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1985

### Session Law 85-189

Florida Senate & House of Representatives

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## LEGISLATIVE SUPPLEMENT "B" - SESSION LAW ABSTRACT

Sess. Law # 85-189		Sec. # 4		LOF cite	
Prime Bill # SB 119		Comp./Sim. Bills <del>SA 194</del> <del>EX 11</del> HB 856 HB 1101			
JLMC Hist. Cites	Senate 107	Comms. of Ref.	Senate HAS 1101		
	House 119 120, 141		House HLT HAS 1101		

## COMMITTEE RECORDS

H/S	Committee	Year	Record Series: Folder title, etc.	Loc. Cite	✓
H	HCI	1983	Executive Task Force on Health Care	19/1495	✓
"	"	"	Meeting files	"	✓
"	"	"	(as "HHC") - 20-85-100	"	✓
"	"	"	Study groups of bill board	19/1497	✓
"	HRS	"	Bill file. HB 846	10/1472	✓
S	HRS	1985	Bill files: SB 877	18/1480	✓
"	"	"	Meeting files	18/1481	✓
"	Jud-Civ	"	Bill files: SB 877	18/1483	✓

☐ continued on reverse

## Senate/House Journals

Page #	?	Date	Page #	?	Date
53, 494		May 24, 1985			

## Committee/Floor Tapes

H/S	c/f	Committee/subcommittee name	Date	#	Location Cite

## Other Documentation

Record Series Title, folder title, etc.	Location Cite

COMMITTEE RECORDS (continued)

[illegible]

**NOTES**

[illegible]

STORAGE NAME: 85/sa/HB 846

Date: April 12, 1985

Revised: \_\_\_\_\_

Final: \_\_\_\_\_

HOUSE OF REPRESENTATIVES  
COMMITTEE ON HEALTH AND ECONOMIC SERVICES  
STAFF ANALYSIS

BILL# HB 846 SPONSOR Representative Wallace

EFFECTIVE DATE October 1, 1985 IDENTICAL/SIMILAR BILLS SB 822(I)

RELATING TO Adoption

OTHER COMMITTEES OF REFERENCE None

I. SUMMARY:

A. Present Situation:

Under Florida law, Chapter 63, children may be placed for adoption through the Department of Health and Rehabilitative Services, a licensed child-placing agency, or an intermediary. An intermediary is an attorney or physician licensed to practice in Florida or a licensed child-placing agency from another state that wants to place children with Florida families. The Department of HRS has the responsibility for monitoring adoptive placements by intermediaries and conducting a preliminary study of the prospective adoptive family or designating a licensed child-placing agency to perform such a study. Based upon the preliminary study the Department of HRS makes its recommendations concerning the placement of the child with the prospective adoptive family. Under current law, when the preliminary study is unfavorable there is no time frame given for the intermediary or the prospective adoptive parent to petition the court for a determination of suitability. There is also no requirement that the recommendation of the Department be mailed to the prospective adoptive parent; it is only required to be sent to the intermediary.

Chapter 63 provides that the Department or licensed child-placing agency has up to one year to determine the status of a child whose adoption has not been finalized.

Finally, current law provides that the Department of HRS or a licensed child-placing agency, whichever is appropriate, shall provide the court with a recommendation on the advisability of disclosing information contained in adoption records. Courts, however, are failing to notify the Department or licensed child-placing agency of the hearing. The legal staff of the Department or the licensed child-placing agency are then having to petition the court to stay its decision until information on the advisability of the disclosure is provided to the court as mandated by law.

Page 2

Bill #HB 846

Date: April 12, 1985

B. Probable Effect of Proposed Changes:

House Bill 846 would require that adoptive parents be provided with a copy of the Department's recommendation on the placement of the child. The legislation also provides a requirement that the intermediary or adoptive parent must petition the court for a determination of suitability within 20 days of receipt of a copy of the written recommendation when the recommendation is unfavorable.

The legislation also reduces the time in which the Department of HRS or a licensed child-placing agency must determine the status of a child for whom adoption has not been finalized to 6 months from the date of the initial petition.

Finally, House Bill 864 requires the court to give notice of hearing to the Department of HRS or the licensed child-placing agency, whichever is appropriate, in order for them to give a recommendation to the court on disclosure of information in adoption records.

II. ECONOMIC IMPACT:

A. Public: None

B. Government: None

III. COMMENTS: None

IV. AMENDMENTS:

V. PREPARED BY Judy C. Justice *JCC*

VI. STAFF DIRECTOR Michael D. Cusick *MC*

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By Representative Wallace

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A bill to be entitled  
 An act relating to adoption; amending s.  
 63.092, F.S., providing that a written  
 recommendation based on the preliminary study  
 in an adoption case be mailed to the  
 petitioner; providing a time period for  
 petitioning the court for a determination as to  
 the suitability of the intended placement by an  
 intermediary; amending s. 63.162, F.S.,  
 providing that the Department of Health and  
 Rehabilitative Services shall be given notice  
 of hearing in the case of nonagency and agency  
 adoptions; providing an effective date.

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

Section 1. Paragraph (d) of subsection (3) and  
 subsection (5) of section 63.092, Florida Statutes, 1984  
 Supplement, are amended to read:

63.092 Report to the department of intended placement  
 by an intermediary; preliminary study; injunction against  
 intermediary.--

(3)  
 (d) A written recommendation based on the preliminary  
 study shall be mailed to the intermediary and to the  
petitioner upon the completion of the preliminary study.

(5) In the event of an unfavorable preliminary study,  
 the intermediary or petitioner may, within 20 days of receipt  
of a copy of the written recommendation, petition the court  
 for a determination as to the suitability of the intended  
 placement. A determination as to suitability under this

1 section shall not act as a presumption of suitability at the 1.26  
 2 final hearing. In the event that the parties do not contest 1.27  
 3 an unfavorable recommendation by the department or agency, the 1.28  
 4 intermediary shall file a written report with the department  
 5 or agency concerning what plan has been made for the child. 1.30  
 6 Regardless of the nature of the preliminary study, the 1.31  
 7 department or agency shall be required to determine the status 1.32  
 8 of the child and take any action needed for the child's  
 9 protection in any case in which 6 months ~~1-year~~ elapses from 1.33  
 10 the initial filing of the petition for adoption without any 1.35  
 11 final action. 1.36  
 12 Section 2. Subsection (2) of section 63.162, Florida 1.37  
 13 Statutes, 1984 Supplement, is amended to read: 1.38  
 14 63.162 Hearings and records in adoption proceedings; 1.39  
 15 confidential nature.--Notwithstanding any other law concerning 1.40  
 16 public hearings and records: 1.41  
 17 (2) All papers and records pertaining to the adoption, 1.41  
 18 including the original birth certificate, whether part of the 1.43  
 19 permanent record of the court or of a file in the Department 1.44  
 20 of Health and Rehabilitative Services or in an agency, are 1.46  
 21 subject to inspection only upon order of the court; however, 1.47  
 22 the petitioner in any proceeding for adoption under this 1.48  
 23 chapter may, at the option of the petitioner, make public the 1.49  
 24 reasons for a denial of the petition for adoption. Such order 1.50  
 25 shall specify which portion of the records are subject to 1.51  
 26 inspection, and it may exclude the name and identifying 1.52  
 27 information concerning the natural parent or adoptee. In the 1.53  
 28 case of a nonagency adoption, the department shall be given  
 29 notice of hearing and be permitted to present to the court a 1.56  
 30 report on the advisability of disclosing or not disclosing  
 31 information pertaining to the adoption. In the case of an 1.58

1 agency adoption, the agency shall be given notice of hearing 1 60  
 2 and be permitted to present to the court a report on the  
 3 advisability of disclosing or not disclosing information 1 63  
 4 pertaining to the adoption. Nothing in this subsection shall 1 64  
 5 be construed to mean that the department shall not have the  
 6 right to inspect and copy any official record pertaining to 1.65  
 7 the adoption that is maintained by the department and that any 1 66  
 8 licensed child-placing agency shall not have the right to  
 9 inspect and copy any official record pertaining to the 2 1  
 10 adoption that is maintained by the agency.

11 Section 3. This act shall take effect October 1, 1985 2 2

12 \*\*\*\*\*

#### HOUSE SUMMARY

15 Provides that a written recommendation based on the  
 16 preliminary study in an adoption case shall be mailed to  
 17 the petitioner upon the completion of the study  
 18 Provides that within 20 days of receipt of the written  
 19 recommendation of an unfavorable preliminary study for  
 20 adoption the intermediary or petitioner may petition the  
 21 court for a determination as to the suitability of the  
 22 intended placement. Provides that the Department of  
 23 Health and Rehabilitative Services shall be given notice  
 24 of hearing in nonagency and agency adoptions.

Date: April 12, 1985  
 Revised: June 13, 1985  
 Final: June 13, 1985

(PASSED BY THE 1985 LEGISLATURE -- PASSED AS SB 822)  
 HOUSE OF REPRESENTATIVES  
 COMMITTEE ON HEALTH AND REHABILITATIVE SERVICES  
 STAFF ANALYSIS

BILL# HB 846 SPONSOR Representative - 43-132

EFFECTIVE DATE October 1, 1985 JUDICIAL SIMILAR BILLS SB 822(1)

RELATING TO Adoption

OTHER COMMITTEES OF REFERENCE None

SUMMARY:

## A. Present Situation:

Under Florida law Chapter 63 children may be placed for adoption through the Department of Health and Rehabilitative Services, a licensed child-placing agency, or an intermediary. An intermediary is an attorney, or physician licensed to practice in Florida or a licensed child-placing agency from another state that wants to place children with Florida families. The Department of HRS has the responsibility for monitoring adoptive placements by intermediaries and conducting a preliminary study of the prospective adoptive family, or designating a licensed child-placing agency to perform such a study. Based upon the preliminary study the Department of HRS makes its recommendation concerning the placement of the child with the prospective adoptive family. Under current law, when the preliminary study is unfavorable there is no time frame given for the intermediary, or the prospective adoptive parent to petition the court for a determination of suitability. There is also no requirement that the recommendation of the Department be mailed to the prospective adoptive parent, it is only required to be sent to the intermediary.

Chapter 63 provides that the Department or licensed child-placing agency has 10 to 30 days to determine the status of a child whose adoption has not been finalized.

Current law provides that the Department of HRS or a licensed child-placing agency, whichever is appropriate, shall provide the court with a recommendation on the advisability of disclosing information contained in adoption records. Courts, however, are failing to notify the Department or licensed child-placing agency of the hearing. The legal staff of the Department or the licensed child-placing agency are then having to petition the court to stay its decision until information on the

Page 2  
 Bill #HB 846  
 Date: April 12, 1985

advisability of the disclosure is provided to the court as mandated by law.

Finally, many adoptive children are not covered by group health insurance coverage until after the adoption is finalized. This has caused some problems where children have needed services and are not insured.

## B. Probable Effect of Proposed Changes:

House Bill 846 would require that adoptive parents be provided with a copy of the Department's recommendation on the placement of the child. The legislation also provides a requirement that the intermediary or adoptive parent must petition the court for a determination of suitability within 20 days of receipt of a copy of the written recommendation when the recommendation is unfavorable.

The legislation also reduces the time in which the Department of HRS or a licensed child-placing agency must determine the status of a child for whom adoption has not been finalized to 6 months from the date of the initial petition.

House Bill 864 requires the court to give notice of hearing to the Department of HRS or the licensed child-placing agency, whichever is appropriate, in order for them to give a recommendation to the court on disclosure of information in adoption records.

Finally, the legislation requires that family coverage under group health insurance plans shall cover adopted children upon placement in the certificate holder's or subscriber's home. The change in chapter 627 is to be reviewed by the Legislature prior to October 1, 1992. Only policies issued or renewed after October 1, 1985 are impacted by the change in policy.

II. ECONOMIC IMPACT:A. Public:

The change in chapter 627 will have a potential positive impact for adoptive parents.

B. Government: NoneIII. COMMENTS: NoneIV. AMENDMENTS:V. PREPARED BY Judy C. JusticeVI. STAFF DIRECTOR Michael D. Cusick

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**ORIGINAL SENATE BILL No. 822**

17 14 15  
A BILL relating to  
(Brief statement of subject)

adoption,

By Senator *Chapman 21st* of the District

By the Committee on

Chairman's signature

and

ORIGINAL COPY

**SENATE ACTION**

Read 1st Time **APR 17 1985**  
Referred to Committees on

HEALTH & REHABILITATIVE SERVICES
Fav Unfav With Amend Com Sub
JUDICIARY-CIVIL
Fav Unfav With Amend Com Sub
Fav Unfav With Amend Com Sub

Read 2nd Time  
Read 3rd Time  
and

Secretary of Senate

- ☐ Immediately Certified to House  
☐ Laid on Table  
☐ Motion to Reconsider by Senator

- ☐ HOUSE AMENDMENTS ACTION — See reverse side  
☐ CONFERENCE COMMITTEE ACTION — See reverse side

**HOUSE ACTION**

Read 1st Time  
Referred to Committees on

Fav Unfav With Amend Com Sub
Fav Unfav With Amend Com Sub
Fav Unfav With Amend Com Sub

Read 2nd Time  
Read 3rd Time  
and

Clerk House of Representatives

- ☐ Immediately Certified to Senate  
☐ Laid on Table under Rule  
☐ Motion to Reconsider pending

- ☐ SENATE AMEND TO HOUSE AMEND ACTION —  
See reverse side  
☐ CONFERENCE COMMITTEE ACTION — See reverse side

## SUBCOMMITTEE REPORT

House of Representatives

File with Parent CommitteeTo Chairman, Committee on HEALTH & REHABILITATIVE SERVICES:Subcommittee on Health & Economic ServicesDate of meeting April 15, 1985Time 1:15 - 3:15 p.m.Place 415 H.O.B.Bill No. HB 846

FINAL ACTION: ☒ FAVORABLE  
☐ FAVORABLE WITH    AMENDMENTS  
☐ UNFAVORABLE

## VOTE:

YEA	MEMBER	NAY
X	CRADY	
X	GARCIA	
X	ROCHLIN	
X	THOMAS, D.L.	
X	PRESS (Chair)	

Total  
Yea 5

YEA	MEMBER	NAY

Total  
Nays 0

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 Subcommittee Chairman

## SUBCOMMITTEE APPEARANCE RECORD

The following persons (other than legislators) appeared before the subcommittee during consideration of this bill:

<u>Name</u>	<u>Representing</u>	<u>Address</u>
Steve Zaricki	Children's Home Society	370 Office Plaza/Talla.

(If additional persons, enter on reverse side and check here    )

NOTE: Please indicate by an "X" any State employee appearing at the request of Subcommittee Chairman

Received by Parent Committee:

Date                     Received by

## COMMITTEE INFORMATION RECORD

house of representatives

Committee on HEALTH & REHABILITATIVE SERVICESBill No. HB 846Date of meeting May 8, 1985Time 4:00 - 6:00 p.m.Place 317 Capitol

FINAL ACTION: X FAVORABLE  
 \_\_\_\_\_ FAVORABLE WITH \_\_\_\_\_ AMENDMENTS  
 \_\_\_\_\_ FAVORABLE WITH SUBSTITUTE  
 \_\_\_\_\_ UNFAVORABLE

## VOTE:

YEA	MEMBER	NAY
X	ARNOLD	
X	BANKHEAD	
X	CLARK	
X	COMBEE	
X	CRADY	
X	DAVIS	
X	FRIEDMAN	
X	GARCIA	
X	GONZALEZ-QUEVEDO	
X	HILL	
X	LOMBARD	
X	METCALF	
X	PRESS	
X	ROCHLIN	
X	STEWART	

YEA	MEMBER	NAY
X	THOMAS, D.L.	
X	JOHNSON, R.C.	

Total  
Yeas 17Total  
Nays 0

*[Signature]*  
 Chairman

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## COMMITTEE APPEARANCE RECORD

The following persons (other than legislators) appeared before the committee during the consideration of this bill:

Name	Representing	Address
Raiford Taylor	The Florida Bar	600 Apalachee Pkwy/Talla.

**NOTE:** Please indicate by an "X" any State employee appearing at the request of Committee Chairman.

(If additional persons, enter on reverse side and check here\_\_)

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H-22(197

## SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Wilson <i>gww</i></u>	<u>Hill <i>RMH</i></u>	1. <u>HRS</u>	<u>Fav.</u>
2. _____	_____	2. <u>JCI</u>	_____
3. _____	_____	3. _____	_____

SUBJECT: Adoption

BILL NO. AND SPONSOR: SB 0822 by Senator Castor

I. SUMMARY:

## A. Present Situation:

Under chapter 63, F.S., children may be placed for adoption through HRS, a licensed child-placing agency, or an intermediary. An intermediary is an attorney or physician licensed to practice in Florida or a licensed child-placing agency from another state that wants to place children with Florida families. HRS has the responsibility for monitoring adoptive placements by intermediaries and conducting a preliminary study of the prospective adoptive family or designating a licensed child-placing agency to perform such a study. Based upon the preliminary study, HRS makes its recommendations concerning the placement of the child with the prospective adoptive family. When the preliminary study is unfavorable the intermediary or the prospective adoptive parents may petition the court for a determination of suitability, but no timeframe is specified during which the petition must be made. There is also no requirement that the HRS recommendation be mailed to the prospective adoptive parents, only to the intermediary.

Chapter 63, F.S., provides that HRS or a licensed child-placing agency has up to one year to determine the status of a child whose adoption has not been finalized. Current law also provides that HRS or a licensed child-placing agency, whichever is appropriate, shall provide the court with a recommendation on the advisability of disclosing information contained in adoption records. Courts, however, are failing to notify HRS or licensed child-placing agencies of the hearing to consider such requests for information. HRS or the licensed child-placing agency then has to petition the court to stay its decision until information on the advisability of the disclosure is provided to the court as mandated by law.

## B. Effect of Proposed Changes:

Senate Bill 822 would require HRS or the licensed child-placing agency to provide a written recommendation regarding the placement of a child to the prospective adoptive parents, in addition to the intermediary as currently required by law. The bill also requires the intermediary or prospective adoptive parents to petition the court for a determination of suitability within 20 days of receipt of an unfavorable recommendation by HRS or a licensed child-placing agency.

The bill also reduces the time in which HRS or a licensed child-placing agency must determine the status of a child for whom adoption has not been finalized to 6 months from the date of the initial petition.

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Finally, SB 822 requires the court to give notice of hearing to HRS or the licensed child-placing agency in order for them to give a recommendation to the court on disclosure of information in adoption records.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

None.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.

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## DHRS BILL ANALYSIS

RECEIVED

HB 846 Sponsor Rep. Wallace  
SB 822 Sponsor

APR 15 1985

Prepared By: Carol Hutcheson  
Phone #: 488-1060  
Coordinated  
With: ASBApproved By  
Office Director:  
Asst. Secretary:  
OSLP:  
OSLS:

LP

*[Signature]*  
4-15-85  
4-17-85

## I. SUBJECT (Brief Description of Bill):

This bill provides that, in an independent adoption, a written recommendation based on the preliminary study will be mailed to the potential adoptive parents upon completion of the study. This bill provides that within 20 days of receipt of an unfavorable recommendation the petitioner may petition the court for a determination of suitability.

## II. SUMMARY:

A. Present Situation:

In the present statute the written recommendation of preliminary study in an independent adoption is provided to the intermediary but not the petitioner. The current statute states that the petitioner may ask the court for a determination of suitability when the preliminary recommendation is unfavorable, but does not have the 20 day time limit. The current statute states that the department shall be permitted to report to the court on the advisability of disclosing information from a closed adoption record. This bill states that the department will be given notice of hearing when such a petition is filed.

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B. Effect on Proposed Changes Upon HRS Programs or Operations:  
(How will the bill change programs? Who will be affected?  
How would the changes be implemented?)

The changes regarding written recommendations provided to petitioners and the 20 day time limit on asking the court for suitability determination would not effect or change our program significantly. We would begin to supply petitioners with copies of the recommendation and would need to change manual material and the administrative rule to reflect this. If the department receives notice of hearing when petitions are filed for release of information, this will improve current functioning. Often the department legal staff have to petition the court for permission to make the recommendation under the current statute.

II. COMMENTS (Potential Programmatic Problems, Barriers to Implementation, Legal Issues):

There would be no barriers to implementation.

IV. SUGGESTED CHANGES IN BILL:

V. FISCAL SUMMARY (See Attached Fiscal Note for Details):

A. Personnel: N/A Positions

B. Cost to Administer: \$ N/A (Annual)

C. In Department's Legislative Budget Request? YES NO

D. In Governor's Recommended Budget? YES NO

1. NO FISCAL IMPACT  
 Agency requirements to administer the bill's provisions (cater as cost of additional personnel, operating cost outlay, and on additional costs):

Description	Amount Year 1	Amount Year 2	Amount Year 3
<u>Non-recurring:</u>			
None			
<u>Recurring:</u>			
None			

II. Appropriations' Consequences/Source of Funds:

Description	Amount Year 1	Amount Year 2	Amount Year 3
None			

III. Amount and Disposition of any anticipated revenue collections:

Description	Amount Year 1	Amount Year 2	Amount Year 3
None			

IV. Long run effects other than normal growth: ..

None

V. Fiscal Impact on Other Governmental agencies including start-up, annual and long run effects (specify amount and source of funding):

- A. Federal      N/A
- B. State        N/A
- C. Local        N/A

VI. Impact on the Public (direct cost to the public):

None

ORIGINAL COPY

SB 822  
Senator Castor

21-1415-85

See HB 846

1 A bill to be entitled  
2 An act relating to adoption; amending s.  
3 63.092, F.S., providing that a written  
4 recommendation based on the preliminary study  
5 in an adoption case be mailed to the  
6 petitioner; providing a time period for  
7 petitioning the court for a determination as to  
8 the suitability of the intended placement by an  
9 intermediary; amending s. 63.162, F.S.,  
10 providing that the Department of Health and  
11 Rehabilitative Services shall be given notice  
12 of hearing in the case of nonagency and agency  
13 adoptions; providing an effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17 Section 1. Paragraph (d) of subsection (3) and  
18 subsection (5) of section 63.092, Florida Statutes, 1984  
19 Supplement, are amended to read:

20 63.092 Report to the department of intended placement  
21 by an intermediary; preliminary study; injunction against  
22 intermediary.--

23 (3)

24 (d) A written recommendation based on the preliminary  
25 study shall be mailed to the intermediary and to the  
26 petitioner upon the completion of the preliminary study.

27 (5) In the event of an unfavorable preliminary study,  
28 the intermediary or petitioner may, within 20 days of receipt  
29 of a copy of the written recommendation, petition the court  
30 for a determination as to the suitability of the intended  
31 placement. A determination as to suitability under this

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1 section shall not act as a presumption of suitability at the  
2 final hearing. In the event that the parties do not contest  
3 an unfavorable recommendation by the department or agency, the  
4 intermediary shall file a written report with the department  
5 or agency concerning what plan has been made for the child.  
6 Regardless of the nature of the preliminary study, the  
7 department or agency shall be required to determine the status  
8 of the child and take any action needed for the child's  
9 protection in any case in which 6 months ~~1-year~~ elapses from  
10 the initial filing of the petition for adoption without any  
11 final action.

12 Section 2. Subsection (2) of section 63.162, Florida  
13 Statutes, 1984 Supplement, is amended to read:

14 63.162 Hearings and records in adoption proceedings;  
15 confidential nature.--Notwithstanding any other law concerning  
16 public hearings and records:

17 (2) All papers and records pertaining to the adoption,  
18 including the original birth certificate, whether part of the  
19 permanent record of the court or of a file in the Department  
20 of Health and Rehabilitative Services or in an agency, are  
21 subject to inspection only upon order of the court; however,  
22 the petitioner in any proceeding for adoption under this  
23 chapter may, at the option of the petitioner, make public the  
24 reasons for a denial of the petition for adoption. Such order  
25 shall specify which portion of the records are subject to  
26 inspection, and it may exclude the name and identifying  
27 information concerning the natural parent or adoptee. In the  
28 case of a nonagency adoption, the department shall be given  
29 notice of hearing and be permitted to present to the court a  
30 report on the advisability of disclosing or not disclosing  
31 information pertaining to the adoption. In the case of an

1 agency adoption, the agency shall be given notice of hearing  
2 and be permitted to present to the court a report on the  
3 advisability of disclosing or not disclosing information  
4 pertaining to the adoption. Nothing in this subsection shall  
5 be construed to mean that the department shall not have the  
6 right to inspect and copy any official record pertaining to  
7 the adoption that is maintained by the department and that any  
8 licensed child-placing agency shall not have the right to  
9 inspect and copy any official record pertaining to the  
10 adoption that is maintained by the agency.

11 Section 3. This act shall take effect October 1, 1985.

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HOUSE SUMMARY

Provides that a written recommendation based on the preliminary study in an adoption case shall be mailed to the petitioner upon the completion of the study. Provides that within 20 days of receipt of the written recommendation of an unfavorable preliminary study for adoption the intermediary or petitioner may petition the court for a determination as to the suitability of the intended placement. Provides that the Department of Health and Rehabilitative Services shall be given notice of hearing in nonagency and agency adoptions.

## SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Wilson <i>gww</i></u>	<u>Hill <i>HH</i></u>	1. <u>HRS</u>	<u>Fav.</u>
2. _____	_____	2. <u>JCI</u>	_____
3. _____	_____	3. _____	_____

SUBJECT: Adoption

BILL NO. AND SPONSOR:  
SB 0822 by  
Senator Castor

I. SUMMARY:

## A. Present Situation:

Under chapter 63, F.S., children may be placed for adoption through HRS, a licensed child-placing agency, or an intermediary. An intermediary is an attorney or physician licensed to practice in Florida or a licensed child-placing agency from another state that wants to place children with Florida families. HRS has the responsibility for monitoring adoptive placements by intermediaries and conducting a preliminary study of the prospective adoptive family or designating a licensed child-placing agency to perform such a study. Based upon the preliminary study, HRS makes its recommendations concerning the placement of the child with the prospective adoptive family. When the preliminary study is unfavorable the intermediary or the prospective adoptive parents may petition the court for a determination of suitability, but no timeframe is specified during which the petition must be made. There is also no requirement that the HRS recommendation be mailed to the prospective adoptive parents, only to the intermediary.

Chapter 63, F.S., provides that HRS or a licensed child-placing agency has up to one year to determine the status of a child whose adoption has not been finalized. Current law also provides that HRS or a licensed child-placing agency, whichever is appropriate, shall provide the court with a recommendation on the advisability of disclosing information contained in adoption records. Courts, however, are failing to notify HRS or licensed child-placing agencies of the hearing to consider such requests for information. HRS or the licensed child-placing agency then has to petition the court to stay its decision until information on the advisability of the disclosure is provided to the court as mandated by law.

## B. Effect of Proposed Changes:

Senate Bill 822 would require HRS or the licensed child-placing agency to provide a written recommendation regarding the placement of a child to the prospective adoptive parents, in addition to the intermediary as currently required by law. The bill also requires the intermediary or prospective adoptive parents to petition the court for a determination of suitability within 20 days of receipt of an unfavorable recommendation by HRS or a licensed child-placing agency.

The bill also reduces the time in which HRS or a licensed child-placing agency must determine the status of a child for whom adoption has not been finalized to 6 months from the date of the initial petition.

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Finally, SB 822 requires the court to give notice of hearing to HRS or the licensed child-placing agency in order for them to give a recommendation to the court on disclosure of information in adoption records.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

None.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.

## SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Wilson</u>	<u>Hill</u>	1. <u>HRS</u>	<u>Fav</u>
2. <u>Christensen</u>	<u>Lester</u> <i>PL</i>	2. <u>JCI</u>	<u>Fav</u>
3. _____	_____	3. _____	_____

SUBJECT: Adoption

BILL NO. AND SPONSOR: SB 822 by Senator Castor

I. SUMMARY:

## A. Present Situation:

Under chapter 63, F.S., children may be placed for adoption through HRS, a licensed child-placing agency, or an intermediary. An intermediary is an attorney or physician licensed to practice in Florida or a licensed child-placing agency from another state that wants to place children with Florida families. HRS has the responsibility for monitoring adoptive placements by intermediaries and conducting a preliminary study of the prospective adoptive family or designating a licensed child-placing agency to perform such a study. Based upon the preliminary study, HRS makes its recommendations concerning the placement of the child with the prospective adoptive family. When the preliminary study is unfavorable the intermediary or the prospective adoptive parents may petition the court for a determination of suitability, but no timeframe is specified during which the petition must be made. There is also no requirement that the HRS recommendation be mailed to the prospective adoptive parents, only to the intermediary.

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Finally, SB 822 requires the court to give notice of hearing to HRS or the licensed child-placing agency in order for them to give a recommendation to the court on disclosure of information in adoption records.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

None.

III. COMMENTS:

This bill has been reported favorably by the Senate HRS Committee. Its identical companion in the House, 1985 House Bill 846, was reported favorably by the Subcommittee on Health and Economic Services pending ratification by the full House HRS Committee.

IV. AMENDMENTS:

None.

Last Action: Died in Senate messages  
Provisions enacted in SB 822;  
Chapter 85-189, Laws of Florida

STORAGE NAME: HB 856

Date: April 28, 1985

Revised: May 9, 1985

Final: July 1, 1985

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HOUSE OF REPRESENTATIVES

COMMITTEE ON HEALTH CARE AND INSURANCE

STAFF ANALYSIS

BILL# HB 856 SPONSOR Representative Lewis

EFFECTIVE DATE October 1, 1985

IDENTICAL/SIMILAR BILLS None

RELATING TO Health Insurance; adopted children

OTHER COMMITTEES OF REFERENCE Appropriations

I. SUMMARY:

This bill requires individual and group health insurance policies that provide coverage for a family member to provide coverage to adopted children from the moment of placement in the residence of the insured.

It appears that all health insurance carriers extend coverage under a family policy for legally adopted children. However, this coverage is generally not initiated until the adoption becomes final, i.e., the entry of the adoption judgment. Between the time a child is placed in a residence and the adoption becoming final, anywhere from two or three months to a year can elapse, during which time no insurance coverage exists.

Pending adoption, a child can legally be placed in a residence by: (1) The department of Health and Rehabilitative Services, (2) a licensed child placement agency, or (3) a

licensed physician or attorney acting as an "intermediary" qualified by HRS (ch. 63, F.S.). Typically, the persons with whom the child is placed pending adoption are requested to sign an adoptive placement agreement specifying that the persons will be responsible for the child's medical care from the time he is placed in the home. Prior to placement, Medicaid provides coverage for children in the custody of HRS. For children in the custody of a licensed child placement agency, the agency is responsible for providing for the welfare of the child. Private placement by an attorney or physician can involve various agreements and responsibilities.

This bill would require individual and group health insurance policies which provide coverage for a family member of the insured to provide that the benefits for children shall be payable with respect to an adopted child of the insured from the moment of placement in the residence of the insured.

(This bill would not affect out-of-state policies because it does not amend s. 627.6515(2)(c). Although this benefit would be required for plans of self-insurance due to the provision of s. 627.651(1), the benefit would not be required for multiple-employer welfare arrangements because no amendment is made to s. 627.651(5).)

## II. ECONOMIC IMPACT:

### A. PRIVATE SECTOR

Persons who have taken custody of a child pending legal adoption and who are insured under a policy providing coverage for dependents will have insurance coverage for the child's medical expenses after placement in the residence. In 1983 there were approximately 2300 children adopted in Florida through HRS, licensed agencies, and intermediaries (attorneys and physicians).

Health insurers would be subject to increased expenses, impacting upon premiums, but the effect should be minimal due to the small number of children (2300 in 1983) and the short time period (generally no more than one year) affected by this bill. As mentioned above, this bill does not affect out-of-state policies or multiple-employer welfare arrangements.

### B. GOVERNMENT

There is disagreement over the issue of whether governmental plans of self-insurance are subject to the minimum benefit requirements of group health insurance policies under part VII of chapter 627, which would include the benefits prescribed by this bill. It is probable that such plans are subject to these minimum benefits due to the general requirement in s. 627.651(1) that plans of self-insurance meet the specified benefits and coverages of part VII, and the inclusion of self-

insurance plans established by governmental units within the definition of "self-insurance" in s. 624.031.

III. COMMENTS:

None

IV. AMENDMENTS:

Amendment #1 by Health Care and Insurance: Provides that for individual policies, the coverage for adopted children shall initiate upon placement of the child in the residence of the insured pursuant to chapter 63. This requires that the placement be a legal placement by either HRS, a licensed child placement agency, or a licensed physician or attorney acting as an "intermediary" qualified by HRS.

Amendment #2 by Health Care and Insurance: Same as amendment #1, for group policies.

V. LEGISLATIVE HISTORY:

On April 30, 1985, HB 856 was heard by the Subcommittee on Health and Life Insurance and General Insurance Regulation which reported the bill favorably with two amendments. On May 8, the Committee on Health Care and Insurance reported the bill favorably with the same two amendments.

On May 27, HB 856 was read for a second time and the amendments by Health Care and Insurance were adopted. The bill was read for a third time and passed as amended, 103 - 0.

HB 856 died in Senate messages, but the provisions of HB 856 were amended onto SB 822 on the floor of the Senate on May 24. SB 822 was passed as amended, 34 - 0. On May 28 the House passed SB 822, 110 - 0. On June 11, SB 822 was presented to the Governor who signed the act on June 18; Chapter 85-189, Laws of Florida.

VI. PREPARED BY: Brian Deffenbaugh <sup>13</sup>

VII. EDITOR-IN-CHIEF: Sandra Anderson