

1 A bill to be entitled
2 An act relating to adoptions; amending s. 63.039,
3 F.S.; requiring adoption entities to submit an annual
4 report with certain information to the Department of
5 Children and Families; amending s. 63.097, F.S.;
6 requiring the department to retain an electronic copy
7 of certain documentation for a certain time period;
8 revising the amount of fees, costs, and expenses
9 authorized to be assessed or paid by an adoption
10 entity; prohibiting fees that are not adoption entity
11 fees or supported by a receipt; amending s. 63.132,
12 F.S.; requiring a court to include a written
13 determination of reasonableness if the court approves
14 fees, costs, and expenses in excess of certain limits;
15 authorizing a court to reject fees, costs, and
16 expenditures that are not supported by a receipt;
17 amending s. 409.1662, F.S.; requiring certain
18 information to be included in the annual report the
19 department submits to the Governor and Legislature;
20 amending s. 409.167, F.S.; providing a purpose for a
21 statewide adoption exchange; requiring the photo
22 listing component of the exchange to be accessible
23 only to certain persons; requiring consent from
24 certain children before their photo is listed;
25 requiring the department or a community-based care

26 | lead agency, instead of the districts of the
 27 | department, to refer certain children to the adoption
 28 | exchange; removing provisions requiring a child to be
 29 | placed on the exchange after a certain time period;
 30 | providing an effective date.

31 |
 32 | Be It Enacted by the Legislature of the State of Florida:

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 34 | Section 1. Paragraph (k) is added to subsection (1) of
 35 | section 63.039, Florida Statutes, to read:

36 | 63.039 Duties ~~Duty~~ of an adoption entity ~~to prospective~~
 37 | ~~adoptive parents~~; sanctions.—

38 | (1) An adoption entity placing a minor for adoption has an
 39 | affirmative duty to follow the requirements of this chapter and
 40 | specifically the following provisions, which protect and promote
 41 | the well-being of persons being adopted and their parents and
 42 | prospective adoptive parents by promoting certainty, finality,
 43 | and permanency for such persons. The adoption entity must:

44 | (k) Annually report to the department the number of
 45 | adoptions that did not involve an adoption by a relative or
 46 | stepparent or an adoption of a child from the child welfare
 47 | system.

48 | Section 2. Subsection (1), paragraph (f) of subsection
 49 | (2), subsection (3), and paragraph (c) of subsection (5) of
 50 | section 63.097, Florida Statutes, are amended to read:

51 63.097 Fees.—

52 (1) (a) When the adoption entity is an agency, fees may be
 53 assessed if such fees ~~they~~ are approved by the department within
 54 the process of licensing the agency and if the fees ~~they~~ are
 55 for:

56 1.(a) Foster care expenses;

57 2.(b) Preplacement and postplacement social services; or
 58 ~~and~~

59 3.(e) Agency facility and administrative costs.

60 (b) The department must retain an electronic copy of the
 61 documentation submitted by the agency for the approval of such
 62 fees. Such documentation must be retained by the department
 63 until the child is 18 years of age.

64 (2) The following fees, costs, and expenses may be
 65 assessed by the adoption entity or paid by the adoption entity
 66 on behalf of the prospective adoptive parents:

67 (f) The following professional fees:

68 1. A reasonable hourly fee, not to exceed \$100 per hour
 69 without prior court approval, or flat fee, not to exceed \$5,000
 70 without prior court approval, necessary to provide legal
 71 representation to the adoptive parents or adoption entity in a
 72 proceeding filed under this chapter.

73 2. A reasonable hourly fee or flat fee, not to exceed
 74 \$1,500 without prior court approval, for contact with the parent
 75 related to the adoption. In determining a reasonable hourly fee

76 | under this subparagraph, the court must consider if the tasks
 77 | done were clerical or of such a nature that the matter could
 78 | have been handled by support staff at a lesser rate than the
 79 | rate for legal representation charged under subparagraph 1. Such
 80 | tasks include, but need not be limited to, transportation,
 81 | transmitting funds, arranging appointments, and securing
 82 | accommodations.

83 | 3. A reasonable hourly fee for counseling services
 84 | provided to a parent or a prospective adoptive parent by a
 85 | psychologist licensed under chapter 490 or a clinical social
 86 | worker, marriage and family therapist, or mental health
 87 | counselor licensed under chapter 491, or a counselor who is
 88 | employed by an adoption entity accredited by the Council on
 89 | Accreditation of Services for Children and Families to provide
 90 | pregnancy counseling and supportive services.

91 | (3) Approval of the court is not required until the total
 92 | of the amounts permitted under subsection (2) exceeds:

93 | (a) \$7,500 ~~\$5,000~~ in professional ~~legal or other~~ fees;

94 | (b) \$1,000 ~~\$800~~ in court costs; ~~or~~

95 | (c) \$5,000 in reasonable and necessary living and medical
 96 | expenses; or

97 | (d) \$1,500 in other fees necessary to comply with the
 98 | requirements of this chapter.

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

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

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

111 63.132 Affidavit of expenses and receipts.—

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

120 (a) Contrary to this chapter.

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

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

126 Section 4. Subsection (4) of section 409.1662, Florida
 127 Statutes, is amended to read:

128 409.1662 Children within the child welfare system;
 129 adoption incentive program.—

130 (4) REPORT.—The department shall report annually by
 131 November 15 to the Governor, the President of the Senate, and
 132 the Speaker of the House of Representatives on all of the
 133 following:

134 (a) The negotiated targets set for, outcomes achieved by,
 135 and incentive payments made to each lead agency during the
 136 previous fiscal year.

137 (b) ~~The report shall also discuss the program enhancements~~
 138 ~~made by each lead agency and its subcontracted providers to~~
 139 ~~achieve negotiated outcomes under this section.~~

140 (c) The number of adoptions that did not involve an
 141 adoption by a relative or stepparent or an adoption of a child
 142 from the child welfare system.

143 (d) The number of children who entered the child welfare
 144 system because of an adoption dissolution after their adoptions,
 145 which did not involve relatives or stepparents and the children
 146 were not otherwise in the child welfare system, from an adoption
 147 entity were finalized.

148 (e) The reasons why an adoption dissolution occurred for
 149 each child under paragraph (d), if known.

150 (f) The average cost of fees assessed by an adoption

151 entity which require department approval under s. 63.097. Such
 152 information must be segmented by region and comparable to a
 153 statewide average cost.

154 Section 5. Subsections (5) and (6) of section 409.167,
 155 Florida Statutes, are renumbered as subsection (4) and (5),
 156 respectively, and subsections (1), (2), and (4), and present
 157 subsection (5) are amended, to read:

158 409.167 Statewide adoption exchange; establishment;
 159 responsibilities; registration requirements; rules.—

160 (1) The Department of Children and Families shall
 161 establish, either directly or through purchase, a statewide
 162 adoption exchange, with a photo listing component, which shall
 163 serve all authorized licensed child-placing agencies in the
 164 state for the purpose of facilitating family-matching between
 165 prospective adoptive parents and children ~~as a means of~~
 166 ~~recruiting adoptive families for children~~ who have been legally
 167 freed for adoption and who have been permanently placed with the
 168 department or a licensed child-placing agency. The exchange
 169 shall provide, in accordance with rules established by the
 170 department ~~descriptions and photographs of such children, as~~
 171 ~~well as any other~~ information deemed useful to licensed child-
 172 placing agencies in facilitating family-matching between
 173 prospective adoptive parents and children ~~in the recruitment of~~
 174 ~~adoptive families for each child~~. The photo listing component of
 175 the adoption exchange must be in a format that is accessible

176 only to persons who have completed or are in the process of
 177 completing an adoption home study. A child who is 12 years of
 178 age or older must be consulted before his or her photo is listed
 179 updated monthly.

180 (2) (a) ~~Each district of~~ The department or a community-
 181 based care lead agency shall refer each child in its care who
 182 has been legally freed for adoption to the adoption exchange no
 183 later than 30 days after the date of acceptance by the
 184 department for permanent placement. ~~The referral must be~~
 185 ~~accompanied by a photograph and description of the child.~~

186 (b) The department shall establish criteria by which the
 187 department or the community-based care lead agency ~~a district~~
 188 may determine that a child need not be registered with the
 189 adoption exchange. Within 30 days after the date of acceptance
 190 by the department for permanent placement, the name of the child
 191 accepted for permanent placement must be forwarded to the
 192 statewide adoption exchange by the department or the community-
 193 based care lead agency ~~district~~ together with reference to the
 194 specific reason why the child should not be placed on the
 195 adoption exchange. ~~If the child has not been placed for adoption~~
 196 ~~within 3 months after the date of acceptance by the department~~
 197 ~~for permanent placement, the district shall provide the adoption~~
 198 ~~exchange with the necessary photograph and information for~~
 199 ~~registration of the child with the adoption exchange and the~~
 200 ~~child shall be placed on the exchange.~~ The department shall

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201 establish procedures for monitoring the status of children who
202 are not placed on the adoption exchange within 30 days after the
203 date of acceptance by the department for permanent placement.

204 ~~(4) The adoption exchange shall provide the photo listing~~
205 ~~service to all licensed child-placing agencies and, in~~
206 ~~accordance with rules established by the department, to all~~
207 ~~appropriate citizen groups and other organizations and~~
208 ~~associations interested in children's services.~~

209 (4)(5) Children who are registered with the statewide
210 adoption exchange and for whom there is no available family
211 resource must ~~shall~~ be registered with existing regional and
212 national adoption exchanges, consistent with the restrictions in
213 this section.

214 Section 6. This act shall take effect July 1, 2024.