



849148

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/20/2024	.	
	.	
	.	
	.	

---

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 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



849148

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



849148

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 subsection.

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. An order approving fees,  
68 costs, and expenses that exceed the limits set in s. 63.097 must



849148

69 include a written determination of reasonableness. The court may  
70 reject in whole or in part any fee, cost, or expenditure listed  
71 if the court finds that the expense is any of the following:

72 (a) Contrary to this chapter.

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

75 (c) Not a reasonable fee or expense, considering the  
76 requirements of this chapter and the totality of the  
77 circumstances.

78 Section 16. Paragraph (g) of subsection (1) of section  
79 63.212, Florida Statutes, is amended to read:

80 63.212 Prohibited acts; penalties for violation.—

81 (1) It is unlawful for any person:

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

95 1. Only a person who is an attorney licensed to practice  
96 law in this state or an adoption entity licensed under the laws  
97 of this state may place an advertisement in this state ~~a paid~~



849148

98 ~~advertisement or paid listing of the person's telephone number,~~  
99 ~~on the person's own behalf, in a telephone directory that:~~

- 100       a. A child is offered or wanted for adoption; or  
101       b. The person is able to place, locate, or receive a child  
102 for adoption.

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

111       3. A person who places an advertisement ~~described in~~  
112 ~~subparagraph 1. in a telephone directory~~ must include the  
113 following information:

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

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

118  
119 ===== T I T L E   A M E N D M E N T =====

120 And the title is amended as follows:

121       Delete lines 76 - 82

122 and insert:

123       making technical changes; requiring the court to issue  
124 a certain order when the total of certain amounts  
125 exceeds those specified; revising the prohibition of a  
126 specified fee; requiring an adoption entity to report



849148

127 certain information for each finalized adoption to the  
128 department on a quarterly basis; requiring the  
129 department to report on its website certain  
130 information, including the actual fees, costs, and  
131 expenses of finalized adoptions, on a quarterly basis;  
132 providing construction; requiring the department to  
133 adopt rules; amending s. 63.132, F.S.; requiring that  
134 a court order approving fees, costs, or expenses that  
135 exceed a certain amount include a certain  
136 determination; making a technical change; amending s.  
137 63.212, F.S.; providing applicability for the  
138 prohibition against the advertisement of the adoption  
139 of a minor child except by certain persons; requiring  
140 a person who publishes a newspaper, magazine,  
141 billboard, or any other written advertisement  
142 distributed in this state to include a statement that  
143 only specified licensed adoption entities may legally  
144 provide adoption services; conforming provisions to  
145 changes made by the act; amending s. 409.1451, F.S.;  
146 revising