

1 A bill to be entitled
2 An act relating to permanency for children; amending
3 s. 39.01, F.S.; defining the term "visitor"; amending
4 s. 39.0138, F.S.; renaming the "State Automated Child
5 Welfare Information System" as the "Comprehensive
6 Child Welfare Information System"; requiring the
7 Department of Children and Families to conduct a
8 criminal history records check of certain
9 visitors to a home in which a child is placed;
10 requiring the department to conduct a name-based check
11 of criminal history records of all visitors to such
12 home and certain other persons in specified
13 circumstances; requiring certain persons to submit
14 their fingerprints to the department or other
15 specified entities; requiring the department or such
16 entities to submit such fingerprints to the Department
17 of Law Enforcement for state processing within a
18 specified timeframe; requiring the Department of Law
19 Enforcement to forward such fingerprints to the
20 Federal Bureau of Investigation within a specified
21 timeframe; requiring a child to be immediately removed
22 from a home if certain persons fail to provide their
23 fingerprints and are not otherwise exempt from a
24 criminal history records check; creating s. 39.5035,
25 F.S.; providing procedures and requirements relating

26 | to deceased parents of a dependent child; amending s.
27 | 39.522, F.S.; authorizing certain persons to remove a
28 | child from a court-ordered placement under certain
29 | circumstances; requiring the Department of Children
30 | and Families to file a specified motion, and the court
31 | to set a hearing, within specified timeframes under
32 | certain circumstances; requiring a certain
33 | determination by the court to support immediate
34 | removal of a child; authorizing the court to base its
35 | determination on certain evidence; requiring the court
36 | to enter certain orders and conduct certain hearings
37 | under certain circumstances; amending s. 39.6221,
38 | F.S.; revising a requisite condition for placing a
39 | child in a permanent guardianship; amending s.
40 | 39.6225, F.S.; revising eligibility for payments under
41 | the Guardianship Assistance Program; amending s.
42 | 39.801, F.S.; providing that service of process is not
43 | necessary under certain circumstances; amending s.
44 | 39.812, F.S.; authorizing the court to review the
45 | Department of Children and Families' denial of an
46 | application to adopt a child; requiring the department
47 | to file written notification of its denial with the
48 | court and provide copies to certain persons within a
49 | specified timeframe; authorizing a denied applicant to
50 | file a motion to review such denial within a specified

51 | timeframe; requiring the court to hold a hearing
52 | within a specified timeframe; providing standing to
53 | certain persons; authorizing certain persons to
54 | participate in the hearing under certain
55 | circumstances; requiring the court to enter an order
56 | within a specified timeframe; providing an exception
57 | to authorize the department to remove a child from his
58 | or her foster home or custodian; amending s. 63.062,
59 | F.S.; conforming provisions to changes made by the
60 | act; amending s. 63.093, F.S.; requiring an adoptive
61 | home study to be updated every 12 months after the
62 | date on which the first study was approved; requiring
63 | the department to adopt certain rules; amending s.
64 | 409.1451, F.S.; revising the age requirements for
65 | receiving postsecondary education services and
66 | support; revising the requirements for receiving
67 | aftercare services; amending s. 409.166, F.S.;
68 | revising the age requirements for receiving adoption
69 | assistance; repealing s. 409.1662, F.S., relating to
70 | children within the child welfare system and the
71 | adoption incentive program; amending s. 409.167, F.S.;
72 | providing requirements for the statewide adoption
73 | exchange and its photo listing component; authorizing
74 | only certain persons to access such photo listing
75 | component; conforming provisions to changes made by

76 | the act; providing an effective date.

77 |

78 | Be It Enacted by the Legislature of the State of Florida:

79 |

80 | Section 1. Subsection (88) is added to section 39.01,
81 | Florida Statutes, to read:

82 | 39.01 Definitions.—When used in this chapter, unless the
83 | context otherwise requires:

84 | (88) "Visitor" means a person who:

85 | (a) Provides care or supervision to a child in the home;

86 | or

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

89 | 1. Five consecutive days; or

90 | 2. Seven days or more in 1 month.

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

93 | 39.0138 Criminal history and other records checks; limit
94 | on placement of a child.—

95 | (1) The department shall conduct a records check through
96 | the Comprehensive State Automated Child Welfare Information
97 | System ~~(SACWIS)~~ and a local and statewide criminal history
98 | records check on all persons, including parents, being
99 | considered by the department for placement of a child under this
100 | chapter, including all nonrelative placement decisions, and all

101 members of the household, 12 years of age and older, of the
 102 person being considered. For purposes of this section, a
 103 criminal history records check may include, but is not limited
 104 to, submission of fingerprints to the Department of Law
 105 Enforcement for processing and forwarding to the Federal Bureau
 106 of Investigation for state and national criminal history
 107 information, and local criminal records checks through local law
 108 enforcement agencies of all household members 18 years of age
 109 and older and other visitors 18 years of age and older to the
 110 home. An out-of-state criminal history records check must be
 111 initiated for any person 18 years of age or older who resided in
 112 another state if that state allows the release of such records.
 113 The department must complete the records check within 14
 114 business days after receiving a person's criminal history
 115 results, unless additional information is required to complete
 116 the processing. The department shall establish by rule standards
 117 for evaluating any information contained in the automated system
 118 relating to a person who must be screened for purposes of making
 119 a placement decision.

120 (5)(a) If a child has been sheltered pursuant to s. 39.402
 121 and must be placed in out-of-home care due to an emergency, the
 122 department must conduct a name-based check of criminal history
 123 records to ascertain if the person with whom placement of the
 124 child is being considered and any other adult household members
 125 of such person are disqualified.

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

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

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

153 39.5035 Deceased parents; special procedures.-

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

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

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

176 facts that support the petition for permanent commitment.

177 (2) The petition must be:

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

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

185 (3) When a petition for adjudication and permanent
186 commitment or a petition for permanent commitment has been
187 filed, the clerk of court must set the case before the court for
188 an adjudicatory hearing. The adjudicatory hearing must be held
189 as soon as practicable after the petition is filed, but no later
190 than 30 days after the filing date.

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

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

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

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

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

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

214 (a) If the court finds that the petitioner has met the
215 clear and convincing standard, the court must enter a written
216 order adjudicating the child dependent and permanently
217 committing the child to the custody of the department for the
218 purpose of adoption. A disposition hearing must be scheduled no
219 later than 30 days after the entry of the order, in which the
220 department must provide a case plan that identifies the
221 permanency goal for the child to the court. Reasonable efforts
222 must be made to place the child in a timely manner in accordance
223 with the permanency plan and to complete all steps necessary to
224 finalize the permanent placement of the child. Thereafter, until
225 the adoption of the child is finalized or the child reaches the

226 age of 18 years, whichever occurs first, the court must hold
227 hearings every 6 months to review the progress being made toward
228 permanency for the child.

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

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

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

249 (a) If the court finds that the petitioner has met the
250 clear and convincing standard, the court must enter a written

251 order permanently committing the child to the custody of the
252 department for purposes of adoption. A disposition hearing must
253 be scheduled no later than 30 days after the entry of the order,
254 in which the department must provide an amended case plan that
255 identifies the permanency goal for the child to the court.
256 Reasonable efforts must be made to place the child in a timely
257 manner in accordance with the permanency plan and to complete
258 all steps necessary to finalize the permanent placement of the
259 child. Thereafter, until the adoption of the child is finalized
260 or the child reaches the age of 18 years, whichever occurs
261 first, the court must hold hearings every 6 months to review the
262 progress being made toward permanency for the child.

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

275 Section 4. Subsection (7) is added to section 39.522,

276 Florida Statutes, to read:

277 39.522 Postdisposition change of custody.—

278 (7) Notwithstanding any other provision of this section, a
279 child's case manager, an authorized agent of the department, or
280 a law enforcement officer may, at any time, remove a child from
281 a court-ordered placement and take the child into custody if the
282 court-ordered caregiver of the child requests immediate removal
283 of the child from the home. Additionally, an authorized agent of
284 the department or a law enforcement officer may, at any time,
285 remove a child from a court-ordered placement and take the child
286 into custody if there is probable cause as required under s.
287 39.401(1)(b).

288 (a) If, at the time of the removal, the child was not
289 placed in licensed care in the department's custody, the
290 department must file a motion to modify placement within 1
291 business day after the child is taken into custody. The court
292 must then set a hearing within 24 hours after the motion is
293 filed unless all of the parties and the current caregiver agree
294 to the change of placement. At the hearing, the court must
295 determine if the department has established probable cause to
296 support the immediate removal of the child from his or her
297 current placement. The court may base its determination on a
298 sworn petition or affidavit or on testimony and may hear all
299 relevant and material evidence, including oral or written
300 reports, to the extent of their probative value, even if such

301 evidence would not be competent evidence at an adjudicatory
 302 hearing.

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

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

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

320 Section 5. Paragraph (a) of subsection (1) of section
 321 39.6221, Florida Statutes, is amended to read:

322 39.6221 Permanent guardianship of a dependent child.—

323 (1) If a court determines that reunification or adoption
 324 is not in the best interest of the child, the court may place
 325 the child in a permanent guardianship with a relative or other

326 adult approved by the court if all of the following conditions
327 are met:

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

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

335 39.6225 Guardianship Assistance Program.—

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

341 (a) Completing secondary education or a program leading to
342 an equivalent credential;

343 (b) Enrolled in an institution that provides postsecondary
344 or vocational education;

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

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

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

351 Any such barrier to participation must be supported by
352 documentation in the child's case file or school or medical
353 records of a physical, intellectual, emotional, or psychiatric
354 condition that impairs the child's ability to perform one or
355 more life activities.

356 Section 7. Paragraph (d) of subsection (3) of section
357 39.801, Florida Statutes, is redesignated as paragraph (e), and
358 a new paragraph (d) is added to that subsection to read:

359 39.801 Procedures and jurisdiction; notice; service of
360 process.—

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

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

368 Section 8. Subsections (4), (5), and (6) of section
369 39.812, Florida Statutes, are amended to read:

370 39.812 Postdisposition relief; petition for adoption.—

371 (4) The court shall retain jurisdiction over any child
372 placed in the custody of the department until the child is
373 adopted. After custody of a child for subsequent adoption has
374 been given to the department, the court has jurisdiction for the
375 purpose of reviewing the status of the child and the progress

376 being made toward permanent adoptive placement. As part of this
377 continuing jurisdiction, ~~for good cause shown by the guardian ad~~
378 ~~litem for the child,~~ the court may:

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

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

386 1. If the department denies an application to adopt a
387 child, the department must file written notification of the
388 denial with the court and provide copies to all parties within
389 10 business days after the department's decision.

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

398 3. A denied applicant only has standing under this chapter
399 to file a motion to review the department's denial and to
400 present evidence in support of such motion. Such standing is

401 terminated upon the entry of the court's order.

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

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

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

420 (5) When a licensed foster parent or court-ordered
421 custodian has applied to adopt a child who has resided with the
422 foster parent or custodian for at least 6 months and who has
423 previously been permanently committed to the legal custody of
424 the department and the department does not grant the application
425 to adopt, the department may not, in the absence of a prior

426 court order authorizing it to do so, remove the child from the
427 foster home or custodian, except when:

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

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

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

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

439 (6)-(5) The petition for adoption must be filed in the
440 division of the circuit court which entered the judgment
441 terminating parental rights, unless a motion for change of venue
442 is granted pursuant to s. 47.122. A copy of the consent to
443 adoption executed by the department must be attached to the
444 petition, unless such consent is waived under ~~pursuant to~~ s.
445 63.062(7). The petition must be accompanied by a statement,
446 signed by the prospective adoptive parents, acknowledging
447 receipt of all information required to be disclosed under s.
448 63.085 and a form provided by the department which details the
449 social and medical history of the child and each parent and
450 includes the social security number and date of birth for each

451 parent, if such information is available or readily obtainable.
452 The prospective adoptive parents may not file a petition for
453 adoption until the judgment terminating parental rights becomes
454 final. An adoption proceeding under this subsection is governed
455 by chapter 63.

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

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

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

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

474 (b) The community-based care lead agency must report
475 annually to the department on the outcomes achieved and

476 recommendations for improvement under this subsection.

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

479 63.062 Persons required to consent to adoption; affidavit
480 of nonpaternity; waiver of venue.—

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

494 Section 10. Section 63.093, Florida Statutes, is amended
495 to read:

496 63.093 Adoption of children from the child welfare
497 system.—

498 (1) The department or community-based care lead agency as
499 defined in s. 409.986(3), or its subcontracted agency, must
500 respond to an initial inquiry from a prospective adoptive parent

501 within 7 business days after receipt of the inquiry. The
502 response must inform the prospective adoptive parent of the
503 adoption process and the requirements for adopting a child from
504 the child welfare system.

505 (2) The department or community-based care lead agency, or
506 its subcontracted agency, must refer a prospective adoptive
507 parent who is interested in adopting a child in the custody of
508 the department to a department-approved adoptive parent training
509 program. A prospective adoptive parent must successfully
510 complete the training program, unless the prospective adoptive
511 parent is a licensed foster parent or a relative or nonrelative
512 caregiver who has:

513 (a) Attended the training program within the last 5 years;
514 or

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

519 (3) A prospective adoptive parent must complete an
520 adoption application created by the department.

521 (4) Before a child is placed in an adoptive home, the
522 community-based care lead agency or its subcontracted agency
523 must complete an adoptive home study of a prospective adoptive
524 parent that includes observation, screening, and evaluation of
525 the child and the prospective adoptive parent. An adoptive home

526 study must be updated every ~~is valid for~~ 12 months after the
527 date on which the first study was approved. If the child was
528 placed before the termination of parental rights, the updated
529 placement or licensing home study may serve as the adoption home
530 study. In addition, the community-based care lead agency or its
531 subcontracted agency must complete a preparation process, as
532 established by department rule, with the prospective adoptive
533 parent.

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

545 (6) The department shall adopt rules to eliminate
546 duplicative practices and delays in the adoption home study
547 process for a member of a uniformed service on active duty
548 seeking to adopt in the state, including, but not limited to,
549 providing a credit for adoption classes that have been taken in
550 another state which substantially cover the preservice training

551 required under s. 409.175(14)(b).

552

553 Notwithstanding subsections (1) and (2), this section does not
554 apply to a child adopted through the process provided in s.
555 63.082(6).

556 Section 11. Paragraph (a) of subsection (2) and paragraph
557 (a) of subsection (3) of section 409.1451, Florida Statutes, are
558 amended to read:

559 409.1451 The Road-to-Independence Program.—

560 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

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

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

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

571 3. Earned a standard high school diploma pursuant to s.
572 1002.3105(5), s. 1003.4281, or s. 1003.4282, or its equivalent
573 pursuant to s. 1003.435;

574 4. Has been admitted for enrollment as a full-time student
575 or its equivalent in an eligible postsecondary educational

576 institution as provided in s. 1009.533. For purposes of this
577 section, the term "full-time" means 9 credit hours or the
578 vocational school equivalent. A student may enroll part-time if
579 he or she has a recognized disability or is faced with another
580 challenge or circumstance that would prevent full-time
581 attendance. A student needing to enroll part-time for any reason
582 other than having a recognized disability must get approval from
583 his or her academic advisor;

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

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

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

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

593 (3) AFTERCARE SERVICES.—

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

597 a. Not in foster care.

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

600 c. Eligible for the Extended Guardianship Assistance

601 Program under s. 39.6225(9) or the extended adoption assistance
 602 program under s. 409.166(4), but is not participating in either
 603 program.

604 2. Subject to available funding, aftercare services as
 605 specified in subparagraph (b)8. are also available to a young
 606 adult who is between the ages of 18 and 22, is receiving
 607 financial assistance under subsection (2), is experiencing an
 608 emergency situation, and whose resources are insufficient to
 609 meet the emergency situation. Such assistance shall be in
 610 addition to any amount specified in paragraph (2)(b).

611 Section 12. Paragraph (d) of subsection (4) of section
 612 409.166, Florida Statutes, is amended to read:

613 409.166 Children within the child welfare system; adoption
 614 assistance program.—

615 (4) ADOPTION ASSISTANCE.—

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

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

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

- 626 3. Participating in a program or activity designed to
 627 promote or eliminate barriers to employment;
 628 4. Employed for at least 80 hours per month; or
 629 5. Unable to participate in programs or activities listed
 630 in subparagraphs 1.-4. full time due to a physical, an
 631 intellectual, an emotional, or a psychiatric condition that
 632 limits participation. Any such barrier to participation must be
 633 supported by documentation in the child's case file or school or
 634 medical records of a physical, an intellectual, an emotional, or
 635 a psychiatric condition that impairs the child's ability to
 636 perform one or more life activities.

637 Section 13. Subsections (1) through (4) of section
 638 409.167, Florida Statutes, are amended to read:

639 409.167 Statewide adoption exchange; establishment;
 640 responsibilities; registration requirements; rules.-

641 (1) The Department of Children and Families shall
 642 establish, either directly or through purchase, a statewide
 643 adoption exchange, with a photo listing component, which serves
 644 ~~shall serve~~ all authorized licensed child-placing agencies in
 645 the state as a means of recruiting adoptive families for
 646 children who have been legally freed for adoption and who have
 647 been permanently placed with the department or a licensed child-
 648 placing agency. The statewide adoption exchange must ~~shall~~
 649 provide, in accordance with rules adopted by the department,
 650 descriptions and photographs of such children, as well as any

651 other information deemed useful in the recruitment of adoptive
652 families for each child. The photo listing component of the
653 statewide adoption exchange must be updated monthly and may not
654 be accessible to the public, except to persons who have
655 completed or are in the process of completing an adoption home
656 study.

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

666 (b) The department shall establish criteria by which a
667 district may determine that a child need not be registered with
668 the statewide adoption exchange. Within 30 days after the date
669 of acceptance by the department for permanent placement, the
670 name of the child accepted for permanent placement must be
671 forwarded to the statewide adoption exchange by the district
672 together with reference to the specific reason why the child
673 should not be placed on the statewide adoption exchange. If the
674 child has not been placed for adoption within 3 months after the
675 date of acceptance by the department for permanent placement,

676 the district must ~~shall~~ provide the statewide adoption exchange
677 with the necessary photograph and information for registration
678 of the child with the statewide adoption exchange and the child
679 must ~~shall~~ be placed on the statewide adoption exchange. The
680 department shall establish procedures for monitoring the status
681 of children who are not placed on the statewide adoption
682 exchange within 30 days after the date of acceptance by the
683 department for permanent placement.

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

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

700 Section 14. This act shall take effect July 1, 2024.