14 (b) Preplacement and postplacement social services; and

15 (c) Agency facility and administrative costs.

16 (3) The court must issue an order pursuant to s. 63.132(3)

17 ~~when approval of the court is not required until~~ the total of
18 amounts permitted under subsection (2) exceeds:

19 (a) \$5,000 in legal or other professional fees;

20 (b) \$800 in court costs; or

21 (c) \$5,000 in reasonable and necessary living and medical
22 expenses.

23 (4) Any fees, costs, or expenses not included in subsection

24 (2) ~~or prohibited under subsection (5)~~ require court approval
25 and entry of an order pursuant to s. 63.132(3) before ~~prior to~~

26 payment and must be based on a finding of extraordinary
27 circumstances.

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

29 (a) Any fee or expense that constitutes payment for
30 locating a minor for adoption.

31 (b) Any payment which is not itemized and documented on the
32 affidavit filed under s. 63.132.

33 (c) Any fee on the affidavit which is not a fee of the
34 adoption entity, is not supported by a receipt, and does not
35 specify the service that was provided and for which the fee is
36 being charged, such as a fee for facilitation, acquisition, or
37 other similar service, or which does not identify the date the
38 service was provided, the time required to provide the service,
39 the person or entity providing the service, and the hourly fee



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40 charged.

41 (7) Beginning January 1, 2025, an adoption entity shall
42 report quarterly to the department information related to the
43 age, race, ethnicity, sex, and county of birth of the adopted
44 child, and the county of residence of the adoptive family for
45 each finalized adoption. The department shall also report for
46 each adoption the fees, costs, and expenses that were assessed
47 by the adoption entity or paid by the adoption entity on behalf
48 of the prospective adoptive parents, itemized by the categories
49 enumerated in subsection (2), and any fees, costs, and expenses
50 approved by the court under subsection (4). The confidentiality
51 provisions of this chapter do not apply to the fees, costs, and
52 expenses assessed or paid in connection with an adoption. In
53 reporting the information required by this subsection to the
54 department, the adoption entity shall redact any confidential
55 identifying information concerning the child's biological
56 parents and the child's adoptive parents. The department shall
57 report quarterly on its website information for each adoption
58 agency, including the actual fees, costs, and expenses of
59 finalized adoptions. The department shall adopt rules to
60 implement this section.

61 Section 15. Subsection (3) of section 63.132, Florida
62 Statutes, is amended to read:

63 63.132 Affidavit of expenses and receipts.-

64 (3) The court must issue a separate order approving or
65 disapproving the fees, costs, and expenses itemized in the
66 affidavit. The court may approve only fees, costs, and
67 expenditures allowed under s. 63.097. Any affidavit seeking
68 fees, costs, and expenses that exceed the limits set in s.



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69 63.097 is deemed per se unreasonable and may not be approved,
70 absent a written finding by the court of reasonableness. Any
71 order approving fees, costs, and expenses that exceed the limits
72 set in s. 63.097 must include the specific competent and
73 substantial evidence upon which the court relied to make a
74 finding of reasonableness. The court may reject in whole or in
75 part any fee, cost, or expenditure listed if the court finds
76 that the expense is any of the following:

77 (a) Contrary to this chapter.

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

80 (c) Not a reasonable fee or expense, considering the
81 requirements of this chapter and the totality of the
82 circumstances.

83 Section 16. Paragraph (g) of subsection (1) of section
84 63.212, Florida Statutes, is amended to read:

85 63.212 Prohibited acts; penalties for violation.—

86 (1) It is unlawful for any person:

87 (g) Except an adoption entity, to place an advertisement or
88 offer to the public, in any way, by any medium whatever that a
89 minor is available for adoption or that a minor is sought for
90 adoption; and, further, it is unlawful for any person purchasing
91 advertising space or purchasing broadcast time to advertise
92 adoption services to fail to include in any publication or fail
93 to include in the broadcast for such advertisement the Florida
94 license number of the adoption entity or The Florida Bar number
95 of the attorney placing the advertisement. This prohibition
96 applies, but is not limited to, a paid advertisement, an
97 article, a notice, or any other paid communication published in



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98 any newspaper or magazine, or on the Internet, on a billboard,
99 over radio or television, or other similar media.

100 1. Only a person who is an attorney licensed to practice
101 law in this state or an adoption entity licensed under the laws
102 of this state may place an advertisement in this state ~~place a~~
103 ~~paid advertisement or paid listing of the person's telephone~~
104 ~~number, on the person's own behalf, in a telephone directory~~
105 that:

- 106 a. A child is offered or wanted for adoption; or
107 b. The person is able to place, locate, or receive a child
108 for adoption.

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

117 3. A person who places an advertisement ~~described in~~
118 ~~subparagraph 1. in a telephone directory~~ must include the
119 following information:

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

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

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126 ===== T I T L E A M E N D M E N T =====



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127 And the title is amended as follows:

128 Delete lines 76 - 82

129 and insert:

130 revising and prohibiting certain fees; requiring an
131 adoption entity to report certain information for each
132 finalized adoption to the department on a quarterly
133 basis; requiring the department to report on its
134 website certain information including the actual fees,
135 costs, and expenses of finalized adoptions on a
136 quarterly basis; providing construction; amending s.
137 63.132, F.S.; providing that any affidavit seeking
138 certain fees, costs, or expenses is unreasonable and
139 may not be approved absent a specified finding by the
140 court; requiring a court order approving fees, costs,
141 or expenses that exceed a certain amount to include
142 certain evidence; making a technical change; amending
143 s. 63.212, F.S.; providing applicability for the
144 prohibition against the advertisement of the adoption
145 of a minor child by certain persons; requiring a
146 person who publishes a newspaper, magazine, billboard,
147 or any other written advertisement distributed in this
148 state to include a statement that only specified
149 adoption entities may legally provide adoption
150 services; conforming provisions to changes made by the
151 act; amending s. 409.1451, F.S.; revising