

CHAPTER 2024-177

Committee Substitute for Committee Substitute for Committee Substitute for House Bill No. 1083

An act relating to permanency for children; amending s. 39.01, F.S.; defining the term “visitor”; amending s. 39.0138, F.S.; renaming the “State Automated Child Welfare Information System” as the “Comprehensive Child Welfare Information System”; requiring the Department of Children and Families to conduct a criminal history records check of certain visitors to a home in which a child is placed; defining the term “emergency placement”; requiring the department to conduct a name-based check of criminal history records of certain persons in specified circumstances; requiring certain persons to submit their fingerprints to the department or other specified entities; requiring the department or such entities to submit such fingerprints to the Department of Law Enforcement for state processing within a specified timeframe; requiring the Department of Law Enforcement to forward such fingerprints to the Federal Bureau of Investigation within a specified timeframe; requiring a child to be immediately removed from a home if certain persons fail to provide their fingerprints and are not exempt from a criminal history records check; creating s. 39.5035, F.S.; providing procedures and requirements relating to deceased parents of a dependent child; amending s. 39.522, F.S.; authorizing certain persons to remove a child from a court-ordered placement under certain circumstances; requiring the Department of Children and Families to file a specified motion, and the court to set a hearing, within specified timeframes under certain circumstances; requiring a certain determination by the court to support immediate removal of a child; authorizing the court to base its determination on certain evidence; requiring the court to enter certain orders and conduct certain hearings under certain circumstances; amending s. 39.6221, F.S.; revising a requisite condition for placing a child in a permanent guardianship; amending s. 39.6225, F.S.; revising eligibility for payments under the Guardianship Assistance Program; amending s. 39.801, F.S.; providing that service of process is not necessary under certain circumstances; amending s. 39.812, F.S.; authorizing the court to review the Department of Children and Families’ denial of an application to adopt a child; requiring the department to file written notification of its denial with the court and provide copies to certain persons within a specified timeframe; authorizing a denied applicant to file a motion to review such denial within a specified timeframe; requiring the court to hold a hearing within a specified timeframe; providing standing to certain persons; authorizing certain persons to participate in the hearing under certain circumstances; requiring the court to enter an order within a specified timeframe; providing an exception to authorize the department to remove a child from his or her foster home or custodian; amending s. 63.062, F.S.; conforming provisions to changes made by the act; amending s. 63.093, F.S.; requiring an adoptive home study to be updated every 12 months after the date on

which the first study was approved; requiring the department to adopt certain rules; amending s. 63.097, F.S.; requiring the court to issue a specified order under certain circumstances; prohibiting certain fees; requiring an adoption entity, beginning on a specified date, to quarterly report certain information to the department; requiring certain information to be itemized by certain categories; providing that confidentiality provisions do not apply to certain information; requiring an adoption entity to redact certain confidential identifying information; requiring the department to quarterly report certain information on its website; requiring the department to adopt rules; amending s. 63.132, F.S.; requiring certain orders to contain a written determination of reasonableness; conforming a provision to changes made by the act; amending s. 63.212, F.S.; providing applicability; requiring a specified statement to be included in certain advertisements; amending s. 409.1451, F.S.; revising the age requirements for receiving postsecondary education services and support; amending s. 409.166, F.S.; revising the age requirements for receiving adoption assistance; amending s. 409.1664, F.S.; providing definitions; providing certain adoption benefits to health care practitioners and tax collector employees; specifying methods for such persons to apply for such benefits; increasing the amount of monetary adoption benefits certain persons are eligible to receive; amending s. 409.167, F.S.; providing requirements for the statewide adoption exchange and its photo listing component and description of children placed on such exchange; authorizing only certain persons to access the statewide adoption exchange; authorizing certain children to make certain requests and requiring them to be consulted on certain decisions; conforming provisions to changes made by the act; providing an effective date.

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

(5)(a) If a child has been sheltered pursuant to s. 39.402 and the department must arrange an emergency placement in out-of-home care for the child, the department must conduct a name-based check of criminal history records to ascertain if the person with whom placement of the child is being considered and any other adult household members of such person are disqualified. For purposes of this paragraph, the term “emergency placement” means the department is placing a child in the home of a private individual, including a neighbor, friend, or relative, as a result of an immediate removal pursuant to s. 39.402.

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

~~forwarding to the Federal Bureau of Investigation and is awaiting the results of the state and national criminal history records check.~~

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

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

39.5035 Deceased parents; special procedures.—

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

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

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

(2) The petition must be:

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

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

(3) When a petition for adjudication and permanent commitment or a petition for permanent commitment has been filed, the clerk of court must set the case before the court for an adjudicatory hearing. The adjudicatory

hearing must be held as soon as practicable after the petition is filed, but no later than 30 days after the filing date.

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

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

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

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

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

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

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

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

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

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

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

(b) If the court finds that clear and convincing evidence does not establish that both parents of a child are deceased or that the last known living parent is deceased and the other parent cannot be found after a diligent search or inquiry, the court must enter a written order denying the petition. The order has no effect on the child's prior adjudication. The order does not bar the petitioner from filing a subsequent petition for permanent commitment based on newly discovered evidence that establishes that both parents of a child are deceased, or that the last known living parent is deceased, and that a legal custodian has not been appointed for the child through a probate or guardianship proceeding.

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

39.522 Postdisposition change of custody.—

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

(a) If, at the time of the removal, the child was not placed in licensed care in the department's custody, the department must file a motion to modify placement within 1 business day after the child is taken into custody. The

court must then set a hearing within 24 hours after the motion is filed unless all of the parties and the current caregiver agree to the change of placement. At the hearing, the court must determine if the department has established probable cause to support the immediate removal of the child from his or her current placement. The court may base its determination on a sworn petition or affidavit or on testimony and may hear all relevant and material evidence, including oral or written reports, to the extent of their probative value, even if such evidence would not be competent evidence at an adjudicatory hearing.

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

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

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

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

39.6221 Permanent guardianship of a dependent child.—

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

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

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

39.6225 Guardianship Assistance Program.—

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

- (a) Completing secondary education or a program leading to an equivalent credential;
- (b) Enrolled in an institution that provides postsecondary or vocational education;
- (c) Participating in a program or activity designed to promote or eliminate barriers to employment;
- (d) Employed for at least 80 hours per month; or
- (e) Unable to participate in programs or activities listed in paragraphs (a)-(d) full time due to a physical, intellectual, emotional, or psychiatric condition that limits participation. Any such barrier to participation must be supported by documentation in the child's case file or school or medical records of a physical, intellectual, emotional, or psychiatric condition that impairs the child's ability to perform one or more life activities.

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

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

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

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

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

39.812 Postdisposition relief; petition for adoption.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. The number of attempts made by the community-based care lead agency to contact the adoptive family and whether those attempts were successful;⁵

2. The types of postadoption services that were requested by the adoptive family and whether those services were provided by the community-based care lead agency;⁵ ~~and~~

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

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

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

63.062 Persons required to consent to adoption; affidavit of nonpater-
nity; waiver of venue.—

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

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

63.093 Adoption of children from the child welfare system.—

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

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

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

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

Section 11. Subsections (1), (3), and (4) and paragraph (c) of subsection (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 the process of licensing the agency and if such fees ~~they~~ are for:

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

(3) The court must issue an order pursuant to s. 63.132(3) if Approval of the court is not required until the total of amounts permitted under subsection (2) exceeds:

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

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

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

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

(7) Beginning January 1, 2025, an adoption entity shall report quarterly to the department information related to the age, race, ethnicity, sex, and county of birth of the adopted child and the county of residence of the adoptive family for each finalized adoption. The adoption entity shall also report for each finalized adoption the fees, costs, and expenses that were assessed by the adoption entity or paid by the adoption entity on behalf of the prospective adoptive parents, itemized by the categories enumerated in subsection (2), and any fees, costs, and expenses approved by the court under subsection (4). The confidentiality provisions of this chapter do not apply to

the fees, costs, and expenses assessed or paid in connection with an adoption. In reporting the information required by this subsection to the department, the adoption entity shall redact any confidential identifying information concerning the child, the child's biological parents, and the child's adoptive parents. The department shall report quarterly on its website information for each adoption entity including the actual fees, costs, and expenses of finalized adoptions. The department shall adopt rules to implement this subsection.

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

63.132 Affidavit of expenses and receipts.—

(3) The court must issue a separate order approving or disapproving the fees, costs, and expenses itemized in the affidavit. The court may approve only fees, costs, and expenditures allowed under s. 63.097. An order approving fees, costs, and expenses that exceed the limits set forth in s. 63.097 must include a written determination of reasonableness. The court may reject in whole or in part any fee, cost, or expenditure listed if the court finds that the expense is any of the following:

(a) Contrary to this chapter.

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

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

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

63.212 Prohibited acts; penalties for violation.—

(1) It is unlawful for any person:

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

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

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

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

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

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

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

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

409.1451 The Road-to-Independence Program.—

(2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

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

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

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

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

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

student needing to enroll part-time for any reason other than having a recognized disability must get approval from his or her academic advisor;

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

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

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

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

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

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

(4) ADOPTION ASSISTANCE.—

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

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

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

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

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

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

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

409.1664 Adoption benefits for qualifying adoptive employees of state agencies, veterans, servicemembers, and law enforcement officers, health

care practitioners, and tax collector employees.—

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

(a) “Child within the child welfare system” has the same meaning as provided in s. 409.166(2).

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

(c)(b) “Law enforcement officer” has the same meaning as provided in s. 943.10(1).

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

(e)(d) “Servicemember” has the same meaning as in s. 250.01(19).

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

(g) “Tax collector employee” means an employee of an office of county tax collector in the state.

(h)(f) “Veteran” has the same meaning as in s. 1.01(14).

(2) A qualifying adoptive employee, veteran, law enforcement officer, health care practitioner, tax collector employee, or servicemember who adopts a child within the child welfare system who is difficult to place as described in s. 409.166(2)(d)2. is eligible to receive a lump-sum monetary benefit in the amount of ~~\$25,000~~ \$10,000 per such child, subject to applicable taxes. ~~A law enforcement officer who adopts a child within the child welfare system who is difficult to place as described in s. 409.166(2)(d)2. is eligible to receive a lump-sum monetary benefit in the amount of \$25,000 per such child, subject to applicable taxes.~~ A qualifying adoptive employee, veteran, law enforcement officer, health care practitioner, tax collector employee, or servicemember who adopts a child within the child welfare system who is not difficult to place as described in s. 409.166(2)(d)2. is eligible to receive a lump-sum monetary benefit in the amount of ~~\$10,000~~ \$5,000 per such child, subject to applicable taxes. ~~A law enforcement officer who adopts a child~~

~~within the child welfare system who is not difficult to place as described in s. 409.166(2)(d)2. is eligible to receive a lump-sum monetary benefit in the amount of \$10,000 per each such child, subject to applicable taxes. A qualifying adoptive employee of a charter school or the Florida Virtual School may retroactively apply for the monetary benefit provided in this subsection if such employee was employed by a charter school or the Florida Virtual School when he or she adopted a child within the child welfare system pursuant to chapter 63 on or after July 1, 2015. A veteran or servicemember may apply for the monetary benefit provided in this subsection if he or she is domiciled in this state and adopts a child within the child welfare system pursuant to chapter 63 on or after July 1, 2020. A law enforcement officer may apply for the monetary benefit provided in this subsection if he or she is domiciled in this state and adopts a child within the child welfare system pursuant to chapter 63 on or after July 1, 2022. A health care practitioner or tax collector employee may apply for the monetary benefit provided in this subsection if he or she is domiciled in this state and adopts a child within the child welfare system pursuant to chapter 63 on or after July 1, 2024.~~

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

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

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

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

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

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

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

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

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

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

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

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

(1) The Department of Children and Families shall establish, either directly or through purchase, a statewide adoption exchange, with a photo listing component, which serves ~~shall serve~~ all authorized licensed child-placing agencies in the state as a means of recruiting adoptive families for children who have been legally freed for adoption and who have been permanently placed with the department or a licensed child-placing agency. The statewide adoption exchange must shall provide, in accordance with rules adopted by the department, a description and photo listing component of each child ~~descriptions and photographs of such children,~~ as well as any other information deemed useful in the recruitment of adoptive families for each child. The photo listing component of the statewide adoption exchange must be updated monthly and may not be accessible to the public, except to persons who have completed or are in the process of completing an adoption home study.

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

(b) The department shall establish criteria by which a district may determine that a child need not be registered with the statewide adoption exchange. Within 30 days after the date of acceptance by the department for permanent placement, the name of the child accepted for permanent placement must be forwarded to the statewide adoption exchange by the district together with reference to the specific reason why the child should not be placed on the statewide adoption exchange. If the child has not been placed for adoption within 3 months after the date of acceptance by the department for permanent placement, the district must shall provide the statewide adoption exchange with the necessary photograph and information for registration of the child with the statewide adoption exchange and the child must shall be placed on the statewide adoption exchange. The department shall establish procedures for monitoring the status of children who are not placed on the statewide adoption exchange within 30 days after the date of acceptance by the department for permanent placement.

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

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

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

Approved by the Governor May 10, 2024.

Filed in Office Secretary of State May 10, 2024.