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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
01/23/2024	.	
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The Committee on Children, Families, and Elder Affairs (Collins) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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



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

13 1. Five consecutive days; or

14 2. Seven days or more in 1 month.

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

17 39.0138 Criminal history and other records checks; limit on
18 placement of a child.—

19 (1) The department shall conduct a records check through
20 the Comprehensive State Automated Child Welfare Information
21 System ~~(SACWIS)~~ and a local and statewide criminal history
22 records check on all persons, including parents, being
23 considered by the department for placement of a child under this
24 chapter, including all nonrelative placement decisions, and all
25 members of the household, 12 years of age and older, of the
26 person being considered. For purposes of this section, a
27 criminal history records check may include, but is not limited
28 to, submission of fingerprints to the Department of Law
29 Enforcement for processing and forwarding to the Federal Bureau
30 of Investigation for state and national criminal history
31 information, and local criminal records checks through local law
32 enforcement agencies of all household members 18 years of age
33 and older and other frequent visitors 18 years of age and older
34 to the home. The department shall conduct a name-based check of
35 criminal history records of all visitors to the home. An out-of-
36 state criminal history records check must be initiated for any
37 person 18 years of age or older who resided in another state if
38 that state allows the release of such records. The department
39 must complete the records check within 14 business days after



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40 receiving a person's criminal history results, unless additional
41 information is required to complete the processing. The
42 department shall establish by rule standards for evaluating any
43 information contained in the automated system relating to a
44 person who must be screened for purposes of making a placement
45 decision.

46 (5) (a) If a child has been sheltered pursuant to s. 39.402
47 and must be placed in out-of-home care in an emergency
48 placement, the department must conduct a name-based check of
49 criminal history records to ascertain if the person with whom
50 placement of the child is being considered and any other adult
51 household members of such person are disqualified. For the
52 purposes of this subsection, the term "emergency placement"
53 refers to when the department is placing a child in the home of
54 private individuals, including neighbors, friends, or relatives,
55 as a result of a sudden removal pursuant to s. 39.402.

56 (b) The department may place a child in the a home if the
57 person with whom placement of the child is being considered and
58 any other adult household members of such person are not
59 disqualified by the name-based check, but, unless exempt, such
60 persons must submit a full set of fingerprints to the department
61 or to a vendor, an entity, or an agency authorized under s.
62 943.053(13). Unless exempt, within 7 calendar days after the
63 name-based check, the department, vendor, entity, or agency must
64 submit the fingerprints to the Department of Law Enforcement for
65 state processing. Within 15 calendar days after the name-based
66 check was conducted, the Department of Law Enforcement must
67 forward the fingerprints to the Federal Bureau of Investigation
68 for national processing that otherwise meets placement



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69 ~~requirements if a name check of state and local criminal history~~
70 ~~records systems does not disqualify the applicant and if the~~
71 ~~department submits fingerprints to the Department of Law~~
72 ~~Enforcement for forwarding to the Federal Bureau of~~
73 ~~Investigation and is awaiting the results of the state and~~
74 ~~national criminal history records check.~~

75 (c) The department shall seek a court order to immediately
76 remove the child from the home if the person with whom placement
77 of the child is being considered or any other adult household
78 members of such person fail to provide their fingerprints within
79 15 calendar days after the name-based check is conducted and
80 such persons are not exempt from a criminal history records
81 check.

82 Section 3. Paragraph (o) of subsection (2) of section
83 39.202, Florida Statutes, is amended to read:

84 39.202 Confidentiality of reports and records in cases of
85 child abuse or neglect; exception.-

86 (2) Except as provided in subsection (4), access to such
87 records, excluding the name of, or other identifying information
88 with respect to, the reporter which shall be released only as
89 provided in subsection (5), shall be granted only to the
90 following persons, officials, and agencies:

91 (o) Any person in the event of the death of a child
92 determined by the department at the closure of its investigation
93 in accordance with s. 39.301(16) to be a result of abuse,
94 abandonment, or neglect. Information identifying the person
95 reporting abuse, abandonment, or neglect ~~may~~ shall not be
96 released. Any information otherwise made confidential or exempt
97 by law ~~may~~ shall not be released pursuant to this paragraph.



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98 Section 4. Section 39.5035, Florida Statutes, is created to
99 read:

100 39.5035 .Deceased parents; special procedures.-

101 (1)(a)1. If both parents of a child are deceased or the
102 last known living parent of a child is deceased and a legal
103 custodian has not been appointed for the child through a probate
104 or guardianship proceeding, then an attorney for the department
105 or any other person who has knowledge of the facts alleged or is
106 informed of the alleged facts, and believes them to be true, may
107 initiate a proceeding by filing a petition for adjudication and
108 permanent commitment.

109 2. If a child has been placed in shelter status by order of
110 the court but has not yet been adjudicated, a petition for
111 adjudication and permanent commitment must be filed within 21
112 days after the shelter hearing. In all other cases, the petition
113 must be filed within a reasonable time after the date the
114 petitioner first becomes aware of the facts that support the
115 petition for adjudication and permanent commitment.

116 (b) If both parents die or the last known living parent
117 dies after a child has already been adjudicated dependent, an
118 attorney for the department or any other person who has
119 knowledge of the facts alleged or is informed of the alleged
120 facts, and believes them to be true, may file a petition for
121 permanent commitment. The petition must be filed within a
122 reasonable time after the petitioner first becomes aware of the
123 facts that support the petition for permanent commitment.

124 (2) The petition must be:

125 (a) In writing, identify the alleged deceased parents, and
126 provide facts that establish that both parents of the child are



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127 deceased or the last known living parent is deceased and that a
128 legal custodian has not been appointed for the child through a
129 probate or guardianship proceeding.

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

132 (3) When a petition for adjudication and permanent
133 commitment or a petition for permanent commitment has been
134 filed, the clerk of court must set the case before the court for
135 an adjudicatory hearing. The adjudicatory hearing must be held
136 as soon as practicable after the petition is filed, but no later
137 than 30 days after the filing date.

138 (4) Notice of the date, time, and place of the adjudicatory
139 hearing and a copy of the petition must be served on the
140 following persons:

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

142 (b) A living relative of each parent of the child, unless a
143 living relative cannot be found after a diligent search or
144 inquiry.

145 (c) The guardian ad litem for the child or the
146 representative of the guardian ad litem program, if the program
147 has been appointed.

148 (5) The court shall conduct adjudicatory hearings without a
149 jury and apply the rules of evidence in use in civil cases,
150 adjourning the hearings as necessary. The court must determine
151 whether the petitioner has established by clear and convincing
152 evidence that both parents of the child are deceased, or that
153 the last known living parent is deceased and the other parent
154 cannot be found after a diligent search or inquiry, and that a
155 legal custodian has not been appointed for the child through a



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156 probate or guardianship proceeding. A certified copy of the
157 death certificate for each parent is sufficient evidence of the
158 parents' deaths.

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

161 (a) If the court finds that the petitioner has met the
162 clear and convincing standard, the court must enter a written
163 order adjudicating the child dependent and permanently
164 committing the child to the custody of the department for the
165 purpose of adoption. A disposition hearing must be scheduled no
166 later than 30 days after the entry of the order, in which the
167 department must provide a case plan that identifies the
168 permanency goal for the child to the court. Reasonable efforts
169 must be made to place the child in a timely manner in accordance
170 with the permanency plan and to complete all steps necessary to
171 finalize the permanent placement of the child. Thereafter, until
172 the adoption of the child is finalized or the child reaches the
173 age of 18 years, whichever occurs first, the court must hold
174 hearings every 6 months to review the progress being made toward
175 permanency for the child.

176 (b) If the court finds that clear and convincing evidence
177 does not establish that both parents of a child are deceased, or
178 that the last known living parent is deceased and the other
179 parent cannot be found after a diligent search or inquiry, and
180 that a legal custodian has not been appointed for the child
181 through a probate or guardianship proceeding, but that a
182 preponderance of the evidence establishes that the child does
183 not have a parent or legal custodian capable of providing
184 supervision or care, the court must enter a written order



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185 adjudicating the child dependent. A disposition hearing must be
186 scheduled no later than 30 days after the entry of the order as
187 provided in s. 39.521.

188 (c) If the court finds that the petitioner has not met the
189 clear and convincing standard and that a preponderance of the
190 evidence does not establish that the child does not have a
191 parent or legal custodian capable of providing supervision or
192 care, the court must enter a written order so finding and
193 dismiss the petition.

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

196 (a) If the court finds that the petitioner has met the
197 clear and convincing standard, the court must enter a written
198 order permanently committing the child to the custody of the
199 department for purposes of adoption. A disposition hearing must
200 be scheduled no later than 30 days after the entry of the order,
201 in which the department must provide an amended case plan that
202 identifies the permanency goal for the child to the court.
203 Reasonable efforts must be made to place the child in a timely
204 manner in accordance with the permanency plan and to complete
205 all steps necessary to finalize the permanent placement of the
206 child. Thereafter, until the adoption of the child is finalized
207 or the child reaches the age of 18 years, whichever occurs
208 first, the court must hold hearings every 6 months to review the
209 progress being made toward permanency for the child.

210 (b) If the court finds that clear and convincing evidence
211 does not establish that both parents of a child are deceased or
212 that the last known living parent is deceased and the other
213 parent cannot be found after a diligent search or inquiry, the



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214 court must enter a written order denying the petition. The order
215 has no effect on the child's prior adjudication. The order does
216 not bar the petitioner from filing a subsequent petition for
217 permanent commitment based on newly discovered evidence that
218 establishes that both parents of a child are deceased, or that
219 the last known living parent is deceased, and that a legal
220 custodian has not been appointed for the child through a probate
221 or guardianship proceeding.

222 Section 5. Subsection (7) is added to section 39.522,
223 Florida Statutes, to read:

224 39.522 Postdisposition change of custody.—

225 (7) Notwithstanding any other provision of this section, a
226 child's case manager, an authorized agent of the department, or
227 a law enforcement officer may, at any time, remove a child from
228 a court-ordered placement and take the child into custody if the
229 court-ordered caregiver of the child requests immediate removal
230 of the child from the home. Additionally, an authorized agent of
231 the department or a law enforcement officer may, at any time,
232 remove a child from a court-ordered placement and take the child
233 into custody if there is probable cause as required under s.
234 39.401(1)(b).

235 (a) If, at the time of the removal, the child was not
236 placed in licensed care in the department's custody, the
237 department must file a motion to modify placement within 1
238 business day after the child is taken into custody. The court
239 must then set a hearing within 24 hours after the motion is
240 filed unless all of the parties and the current caregiver agree
241 to the change of placement. At the hearing, the court must
242 determine if the department has established probable cause to



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243 support the immediate removal of the child from his or her
244 current placement. The court may base its determination on a
245 sworn petition or affidavit or on testimony and may hear all
246 relevant and material evidence, including oral or written
247 reports, to the extent of their probative value, even if such
248 evidence would not be competent evidence at an adjudicatory
249 hearing.

250 (b) If the court finds that the department did not
251 establish probable cause to support the removal of the child
252 from his or her current placement, the court must enter an order
253 that the child be returned to such placement. An order by the
254 court to return the child to his or her current placement does
255 not preclude a party from filing a subsequent motion pursuant to
256 subsection (2).

257 (c) If the current caregiver admits that a change of
258 placement is needed or the department establishes probable cause
259 to support removal of the child, the court must enter an order
260 changing the placement of the child. The new placement for the
261 child must meet the home study criteria in this chapter if the
262 child is not placed in foster care.

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

267 Section 6. Paragraph (a) of subsection (1) of section
268 39.6221, Florida Statutes, is amended to read:

269 39.6221 Permanent guardianship of a dependent child.—

270 (1) If a court determines that reunification or adoption is
271 not in the best interest of the child, the court may place the



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272 child in a permanent guardianship with a relative or other adult
273 approved by the court if all of the following conditions are
274 met:

275 (a) The child has been in the placement for not less than
276 the preceding 6 months, or the preceding 3 months if the
277 caregiver has been named as the successor guardian on the
278 child's guardianship assistance agreement.

279 Section 7. Subsection (9) of section 39.6225, Florida
280 Statutes, is amended to read:

281 39.6225 Guardianship Assistance Program.—

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

287 (a) Completing secondary education or a program leading to
288 an equivalent credential;

289 (b) Enrolled in an institution that provides postsecondary
290 or vocational education;

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

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

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

297 Any such barrier to participation must be supported by
298 documentation in the child's case file or school or medical
299 records of a physical, intellectual, emotional, or psychiatric
300 condition that impairs the child's ability to perform one or



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301 more life activities.

302 Section 8. Paragraph (d) of subsection (3) of section
303 39.801, Florida Statutes, is redesignated as paragraph (e), and
304 a new paragraph (d) is added to that subsection to read:

305 39.801 Procedures and jurisdiction; notice; service of
306 process.—

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

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

314 (e)~~(d)~~ If the person served with notice under this section
315 fails to appear at the advisory hearing, either physically or,
316 by agreement of the parties or at the discretion of the court,
317 through audio-video communication technology, the failure to
318 appear constitutes consent for termination of parental rights by
319 the person given notice. If a parent appears for the advisory
320 hearing and the court orders that parent to appear at the
321 adjudicatory hearing for the petition for termination of
322 parental rights, stating the date, time, and location of the
323 hearing and, if applicable, instructions for appearance through
324 audio-video communication technology, then failure of that
325 parent to appear, either physically or, by agreement of the
326 parties or at the discretion of the court, through audio-video
327 communication technology, at the adjudicatory hearing
328 constitutes consent for termination of parental rights.

329 Section 9. Subsections (4), (5), and (6) of section 39.812,



330 Florida Statutes, are amended to read:

331 39.812 Postdisposition relief; petition for adoption.—

332 (4) The court shall retain jurisdiction over any child
333 placed in the custody of the department until the child is
334 adopted. After custody of a child for subsequent adoption has
335 been given to the department, the court has jurisdiction for the
336 purpose of reviewing the status of the child and the progress
337 being made toward permanent adoptive placement. As part of this
338 continuing jurisdiction, ~~for good cause shown by the guardian ad~~
339 ~~litem for the child,~~ the court may:

340 (a) Review the appropriateness of the adoptive placement of
341 the child if good cause is shown by the guardian ad litem for
342 the child.

343 (b) Review the department's denial of an application to
344 adopt a child. The department's decision to deny an application
345 to adopt a child is only reviewable under this section and is
346 not subject to chapter 120.

347 1. If the department denies an application to adopt a
348 child, the department must file written notification of the
349 denial with the court and provide copies to all parties within
350 10 business days after the department's decision.

351 2. A denied applicant may file a motion to have the court
352 review the department's denial within 30 business days after the
353 issuance of the department's written notification of its
354 decision to deny the application to adopt a child. The motion to
355 review must allege that the department unreasonably denied the
356 application to adopt and request that the court allow the denied
357 applicant to file a petition to adopt the child under chapter 63
358 without the department's consent.



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

363 4. The court shall hold a hearing within 30 business days
364 after the denied applicant files the motion to review. The court
365 may only consider whether the department's denial of the
366 application is consistent with its policies and if the
367 department made such decision in an expeditious manner. The
368 standard of review is whether the department's denial of the
369 application is an abuse of discretion.

370 5. If the department selected a different applicant to
371 adopt the child, the selected applicant may participate in the
372 hearing as a participant, as defined in s. 39.01, and may be
373 granted leave by the court to be heard without the need to file
374 a motion to intervene.

375 6. Within 15 business days after the conclusion of the
376 hearing, the court must enter a written order denying the motion
377 to review or finding that the department unreasonably denied the
378 application to adopt and authorizing the denied applicant to
379 file a petition to adopt the child under chapter 63 without the
380 department's consent.

381 (5) When a licensed foster parent or court-ordered
382 custodian has applied to adopt a child who has resided with the
383 foster parent or custodian for at least 6 months and who has
384 previously been permanently committed to the legal custody of
385 the department and the department does not grant the application
386 to adopt, the department may not, in the absence of a prior
387 court order authorizing it to do so, remove the child from the



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388 foster home or custodian, except when:

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

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

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

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

400 (6)~~(5)~~ The petition for adoption must be filed in the
401 division of the circuit court which entered the judgment
402 terminating parental rights, unless a motion for change of venue
403 is granted pursuant to s. 47.122. A copy of the consent to adopt
404 executed by the department must be attached to the petition,
405 unless such consent is waived under ~~pursuant to~~ s. 63.062(7).
406 The petition must be accompanied by a statement, signed by the
407 prospective adoptive parents, acknowledging receipt of all
408 information required to be disclosed under s. 63.085 and a form
409 provided by the department which details the social and medical
410 history of the child and each parent and includes the social
411 security number and date of birth for each parent, if such
412 information is available or readily obtainable. The prospective
413 adoptive parents may not file a petition for adoption until the
414 judgment terminating parental rights becomes final. An adoption
415 proceeding under this subsection is governed by chapter 63.

416 (7)~~(6)~~(a) Once a child's adoption is finalized, the



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417 department or its contracted child-placing agency ~~community-~~
418 ~~based care lead agency~~ must make a reasonable effort to contact
419 the adoptive family by telephone 1 year after the date of
420 finalization of the adoption as a postadoption service. For
421 purposes of this subsection, the term "reasonable effort" means
422 the exercise of reasonable diligence and care by the department
423 or its contracted child-placing agency ~~community-based care lead~~
424 ~~agency~~ to make contact with the adoptive family. At a minimum,
425 the department or its contracted child-placing agency must
426 document the following:

427 1. The number of attempts made by the department or its
428 contracted child-placing agency ~~community-based care lead agency~~
429 to contact the adoptive family and whether those attempts were
430 successful;

431 2. The types of postadoption services that were requested
432 by the adoptive family and whether those services were provided
433 by the department or its contracted child-placing agency
434 ~~community-based care lead agency~~; and

435 3. Any feedback received by the department or its
436 contracted child-placing agency ~~community-based care lead agency~~
437 from the adoptive family relating to the quality or
438 effectiveness of the services provided.

439 (b) The contracted child-placing agency ~~community-based~~
440 ~~care lead agency~~ must report annually to the department on the
441 outcomes achieved and recommendations for improvement under this
442 subsection.

443 Section 10. Subsection (6) and (7) of section 63.032,
444 Florida Statutes, are renumbered as subsection (7) and (6),
445 respectively, and present subsection (6) of that section is



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446 amended to read:

447 63.032 Definitions.—As used in this chapter, the term:

448 (7)~~(6)~~ “Child-placing agency” means an any child-placing
449 agency licensed by the department pursuant to s. 63.202 to place
450 minors for adoption.

451 Section 11. Subsection (7) of section 63.062, Florida
452 Statutes, is amended to read:

453 63.062 Persons required to consent to adoption; affidavit
454 of nonpaternity; waiver of venue.—

455 (7) If parental rights to the minor have previously been
456 terminated, the adoption entity with which the minor has been
457 placed for subsequent adoption may provide consent to the
458 adoption. In such case, no other consent is required. If the
459 minor has been permanently committed to the department for
460 subsequent adoption, the department must consent to the adoption
461 or the court order finding that the department unreasonably
462 denied the application to adopt entered under s. 39.812(4) must
463 be attached to the petition to adopt, and ~~The consent of the~~
464 ~~department shall be waived upon a determination by the court~~
465 ~~that such consent is being unreasonably withheld and if the~~
466 petitioner shall file ~~has filed~~ with the court a favorable
467 preliminary adoptive home study as required under s. 63.092.

468 Section 12. Section 63.093, Florida Statutes, is amended to
469 read:

470 63.093 Adoption of children from the child welfare system.—

471 (1) Beginning July 1, 2025, the department shall contract
472 with one or more child-placing agencies to provide adoptive
473 services to prospective adoptive parents, complete the adoption
474 processes for children permanently committed to the department,



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475 and support adoptive families. The department may allow a
476 contracted child-placing agency to subcontract with other
477 entities to provide the duties required in this section.

478 (2)(1) The department, through its contracted child-placing
479 agency or community-based care lead agency as defined in s.
480 409.986(3), or its subcontracted agency, must respond to an
481 initial inquiry from a prospective adoptive parent within 7
482 business days after receipt of the inquiry. The response must
483 inform the prospective adoptive parent of the adoption process
484 and the requirements for adopting a child from the child welfare
485 system.

486 (3)(2) The department, through its contracted child-placing
487 agency or community-based care lead agency, or its subcontracted
488 agency, must refer a prospective adoptive parent who is
489 interested in adopting a child in the custody of the department
490 to a department-approved adoptive parent training program. A
491 prospective adoptive parent must successfully complete the
492 training program, unless the prospective adoptive parent is a
493 licensed foster parent or a relative or nonrelative caregiver
494 who has:

495 (a) Attended the training program within the last 5 years;
496 or

497 (b) Had the child who is available for adoption placed in
498 their home for 6 months or longer and has been determined to
499 understand the challenges and parenting skills needed to
500 successfully parent the child who is available for adoption.

501 (4)(3) A prospective adoptive parent must complete an
502 adoption application created by the department.

503 (5)(4) Before a child is placed in an adoptive home, the



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

517 (6) ~~(5)~~ At the conclusion of the adoptive home study and
518 preparation process, a decision must ~~shall~~ be made about the
519 prospective adoptive parent's appropriateness to adopt. This
520 decision shall be reflected in the final recommendation included
521 in the adoptive home study. If the recommendation is for
522 approval, the adoptive parent application file must be submitted
523 to the department, through its contracted child-placing agency,
524 ~~community-based care lead agency or its subcontracted agency~~ for
525 approval. The contracted child-placing agency ~~community-based~~
526 ~~care lead agency or its subcontracted agency~~ must approve or
527 deny the home study within 14 business days after receipt of the
528 recommendation.

529 (7) The department shall adopt rules to eliminate
530 duplicative practices and delays in the adoption home study
531 process for a member of a uniformed service on active duty
532 seeking to adopt in the state, including, but not limited to,



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533 providing a credit for adoption classes that have been taken in
534 another state which substantially cover the preservice training
535 required under s. 409.175(14) (b).

536 (8) By November 15 of each year, the department shall
537 submit an annual report to the Governor, the President of the
538 Senate, and the Speaker of the House of Representatives on the
539 status of adoptions within the state.

540
541 Notwithstanding subsections (2) and (3) ~~(1) and (2)~~, this
542 section does not apply to a child adopted through the process
543 provided in s. 63.082(6).

544 Section 13. Subsections (6) of section 63.097, Florida
545 Statutes, is renumbered as subsection (7), paragraphs (a) and
546 (c) of subsection (3) are amended, and a new subsection (6) is
547 added to that section, to read:

548 63.097 Fees.—

549 (3) Approval of the court is not required until the total
550 of amounts permitted under subsection (2) exceeds:

551 (a) \$2,500 ~~\$5,000~~ in legal or other fees;

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

553 (c) \$2,500 ~~\$5,000~~ in reasonable and necessary living and
554 medical expenses.

555 (6) Excluding reasonable medically necessary expenses, the
556 court may not approve the fees per child specified in this
557 section if the fees exceed the total amount of the federal
558 adoption tax credit for the current tax year.

559 (7) ~~(6)~~ Unless otherwise indicated in this section, when an
560 adoption entity uses the services of a licensed child-placing
561 agency, a professional, any other person or agency pursuant to



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562 s. 63.092, or, if necessary, the department, the person seeking
563 to adopt the child must pay the licensed child-placing agency,
564 professional, other person or agency, or the department an
565 amount equal to the cost of all services performed, including,
566 but not limited to, the cost of conducting the preliminary home
567 study, counseling, and the final home investigation.

568 Section 14. Paragraph (a) of subsection (2) and paragraph
569 (a) of subsection (3) of section 409.1451, Florida Statutes, are
570 amended to read:

571 409.1451 The Road-to-Independence Program.—

572 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

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

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

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

583 3. Earned a standard high school diploma pursuant to s.
584 1002.3105(5), s. 1003.4281, or s. 1003.4282, or its equivalent
585 pursuant to s. 1003.435;

586 4. Has been admitted for enrollment as a full-time student
587 or its equivalent in an eligible postsecondary educational
588 institution as provided in s. 1009.533. For purposes of this
589 section, the term "full-time" means 9 credit hours or the
590 vocational school equivalent. A student may enroll part-time if



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591 he or she has a recognized disability or is faced with another
592 challenge or circumstance that would prevent full-time
593 attendance. A student needing to enroll part-time for any reason
594 other than having a recognized disability must get approval from
595 his or her academic advisor;

596 5. Has reached 18 years of age but is not yet 23 years of
597 age;

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

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

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

605 (3) AFTERCARE SERVICES.—

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

609 a. Not in foster care.

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

612 c. Eligible for the Extended Guardianship Assistance
613 Program under s. 39.6225(9) or the extended adoption assistance
614 program under s. 409.166(4), but is not participating in either
615 program.

616 2. Subject to available funding, aftercare services as
617 specified in subparagraph (b)8. are also available to a young
618 adult who is between the ages of 18 and 22, is receiving
619 financial assistance under subsection (2), is experiencing an



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620 emergency situation, and whose resources are insufficient to
621 meet the emergency situation. Such assistance shall be in
622 addition to any amount specified in paragraph (2) (b).

623 Section 15. Paragraph (d) of subsection (4) of section
624 409.166, Florida Statutes, is amended to read:

625 409.166 Children within the child welfare system; adoption
626 assistance program.—

627 (4) ADOPTION ASSISTANCE.—

628 (d) Effective January 1, 2019, adoption assistance payments
629 may be made for a child whose adoptive parent entered into an
630 initial adoption assistance agreement after the child reached 14
631 ~~16~~ years of age but before the child reached 18 years of age.
632 Such payments may be made until the child reaches age 21 if the
633 child is:

634 1. Completing secondary education or a program leading to
635 an equivalent credential;

636 2. Enrolled in an institution that provides postsecondary
637 or vocational education;

638 3. Participating in a program or activity designed to
639 promote or eliminate barriers to employment;

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

641 5. Unable to participate in programs or activities listed
642 in subparagraphs 1.-4. full time due to a physical, an
643 intellectual, an emotional, or a psychiatric condition that
644 limits participation. Any such barrier to participation must be
645 supported by documentation in the child's case file or school or
646 medical records of a physical, an intellectual, an emotional, or
647 a psychiatric condition that impairs the child's ability to
648 perform one or more life activities.



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649 Section 16. Section 409.1662, Florida Statutes, is
650 repealed.

651 Section 17. Section 409.1664, Florida Statutes, is amended
652 to read:

653 409.1664 Adoption benefits for qualifying adoptive
654 employees of state agencies, veterans, servicemembers, ~~and~~ law
655 enforcement officers, health care practitioners, and tax
656 collector employees.—

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

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

660 (b) "Health care practitioner" means a person listed in s.
661 456.001(4) who holds an active license from the Department of
662 Health and whose gross income does not exceed \$150,000 per year.

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

665 (d) ~~(e)~~ "Qualifying adoptive employee" means a full-time or
666 part-time employee of a state agency, a charter school
667 established under s. 1002.33, or the Florida Virtual School
668 established under s. 1002.37, who is not an independent
669 contractor and who adopts a child within the child welfare
670 system pursuant to chapter 63 on or after July 1, 2015. The term
671 includes instructional personnel, as defined in s. 1012.01, who
672 are employed by the Florida School for the Deaf and the Blind,
673 and includes other-personal-services employees who have been
674 continuously employed full time or part time by a state agency
675 for at least 1 year.

676 (e) ~~(d)~~ "Servicemember" has the same meaning as in s.
677 250.01(19).



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678 (f)~~(e)~~ "State agency" means a branch, department, or agency
679 of state government for which the Chief Financial Officer
680 processes payroll requisitions, a state university or Florida
681 College System institution as defined in s. 1000.21, a school
682 district unit as defined in s. 1001.30, or a water management
683 district as defined in s. 373.019.

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

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

687 (2) A qualifying adoptive employee, veteran, law
688 enforcement officer, health care practitioner, tax collector
689 employee, or servicemember who adopts a child within the child
690 welfare system who is difficult to place as described in s.
691 409.166(2) (d)2. is eligible to receive a lump-sum monetary
692 benefit in the amount of \$25,000 ~~\$10,000~~ per such child, subject
693 to applicable taxes. ~~A law enforcement officer who adopts a~~
694 ~~child within the child welfare system who is difficult to place~~
695 ~~as described in s. 409.166(2) (d)2. is eligible to receive a~~
696 ~~lump-sum monetary benefit in the amount of \$25,000 per such~~
697 ~~child, subject to applicable taxes. A qualifying adoptive~~
698 ~~employee, veteran, law enforcement officer, health care~~
699 practitioner, tax collector employee, or servicemember who
700 adopts a child within the child welfare system who is not
701 difficult to place as described in s. 409.166(2) (d)2. is
702 eligible to receive a lump-sum monetary benefit in the amount of
703 \$10,000 ~~\$5,000~~ per such child, subject to applicable taxes. A
704 ~~law enforcement officer who adopts a child within the child~~
705 ~~welfare system who is not difficult to place as described in s.~~
706 ~~409.166(2) (d)2. is eligible to receive a lump-sum monetary~~



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707 ~~benefit in the amount of \$10,000 per each such child, subject to~~
708 ~~applicable taxes.~~ A qualifying adoptive employee of a charter
709 school or the Florida Virtual School may retroactively apply for
710 the monetary benefit provided in this subsection if such
711 employee was employed by a charter school or the Florida Virtual
712 School when he or she adopted a child within the child welfare
713 system pursuant to chapter 63 on or after July 1, 2015. A
714 veteran or servicemember may apply for the monetary benefit
715 provided in this subsection if he or she is domiciled in this
716 state and adopts a child within the child welfare system
717 pursuant to chapter 63 on or after July 1, 2020. A law
718 enforcement officer may apply for the monetary benefit provided
719 in this subsection if he or she is domiciled in this state and
720 adopts a child within the child welfare system pursuant to
721 chapter 63 on or after July 1, 2022. A health care practitioner
722 and tax collector employee may apply for the monetary benefit
723 provided in this subsection if he or she is domiciled in this
724 state and adopts a child within the child welfare system
725 pursuant to chapter 63 on or after July 1, 2024.

726 (a) Benefits paid to a qualifying adoptive employee who is
727 a part-time employee must be prorated based on the qualifying
728 adoptive employee's full-time equivalency at the time of
729 applying for the benefits.

730 (b) Monetary benefits awarded under this subsection are
731 limited to one award per adopted child within the child welfare
732 system.

733 (c) The payment of a lump-sum monetary benefit for adopting
734 a child within the child welfare system under this section is
735 subject to a specific appropriation to the department for such



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736 purpose.

737 (3) A qualifying adoptive employee must apply to his or her
738 agency head, or to his or her school director in the case of a
739 qualifying adoptive employee of a charter school or the Florida
740 Virtual School, to obtain the monetary benefit provided in
741 subsection (2). A veteran, or servicemember, or tax collector
742 employee must apply to the department to obtain the benefit. A
743 law enforcement officer must apply to the Department of Law
744 Enforcement to obtain the benefit. A health care practitioner
745 must apply to the Department of Health to obtain the benefit.
746 Applications must be on forms approved by the department and
747 must include a certified copy of the final order of adoption
748 naming the applicant as the adoptive parent. Monetary benefits
749 shall be approved on a first-come, first-served basis based upon
750 the date that each fully completed application is received by
751 the department.

752 (4) This section does not preclude a qualifying adoptive
753 employee, veteran, servicemember, health care practitioner, tax
754 collector employee, or law enforcement officer from receiving
755 adoption assistance for which he or she may qualify under s.
756 409.166 or any other statute that provides financial incentives
757 for the adoption of children.

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

761 (6) The department may adopt rules to administer this
762 section. The rules may provide for an application process such
763 as, but not limited to, an open enrollment period during which
764 qualifying adoptive employees, veterans, servicemembers, health



765 care practitioners, tax collector employees, or law enforcement
766 officers may apply for monetary benefits under this section.

767 (7) The Chief Financial Officer shall disburse a monetary
768 benefit to a qualifying adoptive employee upon the department's
769 submission of a payroll requisition. The Chief Financial Officer
770 shall transfer funds from the department to a state university,
771 a Florida College System institution, a school district unit, a
772 charter school, the Florida Virtual School, or a water
773 management district, as appropriate, to enable payment to the
774 qualifying adoptive employee through the payroll systems as long
775 as funds are available for such purpose.

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

779 (9) Each state agency shall develop a uniform procedure for
780 informing employees about this benefit and for assisting the
781 department in making eligibility determinations and processing
782 applications. Any procedure adopted by a state agency is valid
783 and enforceable if the procedure does not conflict with the
784 express terms of this section.

785 Section 18. Subsections (1) through (4) of section 409.167,
786 Florida Statutes, are amended to read:

787 409.167 Statewide adoption exchange; establishment;
788 responsibilities; registration requirements; rules.—

789 (1) The Department of Children and Families shall
790 establish, either directly or through purchase, a statewide
791 adoption exchange, with a photo listing component, which serves
792 ~~shall serve~~ all authorized licensed child-placing agencies in
793 the state as a means of recruiting adoptive families for



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794 children who have been legally freed for adoption and who have
795 been permanently placed with the department or a licensed child-
796 placing agency. The statewide adoption exchange must ~~shall~~
797 provide, in accordance with rules adopted by the department,
798 descriptions and photographs of such children, as well as any
799 other information deemed useful in the recruitment of adoptive
800 families for each child. The photo listing component of the
801 statewide adoption exchange must be updated monthly and may not
802 be accessible to the public, except to persons who have
803 completed or are in the process of completing an adoption home
804 study.

805 (2) (a) Each district of the department shall refer each
806 child in its care who has been legally freed for adoption to the
807 statewide adoption exchange no later than 30 days after the date
808 of acceptance by the department for permanent placement. The
809 referral must be accompanied by a photograph and description of
810 the child.

811 (b) The department shall establish criteria by which a
812 district may determine that a child need not be registered with
813 the statewide adoption exchange. Within 30 days after the date
814 of acceptance by the department for permanent placement, the
815 name of the child accepted for permanent placement must be
816 forwarded to the statewide adoption exchange by the district
817 together with reference to the specific reason why the child
818 should not be placed on the statewide adoption exchange. If the
819 child has not been placed for adoption within 3 months after the
820 date of acceptance by the department for permanent placement,
821 the district must ~~shall~~ provide the statewide adoption exchange
822 with the necessary photograph and information for registration



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823 of the child with the statewide adoption exchange and the child
824 must ~~shall~~ be placed on the statewide adoption exchange. The
825 department shall establish procedures for monitoring the status
826 of children who are not placed on the statewide adoption
827 exchange within 30 days after the date of acceptance by the
828 department for permanent placement.

829 (3) In accordance with rules established by the department,
830 the statewide adoption exchange may accept, from licensed child-
831 placing agencies, information pertaining to children meeting the
832 criteria of this section, and to prospective adoptive families,
833 for registration with the statewide adoption exchange.

834 (4) For purposes of facilitating family-matching between
835 children and prospective adoptive parents, the statewide
836 adoption exchange must ~~shall~~ provide the photo listing component
837 service to all licensed child-placing agencies and, in
838 accordance with rules adopted ~~established~~ by the department, to
839 all appropriate citizen groups and other organizations and
840 associations interested in children's services. The photo
841 listing component of the statewide adoption exchange may not be
842 accessible to the public, except to persons who have completed
843 or are in the process of completing an adoption home study.

844 Section 19. Effective July 1, 2025, paragraph (a) of
845 subsection (1) of section 409.988, Florida Statutes, is amended
846 to read:

847 409.988 Community-based care lead agency duties; general
848 provisions.—

849 (1) DUTIES.—A lead agency:

850 (a)1. Shall serve+

851 ~~a.~~ all children referred as a result of a report of abuse,



852 neglect, or abandonment to the department's central abuse
853 hotline, including, but not limited to, children who are the
854 subject of verified reports and children who are not the subject
855 of verified reports but who are at moderate to extremely high
856 risk of abuse, neglect, or abandonment, as determined using the
857 department's risk assessment instrument, regardless of the level
858 of funding allocated to the lead agency by the state if all
859 related funding is transferred.

860 ~~b. Children who were adopted from the child welfare system~~
861 ~~and whose families require postadoption supports.~~

862 2. May also serve children who have not been the subject of
863 reports of abuse, neglect, or abandonment, but who are at risk
864 of abuse, neglect, or abandonment, to prevent their entry into
865 the child protection and child welfare system.

866 Section 20. Except as otherwise expressly provided in
867 this act, this act shall take effect July 1, 2024

868
869 ===== T I T L E A M E N D M E N T =====

870 And the title is amended as follows:

871 Delete everything before the enacting clause
872 and insert:

873 A bill to be entitled
874 An act relating to permanency for children; amending
875 s. 39.01, F.S.; defining the term "visitor"; amending
876 s. 39.0138, F.S.; renaming the "State Automated Child
877 Welfare Information System" as the "Comprehensive
878 Child Welfare Information System"; requiring the
879 Department of Children and Families to conduct a
880 criminal history records check of certain frequent



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881 visitors to a home in which a child is placed;
882 requiring the department to conduct a name-based check
883 of criminal history records of all visitors to such
884 home and certain other persons in specified
885 circumstances; requiring certain persons to submit
886 their fingerprints to the department or other
887 specified entities; requiring the department or such
888 entities to submit such fingerprints to the Department
889 of Law Enforcement for state processing within a
890 specified timeframe; requiring the Department of Law
891 Enforcement to forward such fingerprints to the
892 Federal Bureau of Investigation within a specified
893 timeframe; requiring a child to be immediately removed
894 from a home if certain persons fail to provide their
895 fingerprints and are not otherwise exempt from a
896 criminal history records check; amending s. 39.202,
897 F.S.; authorizing certain information to be provided
898 to any person in the event of the death of a child if
899 the department concludes that the death was a result
900 of abuse, abandonment, or neglect; creating s.
901 39.5035, F.S.; providing procedures and requirements
902 relating to deceased parents of a dependent child;
903 amending s. 39.522, F.S.; authorizing certain persons
904 to remove a child from a court-ordered placement under
905 certain circumstances; requiring the Department of
906 Children and Families to file a specified motion, and
907 the court to set a hearing, within specified
908 timeframes under certain circumstances; requiring a
909 certain determination by the court to support



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910 immediate removal of a child; authorizing the court to
911 base its determination on certain evidence; requiring
912 the court to enter certain orders and conduct certain
913 hearings under certain circumstances; amending s.
914 39.6221, F.S.; revising a requisite condition for
915 placing a child in a permanent guardianship; amending
916 s. 39.6225, F.S.; revising eligibility for payments
917 under the Guardianship Assistance Program; amending s.
918 39.801, F.S.; providing that service of process is not
919 necessary under certain circumstances; amending s.
920 39.812, F.S.; authorizing the court to review the
921 Department of Children and Families' denial of an
922 application to adopt a child; requiring the department
923 to file written notification of its denial with the
924 court and provide copies to certain persons within a
925 specified timeframe; authorizing a denied applicant to
926 file a motion to review such denial within a specified
927 timeframe; requiring the court to hold a hearing
928 within a specified timeframe; providing standing to
929 certain persons; authorizing certain persons to
930 participate in the hearing under certain
931 circumstances; requiring the court to enter an order
932 within a specified timeframe; providing an exception
933 to authorize the department to remove a child from his
934 or her foster home or custodian; requiring the
935 department or its contracted child-placing agency to
936 conduct certain postadoption duties; conforming
937 provisions to changes made by the act; amending s.
938 63.032, F.S.; revising a definition; amending s.



939 63.062, F.S.; conforming provisions to changes made by
940 the act; amending s. 63.093, F.S.; requiring the
941 Department of Children and Families to contract with
942 one or more child-placing agencies to provide adoption
943 services; authorizing such agency to subcontract with
944 other entities to provide certain duties; requiring an
945 adoptive home study to be updated every 12 months
946 after the date on which the first study was approved;
947 requiring the department to adopt certain rules;
948 requiring the department to submit an annual report to
949 the Governor and Legislature by a specified date;
950 conforming provisions to changes made by the act;
951 amending s. 63.097, F.S.; revising and prohibiting
952 certain fees; amending s. 409.1451, F.S.; revising the
953 age requirements for receiving postsecondary education
954 services and support; revising the requirements for
955 receiving aftercare services; amending s. 409.166,
956 F.S.; revising the age requirements for receiving
957 adoption assistance; repealing s. 409.1662, F.S.,
958 relating to children within the child welfare system
959 and the adoption incentive program; amending s.
960 409.1664, F.S.; providing definitions; providing
961 certain adoption benefits to health care practitioners
962 and tax collector employees; specifying methods for
963 such persons to apply for such benefits; increasing
964 the amount of monetary adoption benefits certain
965 persons are eligible to receive; conforming provisions
966 to changes made by the act; amending s. 409.167, F.S.;
967 providing requirements for the statewide adoption



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968 exchange and its photo listing component; authorizing
969 only certain persons to access such photo listing
970 component; conforming provisions to changes made by
971 the act; amending s. 409.988, F.S.; revising the
972 children a community-based care lead agency must
973 serve; providing effective dates.
974