



1 interest may be lost entirely; amending s.  
2 63.054, F.S.; providing that an unmarried  
3 biological father who fails to register  
4 paternity prior to the filing of a petition for  
5 termination of parental rights may not file a  
6 paternity claim under ch. 742, F.S.; providing  
7 that if an unmarried biological father fails to  
8 report a change of address to the Florida  
9 Putative Father Registry, the failure is not a  
10 valid defense based upon lack of notice and the  
11 adoption entity or adoption petitioner is not  
12 obligated to search further for the registrant;  
13 requiring a petitioner in a proceeding in which  
14 parental rights are terminated simultaneously  
15 with entry of final judgment of adoption to  
16 provide certain notice to the Office of Vital  
17 Statistics of the Department of Health;  
18 providing procedures for a search of the  
19 Florida Putative Father Registry when  
20 termination of parental rights and an adoption  
21 proceeding are adjudicated separately; amending  
22 s. 63.062, F.S.; revising provisions relating  
23 to service of notice to the father of a minor  
24 under certain circumstances; revising  
25 requirements for an unmarried biological father  
26 to be determined to have a substantial  
27 relationship with the child; providing that an  
28 adoption agency may file a notice of an  
29 intended adoption plan at any time before the  
30 birth of the child or before placing the child  
31 in the adoptive home; providing for the proper

1 venue to file a petition to terminate parental  
2 rights; amending s. 63.063, F.S.; revising  
3 provisions relating to responsibilities of each  
4 party pertaining to fraudulent actions;  
5 amending s. 63.082, F.S.; providing that notice  
6 and consent provisions do not apply in cases in  
7 which the child was conceived as a result of a  
8 violation of certain criminal statutes;  
9 revising consent requirements applicable to  
10 men; limiting period for revocation of a  
11 consent to adopt to 3 business days if the  
12 child is older than 6 months of age;  
13 authorizing a court to transfer a child to the  
14 prospective adoptive parents under certain  
15 circumstances; requiring the adoption entity to  
16 file a petition for adoption or termination of  
17 parental rights after the transfer of the  
18 child; revising requirements for withdrawing a  
19 consent for adoption; amending s. 63.085, F.S.;  
20 revising requirements for required disclosures  
21 by an adoption entity; requiring that  
22 background information on the child be revealed  
23 to prospective adoptive parents; amending s.  
24 63.087, F.S.; revising procedures to terminate  
25 parental rights pending an adoption; providing  
26 the proper venue in which to file a petition to  
27 terminate parental rights; requiring a person  
28 to answer the petition and to appear at the  
29 hearing for termination of parental rights;  
30 providing applicability; providing that failure  
31 to appear at certain hearings constitutes

1 grounds for termination of parental rights;  
2 removing provision relating to procedure for  
3 notifying a petitioner of a final hearing;  
4 amending s. 63.088, F.S.; requiring the court  
5 to conduct an inquiry concerning the father of  
6 the child who is to be adopted; revising  
7 requirements for notice concerning the  
8 termination of parental rights; requiring  
9 persons contacted by a petitioner or adoption  
10 entity to release certain information; amending  
11 s. 63.089, F.S.; revising provisions relating  
12 to service of notice and petition regarding  
13 termination of parental rights and consent to  
14 adoption; revising conditions under which the  
15 court may enter a judgment terminating parental  
16 rights; revising conditions for making a  
17 finding of abandonment; prohibiting a person  
18 who failed to establish parental rights from  
19 challenging a judgment terminating parental  
20 rights under certain circumstances; amending s.  
21 63.092, F.S.; revising conditions of and  
22 timeframe for an adoption entity to report  
23 intent to place a minor for adoption to the  
24 court; revising requirements regarding who must  
25 perform a preliminary home study; amending s.  
26 63.097, F.S.; providing that certain additional  
27 fees, costs, and expenses do not require court  
28 approval prior to payment; amending s. 63.102,  
29 F.S.; revising procedures for the filing of a  
30 petition for adoption; providing the proper  
31 venue where the petition may be filed; amending

1 s. 63.112, F.S.; revising language requiring  
2 that certain documents be filed at the same  
3 time the petition for adoption is filed;  
4 amending s. 63.122, F.S.; providing that  
5 certain information may be removed from the  
6 petition under certain circumstances; deleting  
7 a provision authorizing the court to order  
8 certain investigations in cases of adult  
9 adoption; amending s. 63.125, F.S.; providing  
10 that certain licensed professionals may conduct  
11 the final home investigation; amending s.  
12 63.132, F.S.; providing exceptions to the  
13 requirement that the adoptive parent and the  
14 adoption entity file an affidavit itemizing all  
15 expenses and receipts; amending s. 63.135,  
16 F.S.; requiring the adoption entity or  
17 petitioner to file an affidavit under the  
18 Uniform Child Custody Jurisdiction and  
19 Enforcement Act in a termination of parental  
20 rights proceeding; deleting information  
21 required to be submitted under oath to the  
22 court; amending s. 63.142, F.S.; requiring that  
23 if an adoption petition is dismissed, any  
24 further proceedings regarding the minor be  
25 brought in a separate custody action under ch.  
26 61, F.S., a dependency action under ch. 39,  
27 F.S., or a paternity action under ch. 742,  
28 F.S.; revising conditions under which a  
29 judgment terminating parental rights is  
30 voidable; amending s. 63.152, F.S.; requiring  
31 the clerk of court to transmit a certified

1 statement of the adoption to the state where  
2 the child was born; amending s. 63.162, F.S.;  
3 revising requirements concerning the disclosure  
4 of information pertaining to an adoption;  
5 amending s. 63.192, F.S.; requiring the courts  
6 of this state to recognize decrees of  
7 termination of parental rights and adoptions  
8 from other states and countries; amending s.  
9 63.207, F.S.; permitting prospective adoptive  
10 parents to finalize the adoption in their home  
11 state; amending s. 63.212, F.S.; revising acts  
12 that are unlawful pertaining to adoptions;  
13 providing penalties; amending s. 63.213, F.S.;  
14 prohibiting an attorney from representing the  
15 volunteer mother and the intended father and  
16 mother in a preplanned adoption arrangement;  
17 revising the definition of "fertility  
18 technique"; creating s. 63.236, F.S.; providing  
19 that any petition for termination of parental  
20 rights filed before the effective date of the  
21 act is governed by the law in effect at the  
22 time the petition was filed; amending s.  
23 409.166, F.S.; redefining the term "special  
24 needs child"; providing for participation by  
25 adoption intermediaries in the adoption program  
26 for special needs children administered by the  
27 Department of Children and Family Services;  
28 providing for waiver of adoption fees for  
29 intermediary-placed adoptions; amending s.  
30 409.176, F.S.; providing that licensing  
31 provisions do not apply to organizations whose

1 standards are similar to those of licensed  
2 child-placing agencies; providing  
3 responsibilities of a qualified association  
4 meeting standards of a statewide child care  
5 organization; amending s. 742.021, F.S.;  
6 requiring the clerk of court to issue certain  
7 notice in cases of complaints concerning  
8 determination of paternity; amending s. 742.10,  
9 F.S.; providing applicability of chs. 39 and  
10 63, F.S., to jurisdiction and procedures for  
11 determination of paternity for children born  
12 out of wedlock; providing an effective date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

15  
16 Section 1. Subsection (5) of section 39.812, Florida  
17 Statutes, is amended to read:

18 39.812 Postdisposition relief; petition for  
19 adoption.--

20 (5) The petition for adoption must be filed in the  
21 division of the circuit court which entered the judgment  
22 terminating parental rights, unless a motion for change of  
23 venue is granted pursuant to s. 47.122. A copy of the consent  
24 executed by the department as required under s. 63.062(7) must  
25 be attached to the petition, unless the court determines that  
26 such consent is being unreasonably withheld and provided that  
27 the petitioner has filed with the court a favorable  
28 preliminary adoptive home study as required under s. 63.092  
29 ~~performed by a licensed child placing agency, a child caring~~  
30 ~~agency registered under s. 409.176, or a licensed professional~~  
31 ~~or agency described in s. 61.20(2).~~ The petition must be

1 accompanied by a statement signed by the adoptive parents  
2 acknowledging receipt of all information required to be  
3 disclosed under s. 63.085 and a form provided by the  
4 department which details the social and medical history of the  
5 child and each parent and includes the social security number  
6 and date of birth for each parent, if such information is  
7 available or readily obtainable. The person seeking to adopt  
8 the child may not file a petition for adoption until the  
9 judgment terminating parental rights becomes final. An  
10 adoption proceeding under this subsection is governed by  
11 chapter 63, as limited under s. 63.037.

12 Section 2. Subsection (13) of section 49.011, Florida  
13 Statutes, is amended to read:

14 49.011 Service of process by publication; cases in  
15 which allowed.--Service of process by publication may be made  
16 in any court on any person mentioned in s. 49.021 in any  
17 action or proceeding:

18 (13) For termination of parental rights pursuant to  
19 part IX of chapter 39 or chapter 63.

20 Section 3. Subsection (5) of section 63.022, Florida  
21 Statutes, is amended to read:

22 63.022 Legislative intent.--

23 (5) It is the intent of the Legislature to provide for  
24 cooperation between private adoption entities and the  
25 Department of Children and Family Services in matters relating  
26 to permanent placement options for children in the care of the  
27 department whose birth parent wishes ~~parents wish~~ to  
28 participate in a private adoption plan with a qualified  
29 family.

30 Section 4. Section 63.032, Florida Statutes, is  
31 amended to read:

1           63.032 Definitions.--As used in this chapter, the  
2 term:

3           (1) "Abandoned" means a situation in which the parent  
4 or person having legal custody of a child, while being able,  
5 makes no provision for the child's support and makes little or  
6 no effort to communicate with the child, which situation is  
7 sufficient to evince an intent to reject parental  
8 responsibilities. If, in the opinion of the court, the efforts  
9 of such parent or person ~~having legal custody of the child~~ to  
10 support and communicate with the child are only marginal  
11 efforts that do not evince a settled purpose to assume all  
12 parental duties, the court may declare the child to be  
13 abandoned. In making this decision, the court may consider the  
14 conduct of a father towards the child's mother during her  
15 pregnancy.

16           (2) "Adoption" means the act of creating the legal  
17 relationship between parent and child where it did not exist,  
18 thereby declaring the child to be legally the child of the  
19 adoptive parents and their heir at law and entitled to all the  
20 rights and privileges and subject to all the obligations of a  
21 child born to such adoptive parents in lawful wedlock.

22           (3) "Adoption entity" means the department, an agency,  
23 a child-caring agency registered under s. 409.176, an  
24 intermediary, an attorney licensed in another state who is  
25 placing a child from another state into this state, or a  
26 child-placing agency licensed in another state which is  
27 placing a child from another state into this state and is  
28 qualified by the department to place children in this state  
29 ~~the State of Florida.~~

30           ~~(4)(20)~~ "Adoption plan" means an arrangement  
31 ~~arrangements~~ made by a birth parent or other individual having

1 a legal right to custody of a minor child, born or to be born,  
2 with an adoption entity in furtherance of placing the  
3 ~~placement of~~ the minor for adoption.

4 ~~(5)(4)~~ "Adult" means a person who is not a minor.

5 ~~(6)(5)~~ "Agency" means any child-placing agency  
6 licensed by the department pursuant to s. 63.202 to place  
7 minors for adoption.

8 ~~(7)(6)~~ "Child" means a minor son or daughter, whether  
9 by birth or adoption.

10 ~~(8)(7)~~ "Court" means any circuit court of this state  
11 and, when the context requires, the court of any state that is  
12 empowered to grant petitions for adoption.

13 ~~(9)(8)~~ "Department" means the Department of Children  
14 and Family Services.

15 ~~(10)(9)~~ "Intermediary" means an attorney who is  
16 licensed or authorized to practice in this state and who is  
17 placing or intends to place a child for adoption, including  
18 placing children born in another state with citizens of this  
19 state or country or placing children born in this state with  
20 citizens of another state or country.

21 ~~(11)(10)~~ "Legal custody" means a legal status created  
22 by court order or letter of guardianship that vests in a  
23 custodian or guardian of the child, whether an agency or an  
24 individual, the right to have physical custody of the child  
25 and the right and duty to protect, train, and discipline the  
26 child and to provide him or her with food, shelter, education,  
27 and ordinary medical, dental, psychiatric, and psychological  
28 care. The term "legal custodian" means the person or entity in  
29 whom the legal right to custody is vested ~~has the meaning~~  
30 ~~ascribed in s. 39.01.~~

31 ~~(11)~~ "Minor" ~~means a person under the age of 18 years.~~

1           (12) "Parent" means a woman who gives birth to a child  
2 or a man whose consent to the adoption of the child would be  
3 required under s. 63.062(1). If a child has been legally  
4 adopted, the term "parent" means the adoptive mother or father  
5 of the child. The term does not include an individual whose  
6 parental relationship to the child has been legally terminated  
7 or an alleged or prospective parent has the same meaning  
8 ascribed in s. 39.01.

9           ~~(13) "Person" includes a natural person, corporation,~~  
10 ~~government or governmental subdivision or agency, business~~  
11 ~~trust, estate, trust, partnership, or association, and any~~  
12 ~~other legal entity.~~

13           ~~(13)(15)~~ "Placement" or "to place" means the process  
14 of a parent or legal guardian surrendering a child for  
15 adoption and the prospective adoptive parents receiving and  
16 adopting the child, and includes all actions by any person or  
17 adoption entity participating in the process.

18           (14) "Primarily lives and works in Florida" means that  
19 a person lives and works in this state at least 6 months and 1  
20 day of the year, is a member of military personnel who  
21 designates Florida as his or her place of residence in  
22 accordance with the Servicemembers Civil Relief Act, Pub. L.  
23 No. 108-189, or is a citizen of the United States living in a  
24 foreign country who designates Florida as his or her place of  
25 residence.

26           ~~(16) "Placement" means the process of a parent or~~  
27 ~~legal guardian surrendering a child for adoption and the~~  
28 ~~prospective adoptive parents receiving and adopting the child~~  
29 ~~and all actions by any adoption entity participating in~~  
30 ~~placing the child.~~

31

1           ~~(15)(17)~~ "Primarily lives and works outside Florida"  
2 means that a person ~~who~~ lives and works outside this state at  
3 least 6 months and 1 day of the year, is a member of military  
4 personnel who designates a state other than ~~designate~~ Florida  
5 as his or her ~~their~~ place of residence in accordance with the  
6 Servicemembers Civil Relief Act, Pub. L. No. 108-189 ~~Soldiers'~~  
7 ~~and Sailors' Civil Relief Act of 1940~~, or is a citizen  
8 ~~employees~~ of the United States ~~Department of State~~ living in a  
9 foreign country who designates ~~designate~~ a state other than  
10 Florida as his or her ~~their~~ place of residence.

11           ~~(16)(14)~~ "Relative" means a person related by blood  
12 within the third degree of consanguinity, by adoption, or by  
13 marriage to the person being adopted ~~within the third degree~~  
14 ~~of consanguinity~~.

15           ~~(17)(18)~~ "Suitability of the intended placement"  
16 includes the fitness of the intended placement, with primary  
17 consideration being given to the best interest of the child.

18           ~~(18)(19)~~ "Unmarried biological father" means the  
19 child's biological father who is not married to the child's  
20 mother at the time of conception or birth of the child and  
21 who, prior to the filing of the petition to terminate parental  
22 rights, has not been declared by a court of competent  
23 jurisdiction to be the legal father of the child or has not  
24 executed an affidavit pursuant to s. 382.013(2)(c).

25           Section 5. Paragraph (i) of subsection (1) of section  
26 63.039, Florida Statutes, is amended, and paragraph (j) is  
27 added to that subsection, to read:

28           63.039 Duty of adoption entity to prospective adoptive  
29 parents; sanctions.--

30           (1) An adoption entity placing a minor for adoption  
31 has an affirmative duty to follow the requirements of this

1 chapter and specifically the following provisions, which  
2 protect and promote the well-being of persons being adopted  
3 and their parents and prospective adoptive parents by  
4 promoting certainty, finality, and permanency for such  
5 persons. The adoption entity must:

6 (i) Obtain the written waiver of venue required under  
7 s. 63.062, ~~if applicable in cases in which venue for the~~  
8 ~~termination of parental rights will be located in a county~~  
9 ~~other than the county where a parent whose rights are to be~~  
10 ~~terminated resides.~~

11 (j) Provide an adoption disclosure statement, as  
12 required under s. 63.085(1), to all persons whose consent is  
13 required under s. 63.062(1) and any unmarried biological  
14 father identified by the biological mother as a biological  
15 father of the child, when their identities and locations are  
16 known.

17 Section 6. Subsection (9) of section 63.0423, Florida  
18 Statutes, is amended to read:

19 63.0423 Procedures with respect to abandoned  
20 infants.--

21 (9)(a) A judgment terminating parental rights pending  
22 the adoption of a minor who was abandoned as described in this  
23 section is voidable, and any later judgment of adoption of  
24 that minor is voidable, if, upon the motion of a ~~birth~~ parent  
25 whose consent is required for adoption, the court finds that a  
26 person knowingly gave false information that prevented the  
27 ~~birth~~ parent from timely making known his or her desire to  
28 assume parental responsibilities toward the minor or from  
29 exercising his or her parental rights. A motion under this  
30 subsection must be filed with the court originally entering  
31 the judgment. The motion must be filed within a reasonable

1 time, but not later than 1 year after the entry of the  
2 judgment terminating parental rights.

3 (b) No later than 30 days after the filing of a motion  
4 under this subsection, the court shall conduct a preliminary  
5 hearing to determine what contact, if any, will be permitted  
6 between a ~~birth~~ parent and the child pending resolution of the  
7 motion. The ~~Such~~ contact may be allowed only if it is  
8 requested by a parent who has appeared at the hearing and the  
9 court determines that it is in the best interest of the child.  
10 If the court orders contact between a ~~birth~~ parent and child,  
11 the order must be issued in writing as expeditiously as  
12 possible and must state with specificity the terms ~~any~~  
13 ~~provisions~~ regarding contact with persons other than those  
14 with whom the child resides.

15 (c) At the preliminary hearing, the court, upon the  
16 motion of any party or upon its own motion, may order  
17 scientific testing to determine the paternity or maternity of  
18 the minor if the person seeking to set aside the judgment is  
19 alleging to be the child's ~~birth~~ parent but has not previously  
20 been determined by legal proceedings or scientific testing to  
21 be the ~~birth~~ parent. Upon the filing of test results  
22 establishing that person's maternity or paternity of the  
23 abandoned infant, the court may order visitation as it deems  
24 appropriate and in the best interest of the child.

25 (d) Within 45 days after the preliminary hearing, the  
26 court shall conduct a final hearing on the motion to set aside  
27 the judgment and shall enter its written order as  
28 expeditiously as possible ~~thereafter~~.

29 Section 7. Section 63.0425, Florida Statutes, is  
30 amended to read:

31 63.0425 Grandparent's right to notice ~~adopt~~.--

1           (1) When a child has lived with a grandparent for at  
2 least 6 months within the 24-month period immediately  
3 preceding the filing of a petition for termination of parental  
4 rights pending adoption, the adoption entity shall provide  
5 notice to that grandparent of the hearing on the petition ~~for~~  
6 ~~termination of parental rights pending adoption.~~

7           (2) This section shall not apply if the placement for  
8 adoption is the ~~a~~ result of the death of the child's parent  
9 and a different preference is stated in the parent's will.

10          (3) This section shall not apply in stepparent  
11 adoptions.

12          (4) Nothing in this section shall contravene the  
13 provisions of s. 63.142(4).

14          Section 8. Subsections (1) and (7) of section 63.052,  
15 Florida Statutes, are amended to read:

16           63.052 Guardians designated; proof of commitment.--

17           (1) For minors who have been placed for adoption with  
18 ~~and permanently committed to~~ an adoption entity, other than an  
19 intermediary, such adoption entity shall be the guardian of  
20 the person of the minor and has the responsibility and  
21 authority to provide for the needs and welfare of the minor.

22           (7) The court retains jurisdiction of a minor who has  
23 been placed for adoption until the adoption is finalized  
24 within or outside this state ~~final~~. After a minor is placed  
25 with an adoption entity or prospective adoptive parent, the  
26 court may review the status of the minor and the progress  
27 toward permanent adoptive placement.

28          Section 9. Subsection (1) of section 63.053, Florida  
29 Statutes, is amended to read:

30           63.053 Rights and responsibilities of an unmarried  
31 biological father; legislative findings.--

1           (1) In enacting ~~the provisions contained in this~~  
2 chapter, the Legislature prescribes the conditions for  
3 determining whether an unmarried biological father's actions  
4 are sufficiently prompt and substantial so as to require  
5 protection of a constitutional right. If an unmarried  
6 biological father fails to take the actions that are available  
7 to him to establish a relationship with his child, his  
8 parental interest may be lost entirely, ~~or greatly diminished,~~  
9 by his failure to timely comply with the available legal steps  
10 to substantiate a parental interest.

11           Section 10. Subsections (1), (6), and (7) of section  
12 63.054, Florida Statutes, are amended to read:

13           63.054 Actions required by an unmarried biological  
14 father to establish parental rights; Florida Putative Father  
15 Registry.--

16           (1) In order to preserve the right to notice and  
17 consent to an adoption under this chapter, an unmarried  
18 biological father must, as the "registrant," file a notarized  
19 claim of paternity form with the Florida Putative Father  
20 Registry maintained by the Office of Vital Statistics of the  
21 Department of Health which includes ~~and shall include therein~~  
22 confirmation of his willingness and intent to support the  
23 child for whom paternity is claimed in accordance with state  
24 law. The claim of paternity may be filed at any time prior to  
25 the child's birth, but a claim of paternity may not be filed  
26 after the date a petition is filed for termination of parental  
27 rights. In each proceeding for termination of parental rights,  
28 the petitioner shall submit to the Office of Vital Statistics  
29 ~~of the Department of Health~~ a copy of the petition for  
30 termination of parental rights. The Office of Vital Statistics  
31 ~~of the Department of Health~~ shall not record a claim of

1 paternity after the date that a petition for termination of  
2 parental rights is filed. The failure of an unmarried  
3 biological father to register his paternity prior to the date  
4 a petition for termination of parental rights is filed also  
5 bars him from filing a paternity claim under chapter 742.

6 (6) It is the obligation of the registrant or, if  
7 designated under subsection (4), his designated agent or  
8 representative to notify and update the Office of Vital  
9 Statistics of any change of address or change in the  
10 designation of an agent or representative. The failure of a  
11 registrant, or designated agent or representative, to report  
12 any such change is at the registrant's own risk and shall not  
13 serve as a valid defense based upon lack of notice, and the  
14 adoption entity or petitioner shall have no further obligation  
15 to search for the registrant unless the person petitioning for  
16 termination of parental rights or adoption has actual ~~or~~  
17 ~~constructive~~ notice of the registrant's address and  
18 whereabouts from another source.

19 (7) In each proceeding for termination of parental  
20 rights or each adoption proceeding in which parental rights  
21 are being terminated simultaneously with entry of the final  
22 judgment of adoption, as in stepparent and relative adoptions  
23 filed under this chapter, the petitioner must contact the  
24 Office of Vital Statistics ~~of the Department of Health~~ by  
25 submitting an application for a search of the Florida Putative  
26 Father Registry. The petitioner shall provide the same  
27 information, if known, on the search application form which  
28 the registrant is required to furnish under subsection (3).  
29 Thereafter, the Office of Vital Statistics must issue a  
30 certificate signed by the State Registrar certifying:  
31

1 (a) The identity and contact information, if any, for  
2 each registered unmarried biological father whose information  
3 matches the search request sufficiently so that ~~the such~~  
4 person may be considered a possible father of the subject  
5 child; or

6 (b) That a diligent search has been made of the  
7 registry of registrants who may be the unmarried biological  
8 father of the subject child and ~~that~~ no matching registration  
9 has been located in the registry.

10  
11 ~~The This~~ certificate must be filed with the court in the  
12 proceeding to terminate parental rights or the adoption  
13 proceeding. If a termination of parental rights and an  
14 adoption proceeding are being adjudicated separately  
15 ~~simultaneously~~, the Florida Putative Father Registry need only  
16 be searched in the termination of parental rights proceeding  
17 ~~once~~.

18 Section 11. Paragraph (b) of subsection (1),  
19 subsection (2), paragraph (a) of subsection (3), and  
20 subsection (9) of section 63.062, Florida Statutes, are  
21 amended to read:

22 63.062 Persons required to consent to adoption;  
23 affidavit of nonpaternity; waiver of venue.--

24 (1) Unless supported by one or more of the grounds  
25 enumerated under s. 63.089(3), a petition to terminate  
26 parental rights pending adoption may be granted only if  
27 written consent has been executed as provided in s. 63.082  
28 after the birth of the minor or notice has been served under  
29 s. 63.088 to:

30 (b) The father of the minor, if:  
31

1           1. The minor was conceived or born while the father  
2 was married to the mother;

3           2. The minor is his child by adoption;

4           3. The minor has been established by court judgment  
5 ~~proceeding~~ to be his child no later than the date that a  
6 petition is filed for termination of parental rights;

7           4. He has filed an affidavit of paternity pursuant to  
8 s. 382.013(2)(c) no later than the date that a petition is  
9 filed for termination of parental rights; or

10           5. In the case of an unmarried biological father, he  
11 has acknowledged in writing, signed in the presence of a  
12 competent witness, that he is the father of the minor, has  
13 filed such acknowledgment with the Office of Vital Statistics  
14 of the Department of Health within the required timeframes,  
15 and has complied with the requirements of subsection (2).

16           (2) In accordance with subsection (1), the consent of  
17 an unmarried biological father shall be required ~~necessary~~  
18 only if the unmarried biological father has complied with the  
19 requirements of this subsection.

20           (a)1. With regard to a child who is placed with  
21 adoptive parents more than 6 months after the child's birth,  
22 an unmarried biological father must have developed a  
23 substantial relationship with the child, taken some measure of  
24 responsibility for the child and the child's future, and  
25 demonstrated a full commitment to the responsibilities of  
26 parenthood by providing financial support to the child in  
27 accordance with the unmarried biological father's ability, if  
28 not prevented from doing so by the person or authorized agency  
29 having lawful custody of the child, and either:

30           a. Regularly visited the child at least monthly, when  
31 physically and financially able to do so and when not

1 prevented from doing so by the birth mother or the person or  
2 authorized agency having lawful custody of the child; or

3           b. Maintained regular communication with the child or  
4 with the person or agency having the care or custody of the  
5 child, when physically or financially unable to visit the  
6 child and ~~or~~ when not prevented from doing so by the birth  
7 mother or person or authorized agency having lawful custody of  
8 the child.

9           2. The mere fact that an unmarried biological father  
10 expresses a desire to fulfill his responsibilities towards his  
11 child which is unsupported by acts evidencing this intent does  
12 not preclude a finding by the court that the unmarried  
13 biological father failed to comply with the requirements of  
14 this subsection.

15           3. An unmarried biological father who openly lived  
16 with the child for at least 6 consecutive months within the  
17 1-year period following the birth of the child and immediately  
18 preceding placement of the child with adoptive parents and who  
19 openly held himself out to be the father of the child during  
20 that period shall be deemed to have developed a substantial  
21 relationship with the child and to have otherwise met the  
22 requirements of this paragraph.

23           (b) With regard to a child who is younger than 6  
24 months of age at the time the child is placed with the  
25 adoptive parents, an unmarried biological father must have  
26 demonstrated a full commitment to his parental responsibility  
27 by having performed all of the following acts before ~~prior to~~  
28 ~~the time~~ the mother executes her consent for adoption:

29           1. Filed a notarized claim of paternity form with the  
30 Florida Putative Father Registry within the Office of Vital  
31 Statistics of the Department of Health, which form shall be

1 maintained in the confidential registry established for that  
2 purpose and shall be considered filed when the notice is  
3 entered in the registry of notices from unmarried biological  
4 fathers.

5         2. Upon service of a notice of an intended adoption  
6 plan or a petition for termination of parental rights pending  
7 adoption, timely executed and filed an affidavit in that  
8 proceeding stating that he is personally fully able and  
9 willing to take responsibility for the child, setting forth  
10 his plans for care of the child, and agreeing to a court order  
11 of child support and a contribution to the payment of living  
12 and medical expenses incurred for the mother's pregnancy and  
13 the child's birth in accordance with his ability to pay.

14         3. If he had knowledge of the pregnancy, paid a fair  
15 and reasonable amount of the expenses incurred in connection  
16 with the mother's pregnancy and the child's birth, in  
17 accordance with his financial ability and when not prevented  
18 from doing so by the birth mother or person or authorized  
19 agency having lawful custody of the child.

20         (c) The petitioner shall file with the court a  
21 certificate from the Office of Vital Statistics stating that a  
22 diligent search has been made of the Florida Putative Father  
23 Registry of notices from unmarried biological fathers  
24 described in subparagraph (b)1. and that no filing has been  
25 found pertaining to the father of the child in question or, if  
26 a filing is found, stating the name of the putative father and  
27 the time and date of filing. That certificate shall be filed  
28 with the court before ~~prior to~~ the entry of a final judgment  
29 of termination of parental rights.

30         (d) An unmarried biological father who does not comply  
31 with each of the conditions provided in this subsection is

1 | deemed to have waived and surrendered any rights in relation  
2 | to the child, including the right to notice of any judicial  
3 | proceeding in connection with the adoption of the child, and  
4 | his consent to the adoption of the child is not required.

5 |       (3)(a) Under ~~Pursuant to~~ chapter 48, an adoption  
6 | entity may serve upon any unmarried biological father  
7 | identified by the mother or identified by a diligent search of  
8 | the Florida Putative Father Registry, or upon an entity whose  
9 | consent is required, a notice of intended adoption plan at any  
10 | time before the child's birth or before placing ~~prior to the~~  
11 | ~~placement of the child in the adoptive home, including prior~~  
12 | ~~to the birth of the child.~~ The notice of intended adoption  
13 | plan must specifically state that if the unmarried biological  
14 | father desires to contest the adoption plan, he must file with  
15 | the court, within 30 days after service, a verified response  
16 | that contains a pledge of commitment to the child in  
17 | substantial compliance with subparagraph (2)(b)2. The notice  
18 | of intended adoption plan shall notify the unmarried  
19 | biological father that he must file a claim of paternity form  
20 | with the Office of Vital Statistics within 30 days after  
21 | service upon him and must provide the adoption entity with a  
22 | copy of the verified response filed with the court and the  
23 | claim of paternity form filed with the Office of Vital  
24 | Statistics. If the party served with the notice of intended  
25 | adoption plan is an entity, the entity must file, within 30  
26 | days after service, a verified response setting forth a legal  
27 | basis for contesting the intended adoption plan, specifically  
28 | addressing the best interest of the child. If the unmarried  
29 | biological father or entity whose consent is required fails to  
30 | properly file a verified response with the court and, in the  
31 | case of an unmarried biological father, a claim of paternity

1 form with the Office of Vital Statistics within 30 days after  
2 service upon that unmarried biological father or entity whose  
3 consent is required, the consent of that unmarried biological  
4 father or entity shall no longer be required under this  
5 chapter and that party shall be deemed to have waived any  
6 claim of rights to the child. Each notice of intended adoption  
7 plan served upon an unmarried biological father must include  
8 instructions as to the procedure the unmarried biological  
9 father must follow to submit a claim of paternity form to the  
10 Office of Vital Statistics and the address to which the  
11 registration must be directed.

12 (9) A petition for termination of parental rights  
13 shall be filed in the appropriate county as determined under  
14 s. 63.087(2). If any ~~the parent or parents~~ whose consent is  
15 required objects ~~rights are to be terminated object~~ to venue  
16 in the county where the action was filed, the court may  
17 transfer venue to a proper venue consistent with this chapter  
18 and chapter 47 ~~the action to the county where the objecting~~  
19 ~~parent or parents reside~~, unless the objecting parent has  
20 previously executed a waiver of venue.

21 Section 12. Subsection (1) of section 63.063, Florida  
22 Statutes, is amended to read:

23 63.063 Responsibility of each party for his or her  
24 ~~their~~ own actions; fraud or misrepresentation; statutory  
25 compliance.--

26 (1) Each parent of a child conceived or born outside  
27 of marriage is responsible for his or her own actions and is  
28 not excused from strict compliance with the provisions of this  
29 chapter based upon any action, statement, or omission of the  
30 other parent or a third party, except as provided in s.  
31 63.062(2)(a).

1           Section 13. Paragraph (d) of subsection (1),  
2 paragraphs (b), (c), and (e) of subsection (4), and  
3 subsections (5), (6), and (7) of section 63.082, Florida  
4 Statutes, are amended to read:

5           63.082 Execution of consent to adoption or affidavit  
6 of nonpaternity; family social and medical history; withdrawal  
7 of consent.--

8           (1)

9           (d) The notice and consent provisions of this chapter  
10 as they relate to the birth of a child or to legal fathers do  
11 not apply in cases in which the child is conceived as a result  
12 of a violation of the criminal laws of this or another state,  
13 including, but not limited to, sexual battery, unlawful sexual  
14 activity with certain minors under s. 794.05, lewd acts  
15 perpetrated upon a minor, or incest.

16           (4)

17           (b) A consent to the adoption of a minor who is to be  
18 placed for adoption shall not be executed by the birth mother  
19 sooner than 48 hours after the minor's birth or the day the  
20 birth mother has been notified in writing, either on her  
21 patient chart or in release paperwork, that she is fit to be  
22 released from the licensed hospital or birth center, whichever  
23 is earlier. A consent by any man ~~a biological father or legal~~  
24 ~~father~~ may be executed at any time after the birth of the  
25 child. A consent executed under this paragraph is valid upon  
26 execution and may be withdrawn only if the court finds that it  
27 was obtained by fraud or duress.

28           (c) When the minor to be adopted is older than 6  
29 months of age at the time of the execution of the consent, the  
30 consent to adoption is valid upon execution; however, it is  
31 subject to a ~~3-day~~ revocation period of 3 business days ~~or may~~

1 ~~be revoked at any time prior to the placement of the minor~~  
2 ~~with the prospective adoptive parents, whichever is later. If~~  
3 ~~a consent has been executed, this subsection may not be~~  
4 ~~construed to provide a birth parent with more than 3 days to~~  
5 ~~revoke the consent once the child has been placed with the~~  
6 ~~prospective adoptive parents.~~

7 (e) A consent to adoption being executed by the birth  
8 parent must be in at least 12-point boldfaced type in  
9 substantially the following form:

10 CONSENT TO ADOPTION

11  
12 YOU HAVE THE RIGHT TO SELECT AT LEAST ONE  
13 PERSON WHO DOES NOT HAVE AN EMPLOYMENT,  
14 PROFESSIONAL, OR PERSONAL RELATIONSHIP WITH THE  
15 ADOPTION ENTITY OR THE PROSPECTIVE ADOPTIVE  
16 PARENTS TO BE PRESENT WHEN THIS AFFIDAVIT IS  
17 EXECUTED AND TO SIGN IT AS A WITNESS. YOU MUST  
18 ACKNOWLEDGE ON THIS FORM THAT YOU WERE NOTIFIED  
19 OF THIS RIGHT AND YOU MUST INDICATE THE WITNESS  
20 OR WITNESSES YOU SELECTED, IF ANY.

21  
22 YOU DO NOT HAVE TO SIGN THIS CONSENT FORM. YOU  
23 MAY DO ANY OF THE FOLLOWING INSTEAD OF SIGNING  
24 THIS CONSENT OR BEFORE SIGNING THIS CONSENT:

- 25 1. CONSULT WITH AN ATTORNEY;  
26 2. HOLD, CARE FOR, AND FEED THE CHILD UNLESS  
27 OTHERWISE LEGALLY PROHIBITED;  
28 3. PLACE THE CHILD IN FOSTER CARE OR WITH ANY  
29 FRIEND OR FAMILY MEMBER YOU CHOOSE WHO IS  
30 WILLING TO CARE FOR THE CHILD;  
31

1           4. TAKE THE CHILD HOME UNLESS OTHERWISE  
2           LEGALLY PROHIBITED; AND  
3           5. FIND OUT ABOUT THE COMMUNITY RESOURCES THAT  
4           ARE AVAILABLE TO YOU IF YOU DO NOT GO THROUGH  
5           WITH THE ADOPTION.  
6  
7           IF YOU DO SIGN THIS CONSENT, YOU ARE GIVING UP  
8           ALL RIGHTS TO YOUR CHILD. YOUR CONSENT IS  
9           VALID, BINDING, AND IRREVOCABLE EXCEPT UNDER  
10          SPECIFIC LEGAL CIRCUMSTANCES. IF YOU ARE GIVING  
11          UP YOUR RIGHTS TO A NEWBORN CHILD WHO IS TO BE  
12          IMMEDIATELY PLACED FOR ADOPTION UPON THE  
13          CHILD'S RELEASE FROM A LICENSED HOSPITAL OR  
14          BIRTH CENTER FOLLOWING BIRTH, A WAITING PERIOD  
15          WILL BE IMPOSED UPON THE BIRTH MOTHER BEFORE  
16          SHE MAY SIGN THE CONSENT FOR ADOPTION. A BIRTH  
17          MOTHER MUST WAIT 48 HOURS FROM THE TIME OF  
18          BIRTH, OR UNTIL THE DAY THE BIRTH MOTHER HAS  
19          BEEN NOTIFIED IN WRITING, EITHER ON HER PATIENT  
20          CHART OR IN RELEASE PAPERS, THAT SHE IS FIT TO  
21          BE RELEASED FROM A LICENSED HOSPITAL OR BIRTH  
22          CENTER, WHICHEVER IS SOONER, BEFORE THE CONSENT  
23          FOR ADOPTION MAY BE EXECUTED. ANY MAN ~~A~~  
24          ~~BIOLOGICAL FATHER~~ MAY EXECUTE A CONSENT AT ANY  
25          TIME AFTER THE BIRTH OF THE CHILD. ONCE YOU  
26          HAVE SIGNED THE CONSENT, IT IS VALID, BINDING,  
27          AND IRREVOCABLE AND CANNOT BE WITHDRAWN UNLESS  
28          A COURT FINDS THAT IT WAS OBTAINED BY FRAUD OR  
29          DURESS.  
30  
31

1 IF YOU BELIEVE THAT YOUR CONSENT WAS OBTAINED  
2 BY FRAUD OR DURESS AND YOU WISH TO REVOKE THAT  
3 CONSENT, YOU MUST:

- 4 1. NOTIFY THE ADOPTION ENTITY, BY WRITING A  
5 LETTER, THAT YOU WISH TO WITHDRAW YOUR CONSENT;  
6 AND  
7 2. PROVE IN COURT THAT THE CONSENT WAS  
8 OBTAINED BY FRAUD OR DURESS.

9

10 This statement of rights is not required for the adoption of a  
11 relative, an adult, a stepchild, or a child older than 6  
12 months of age. A consent form for the adoption of a child  
13 older than 6 months of age at the time of execution of consent  
14 must contain a statement outlining the revocation rights  
15 provided in paragraph (c).

16 (5) A copy or duplicate original of each consent  
17 signed under this chapter in an action for termination of  
18 ~~parental rights pending adoption~~ must be provided to the  
19 person who executed the consent to adoption. The copy must be  
20 hand delivered, with a written acknowledgment of receipt  
21 signed by the person whose consent is required at the time of  
22 execution. If a copy of a consent cannot be provided as  
23 required in this subsection, the adoption entity must execute  
24 an affidavit stating why the copy of the consent was not  
25 delivered. The original consent and acknowledgment of receipt,  
26 or an affidavit stating why the copy of the consent was not  
27 delivered, must be filed with the petition for termination of  
28 parental rights pending adoption.

29 (6)(a) If a ~~birth~~ parent executes a consent for  
30 placement of a minor with an adoption entity or qualified  
31 prospective adoptive parents and the minor child is in the

1 custody of the department, but parental rights have not yet  
2 been terminated, the adoption consent shall be valid, binding,  
3 and enforceable by the court and shall be the basis for a  
4 transfer of custody.

5 (b) Upon execution of the consent of the ~~birth~~ parent,  
6 the adoption entity shall be permitted to intervene in the  
7 dependency case as a party in interest and shall provide the  
8 court having jurisdiction over the minor pursuant to the  
9 shelter or dependency petition filed by the department with a  
10 copy of the preliminary home study of the prospective adoptive  
11 parents and any other evidence of the suitability of the  
12 placement. The preliminary home study shall be maintained with  
13 strictest confidentiality within the dependency court file and  
14 the department's file. A preliminary home study must be  
15 provided to the court in all cases in which an adoption entity  
16 has intervened pursuant to this section.

17 (c) Upon a determination by the court that the  
18 prospective adoptive parents have met the requirements of this  
19 chapter ~~are properly qualified~~ to adopt the minor child and  
20 that the adoption appears to be in the best interest of the  
21 minor child, the court shall immediately order the transfer of  
22 custody of the minor child to the prospective adoptive  
23 parents, under the supervision of the adoption entity.  
24 Thereafter, the adoption entity must file a petition for  
25 termination of parental rights or a petition for adoption in  
26 the court having jurisdiction over child welfare or custody in  
27 the county with the appropriate venue according to s. 63.087  
28 or s. 63.102. The adoption entity shall thereafter provide  
29 monthly supervision reports to the court, if required,  
30 ~~department~~ until finalization of the adoption.

1 (d) In determining whether the best interest of the  
2 child will be served by transferring the custody of the minor  
3 child to the prospective adoptive parent selected by the ~~birth~~  
4 parent, the court shall give consideration to the rights of  
5 the ~~birth~~ parent to determine an appropriate placement for the  
6 child, the permanency offered, the child's bonding with any  
7 potential adoptive home that the child has been residing in,  
8 and the importance of maintaining sibling relationships, if  
9 possible.

10 (7) In the case of a child older than 6 months of age  
11 who is placed with adoptive parents and for whom a parent is  
12 seeking to withdraw consent under paragraph (4)(c):

13 (a) The parent seeking to withdraw consent must notify  
14 ~~A consent that is being withdrawn under paragraph (4)(c) may~~  
15 ~~be withdrawn at any time prior to the minor's placement with~~  
16 ~~the prospective adoptive parents or by notifying~~ the adoption  
17 entity in writing by certified ~~United States~~ mail, return  
18 receipt requested, not later than 3 business days after  
19 execution of the consent. As used in this subsection, the term  
20 "business day" means any day on which the United States Postal  
21 Service accepts certified mail for delivery.

22 (b) Upon receiving timely written notice from a person  
23 whose consent to adoption is required of that person's desire  
24 to withdraw consent to adoption, the adoption entity must  
25 contact the prospective adoptive parent to arrange a time  
26 certain for the adoption entity to regain physical custody of  
27 the minor, unless, upon a motion for emergency hearing by the  
28 adoption entity, the court determines in written findings that  
29 placement of the minor with the person who had legal or  
30 physical custody of the child immediately before placing the  
31 child for adoption ~~withdrawing consent~~ may endanger the minor,

1 or that the person who desires to withdraw consent to the  
2 adoption would not be required to consent to the adoption, ~~or~~  
3 has been determined to have abandoned the child, or is  
4 otherwise subject to a determination that the person's consent  
5 is waived under this chapter.

6 (c) If the court finds that ~~the~~ such placement may  
7 endanger the minor, the court must enter an order regarding  
8 continued placement of the minor. The order shall direct  
9 continued placement with the prospective adoptive parents  
10 pending further proceedings if they desire continued  
11 placement. If the prospective adoptive parents do not desire  
12 continued placement, the order shall include, but not be  
13 limited to, whether temporary placement in foster care, with  
14 the person who had legal or physical custody of the child  
15 immediately before placing the child for adoption, or with a  
16 relative is in the best interest of the child and is  
17 ~~appropriate,~~ whether an investigation by the department is  
18 recommended, ~~and whether a relative is available for the~~  
19 ~~temporary placement.~~

20 (d) If the person withdrawing consent claims to be the  
21 father of the minor but has not been established to be the  
22 father by marriage, court order, or scientific testing, the  
23 court may order scientific paternity testing and reserve  
24 ruling on removal of the minor until the results of such  
25 testing have been filed with the court.

26 (e) The adoption entity must return the minor within 3  
27 business days after timely and proper notification of the  
28 withdrawal of consent or after the court determines that  
29 withdrawal is valid and binding upon consideration of an  
30 emergency motion, as filed pursuant to paragraph (b), to the  
31 physical custody of the person withdrawing consent or the

1 person directed by the court. If the person seeking to validly  
2 withdraw consent claims to be the father of the minor but has  
3 not been established to be the father by marriage, court  
4 order, or scientific testing, the adoption entity may return  
5 the minor to the care and custody of the mother, if she  
6 desires such placement, and the mother is not otherwise  
7 prohibited by law from having custody of the child.

8 (f) Following the revocation period for withdrawal of  
9 consent described in paragraph (a), or the placement of the  
10 child with the prospective adoptive parents, whichever occurs  
11 later, consent may be withdrawn only when the court finds that  
12 the consent was obtained by fraud or duress.

13 (g) An affidavit of nonpaternity may be withdrawn only  
14 if the court finds that the affidavit was obtained by fraud or  
15 duress.

16 Section 14. Section 63.085, Florida Statutes, is  
17 amended to read:

18 63.085 Disclosure by adoption entity.--

19 (1) DISCLOSURE REQUIRED TO PARENTS AND PROSPECTIVE  
20 ADOPTIVE PARENTS.--Not later than 14 days after a person  
21 seeking to adopt a minor or a person seeking to place a minor  
22 for adoption contacts an adoption entity in person or provides  
23 the adoption entity with a mailing address, the entity must  
24 provide a written disclosure statement to that person if the  
25 entity agrees or continues to work with the ~~such~~ person. The  
26 ~~If an~~ adoption entity shall also provide the written  
27 disclosure to any parent or any known and identified potential  
28 unmarried biological father is assisting in the effort to  
29 ~~terminate the parental rights of a parent~~ who did not initiate  
30 ~~the~~ contact with the adoption entity, ~~the written disclosure~~  
31 ~~must be provided~~ within 14 days after that parent or potential

1 unmarried biological father is identified and located. For  
2 purposes of providing the written disclosure, a person is  
3 considered to be seeking to place a minor for adoption when  
4 that person has sought information or advice from the adoption  
5 entity regarding the option of adoptive placement. The written  
6 disclosure statement must be in substantially the following  
7 form:

8 ADOPTION DISCLOSURE  
9

10 THE STATE OF FLORIDA REQUIRES THAT THIS FORM BE  
11 PROVIDED TO ALL PERSONS CONSIDERING ADOPTING A  
12 MINOR OR SEEKING TO PLACE A MINOR FOR ADOPTION,  
13 TO ADVISE THEM OF THE FOLLOWING FACTS REGARDING  
14 ADOPTION UNDER FLORIDA LAW:

15 1. The name, address, and telephone number of  
16 the adoption entity providing this disclosure  
17 is:

18 Name:

19 Address:

20 Telephone Number:

21 2. The adoption entity does not provide legal  
22 representation or advice to ~~birth~~ parents or  
23 anyone signing a consent for adoption or  
24 affidavit of nonpaternity, and ~~birth~~ parents  
25 have the right to consult with an attorney of  
26 their own choosing to advise them.

27 3. With the exception of an adoption by a  
28 stepparent or relative, a child cannot be  
29 placed into a prospective adoptive home unless  
30 the prospective adoptive parents have received  
31

1 a favorable preliminary home study, including  
2 criminal and child abuse clearances.

3 4. A valid consent for adoption may not be  
4 signed by the birth mother until 48 hours after  
5 the birth of the child, or the day the birth  
6 mother is notified, in writing, that she is fit  
7 for discharge from the licensed hospital or  
8 birth center. Any man ~~A putative father~~ may  
9 sign a valid consent for adoption at any time  
10 after the birth of the child.

11 5. A consent for adoption signed before the  
12 child attains the age of 6 months is binding  
13 and irrevocable from the moment it is signed  
14 unless it can be proven in court that the  
15 consent was obtained by fraud or duress. A  
16 consent for adoption signed after the child  
17 attains the age of 6 months is valid from the  
18 moment it is signed; however, it may be revoked  
19 ~~until the child is placed in an adoptive home,~~  
20 ~~or~~ up to 3 business days after it was signed,  
21 ~~whichever period is longer.~~

22 6. A consent for adoption is not valid if the  
23 signature of the person who signed the consent  
24 was obtained by fraud or duress.

25 7. An unmarried biological father must act  
26 immediately in order to protect his rights with  
27 regard to the child. He must register his  
28 paternity with the Florida Putative Father  
29 Registry maintained by the Office of Vital  
30 Statistics of the Department of Health within  
31 the timeframes set forth in s. 63.062 and must

1           provide the child with financial and physical  
2           support by assisting the mother during her  
3           pregnancy and providing for the child after  
4           birth.  
5           ~~8.7.~~ There are alternatives to adoption,  
6           including foster care, relative care, and  
7           parenting the child. There may be services and  
8           sources of financial assistance in the  
9           community available to ~~birth~~ parents if they  
10          choose to parent the child.  
11          ~~9.8.~~ A ~~birth~~ parent has the right to have a  
12          witness of his or her choice, who is  
13          unconnected with the adoption entity or the  
14          adoptive parents, to be present and witness the  
15          signing of the consent or affidavit of  
16          nonpaternity.  
17          ~~10.9.~~ A ~~birth~~ parent 14 years of age or  
18          younger must have a parent, legal guardian, or  
19          court-appointed guardian ad litem to assist and  
20          advise the ~~birth~~ parent as to the adoption  
21          plan.  
22          ~~11.10.~~ A ~~birth~~ parent has a right to receive  
23          supportive counseling from a counselor, social  
24          worker, physician, clergy, or attorney, and  
25          such counseling would be beneficial to the  
26          ~~birth~~ parent.  
27          ~~12.11.~~ The payment of living or medical  
28          expenses by the prospective adoptive parents  
29          prior to the birth of the child does not, in  
30          any way, obligate the ~~birth~~ parent to sign the  
31          consent for adoption.

1           (2) DISCLOSURE TO ADOPTIVE PARENTS.--

2           (a) At the time that an adoption entity identifies  
3 prospective adoptive parents for a born or unborn child whose  
4 parents are seeking to place the child for adoption or whose  
5 rights were terminated pursuant to chapter 39, the adoption  
6 entity shall provide the prospective adoptive parents with  
7 information on the background of the child to the extent such  
8 information is available. If any of the information is  
9 unavailable, the adoption entity has an affirmative duty to  
10 provide the information within 14 days after the information  
11 becoming available. In all cases, the prospective adoptive  
12 parents shall receive all available information by the date  
13 that the final hearing on the adoption is noticed with the  
14 court. The information that is required to be disclosed  
15 includes:

16           1. A family social and medical history form completed  
17 pursuant to s. 63.082.

18           2. The biological mother's medical records documenting  
19 her prenatal care and the birth and delivery of the child.

20           3. A complete set of the child's medical records  
21 documenting all medical treatment and care since the child's  
22 birth.

23           4. All mental health, psychological, and psychiatric  
24 records, reports, and evaluations concerning the child.

25           5. The child's educational records, which include all  
26 records concerning any special education needs of the child.

27           6. Records documenting all incidents that required the  
28 department to provide services to the child, including, but  
29 not limited to, all orders of adjudication of dependency or  
30 termination of parental rights issued pursuant to chapter 39,  
31 any case plans drafted to address the child's needs, all

1 protective services investigations identifying the child as a  
2 victim, and all guardian ad litem reports filed with the court  
3 concerning the child.

4 7. Written information concerning the availability of  
5 adoption subsidies for the child.

6 (b) When providing disclosure pursuant to this  
7 subsection, the adoption entity shall redact any confidential  
8 identifying information concerning the child's parents,  
9 siblings, and relatives, and perpetrators of crimes against  
10 the child or involving the child.

11 (3)(2) ACKNOWLEDGMENT OF DISCLOSURE.--The adoption  
12 entity must obtain a written statement acknowledging receipt  
13 of the disclosures disclosure required under subsections  
14 subsection (1) and (2) and signed by the persons receiving the  
15 disclosure or, if it is not possible to obtain such an  
16 acknowledgment, the adoption entity must execute an affidavit  
17 stating why an acknowledgment could not be obtained. If the  
18 disclosure was delivered by certified ~~United States~~ mail,  
19 return receipt requested, a return receipt signed by the  
20 person from whom acknowledgment is required is sufficient to  
21 meet the requirements of this subsection. A copy of the  
22 acknowledgment of receipt of the disclosure must be provided  
23 to the person signing it. A copy of the acknowledgment or  
24 affidavit executed by the adoption entity in lieu of the  
25 acknowledgment must be maintained in the file of the adoption  
26 entity. The original acknowledgment or affidavit must be filed  
27 with the court.

28 (4)(3) REVOCATION OF CONSENT.--Failure to meet the  
29 requirements of this section ~~subsection (1) or subsection (2)~~  
30 does not constitute grounds for revocation of a consent to  
31 adoption or withdrawal of an affidavit of nonpaternity unless

1 | the extent and circumstances of such a failure result in a  
2 | material failure of fundamental fairness in the administration  
3 | of due process, or the failure constitutes or contributes  
4 | materially to fraud or duress in obtaining a consent to  
5 | adoption or affidavit of nonpaternity.

6 |         Section 15. Section 63.087, Florida Statutes, is  
7 | amended to read:

8 |             63.087 Proceeding to terminate parental rights pending  
9 | adoption; general provisions.--

10 |             (1) JURISDICTION.--A court of this state that ~~which~~ is  
11 | competent to decide child welfare or custody matters has  
12 | jurisdiction to hear all matters arising from a proceeding to  
13 | terminate parental rights pending adoption.

14 |             (2) VENUE.--

15 |             (a) A petition to terminate parental rights pending  
16 | adoption must be filed:

17 |                 1. In the county where the child resides; or

18 |                 2. ~~If the child does not reside in the State of~~  
19 | ~~Florida,~~ In the county where the adoption entity is located;

20 |                 3. ~~In the county where the adoption entity is located;~~

21 | ~~or~~

22 |                 4. ~~If neither parent resides in the state, in the~~  
23 | ~~county where the adoption entity is located. The fact of the~~  
24 | ~~minor's presence within the state confers jurisdiction on the~~  
25 | ~~court in proceedings in the minor's case under this chapter,~~  
26 | ~~or to a parent or guardian if due notice has been given.~~

27 |             (b) If a petition for termination of parental rights  
28 | has been filed and a parent whose consent is required ~~rights~~  
29 | ~~are to be terminated~~ objects to venue, there must be a hearing  
30 | in which the court shall determine whether that parent intends  
31 | to assert legally recognized grounds to contest a termination

1 of parental rights and, if so, the court may ~~shall immediately~~  
2 transfer venue to a proper venue under this subsection ~~the~~  
3 ~~county where that parent resides or resided at the time of the~~  
4 ~~execution of the consent~~. For purposes of selecting venue, the  
5 court shall consider the ease of access to the court for the  
6 parent and the factors set forth in s. 47.122 ~~who intends to~~  
7 ~~contest a termination of parental rights~~.

8 (c) If there is a transfer of venue, the court may  
9 determine which party shall bear the cost of venue transfer.

10  
11 For purposes of the hearing under this subsection, witnesses  
12 located in another jurisdiction may testify by deposition or  
13 testify by telephone, audiovisual means, or other electronic  
14 means before a designated court or at another location.  
15 Documentary evidence transmitted from another location by  
16 technological means that do not produce an original writing  
17 may not be excluded from evidence on an objection based on the  
18 means of transmission. The court on its own motion may  
19 otherwise prescribe the manner in which and the terms upon  
20 which the testimony is taken.

21 (3) PREREQUISITE FOR ADOPTION.--A petition for  
22 adoption may not be filed until after the date the court  
23 enters the judgment terminating parental rights pending  
24 adoption ~~under this chapter or under chapter 39~~. Adoptions of  
25 relatives, adult adoptions, or adoptions of stepchildren shall  
26 not be required to file a separate termination of parental  
27 rights proceeding pending adoption. In such cases, the  
28 petitioner may file a joint petition for termination of  
29 parental rights and adoption, attaching all required consents,  
30 affidavits, notices, and acknowledgments ~~shall be attached to~~  
31 ~~the petition for adoption or filed separately in the adoption~~

1 ~~proceeding.~~ Unless otherwise provided by law, this chapter  
2 applies to joint petitions.

3 (4) PETITION.--

4 (a) A proceeding seeking to terminate parental rights  
5 pending adoption under ~~pursuant to~~ this chapter must be  
6 initiated by the filing of an original petition after the  
7 birth of the minor.

8 (b) The petition may be filed by a parent or person  
9 having physical or legal custody of the minor. The petition  
10 may be filed by an adoption entity only if a parent or person  
11 having physical or legal custody who has executed a consent to  
12 adoption pursuant to s. 63.082 also consents in writing to the  
13 adoption entity filing the petition. The original of the ~~such~~  
14 consent must be filed with the petition.

15 (c) The petition must be entitled: "In the Matter of  
16 the Termination of Parental Rights for the Proposed Adoption  
17 of a Minor Child."

18 (d) The petition to terminate parental rights pending  
19 adoption must be in writing and signed by the petitioner under  
20 oath stating the petitioner's good faith in filing the  
21 petition. A written consent to adoption, affidavit of  
22 nonpaternity, or affidavit of diligent search under s. 63.088,  
23 for each person whose consent to adoption is required under s.  
24 63.062, must be executed and attached.

25 (e) The petition must include:

26 1. The minor's name, gender, date of birth, and place  
27 of birth. The petition must contain all names by which the  
28 minor is or has been known, excluding the minor's prospective  
29 adoptive name but including the minor's legal name at the time  
30 of the filing of the petition. In the case of an infant child  
31 whose adoptive name appears on the original birth certificate,

1 the adoptive name shall not be included in the petition, nor  
2 shall it be included elsewhere in the termination of parental  
3 rights proceeding, except in the case of a petition for  
4 adoption filed pursuant to s. 63.102(6).

5 2. All information required by the Uniform Child  
6 Custody Jurisdiction and Enforcement Act and the Indian Child  
7 Welfare Act, except the names and addresses of the adoptive  
8 parents, which shall be kept confidential as required by s.  
9 63.162.

10 3. A statement of the grounds under s. 63.089 upon  
11 which the petition is based.

12 4. The name, address, and telephone number of any  
13 adoption entity seeking to place the minor for adoption.

14 5. The name, address, and telephone number of the  
15 division of the circuit court in which the petition is to be  
16 filed.

17 6. A certification of compliance with the requirements  
18 of s. 63.0425 regarding notice to grandparents of an impending  
19 adoption.

20 (5) SUMMONS TO BE ISSUED.--The petitioner shall cause  
21 a summons to be issued substantially in the form provided in  
22 Form 1.902, Florida Rules of Civil Procedure. The Petition and  
23 summons and a copy of the petition to terminate parental  
24 rights shall be served upon any person who executed a whose  
25 consent to adoption and has been provided but who has not  
26 waived service of the pleadings and notice of the hearing  
27 thereon and also upon any person whose consent to adoption is  
28 required under s. 63.062 but who has not provided that consent  
29 or an affidavit of nonpaternity.

30 (6) ANSWER AND APPEARANCE REQUIRED.--An answer to the  
31 petition or any pleading requiring an answer shall be filed in

1 accordance with the Florida Family Law Rules of Civil  
2 Procedure. Failure to file a written response ~~or~~ to ~~appear at~~  
3 ~~the hearing on~~ the petition constitutes grounds upon which the  
4 court may terminate parental rights. Failure to appear at the  
5 hearing constitutes grounds upon which the court may terminate  
6 parental rights. ~~The petitioner shall provide notice of the~~  
7 ~~final hearing by United States mail to any person who has been~~  
8 ~~served with the summons and petition for termination of~~  
9 ~~parental rights within the specified time periods.~~  
10 ~~Notwithstanding the filing of any answer or any pleading,~~ Any  
11 person present at the hearing to terminate parental rights  
12 pending adoption whose consent to adoption is required under  
13 s. 63.062 must:  
14 (a) Be advised by the court that he or she has a right  
15 to ask that the hearing be reset for a later date so that the  
16 person may consult with an attorney; and  
17 (b) Be given an opportunity to admit or deny the  
18 allegations in the petition.  
19 Section 16. Section 63.088, Florida Statutes, is  
20 amended to read:  
21 63.088 Proceeding to terminate parental rights pending  
22 adoption; notice and service; diligent search.--  
23 (1) NOTICE REQUIRED.--An unmarried biological father,  
24 by virtue of the fact that he has engaged in a sexual  
25 relationship with a woman, is deemed to be on notice that a  
26 pregnancy and an adoption proceeding regarding that child may  
27 occur and that he has a duty to protect his own rights and  
28 interest. He is, therefore, entitled to notice of a birth or  
29 adoption proceeding with regard to that child only as provided  
30 in this chapter.  
31

1           (2) INITIATION OF ~~INITIATE~~ LOCATION PROCEDURES.--When  
2 the location of a person whose consent to an adoption is  
3 required ~~but~~ is unknown ~~not known~~, the adoption entity must  
4 begin the inquiry and diligent search process required by this  
5 section within a reasonable time period after the date on  
6 which the person seeking to place a minor for adoption has  
7 evidenced in writing to the adoption entity a desire to place  
8 the minor for adoption with that entity, or not later than 30  
9 days after the date any money is provided as permitted under  
10 this chapter by the adoption entity for the benefit of the  
11 person seeking to place a minor for adoption.

12           (3) LOCATION AND IDENTITY KNOWN.--Before the court may  
13 determine that a minor is available for adoption, and in  
14 addition to the other requirements set forth in this chapter,  
15 each person whose consent is required under s. 63.062, who has  
16 not executed a consent for adoption or an affidavit of  
17 nonpaternity, and whose location and identity have been  
18 determined by compliance with the procedures in this section  
19 must be personally served, pursuant to chapter 48, at least 20  
20 days before the hearing with a copy of the petition to  
21 terminate parental rights pending adoption and with notice in  
22 substantially the following form:

23  
24                           NOTICE OF PETITION AND HEARING  
25                           TO TERMINATE PARENTAL RIGHTS  
26                           PENDING ADOPTION  
27

28           A petition to terminate parental rights pending  
29 adoption has been filed. A copy of the petition  
30 is being served with this notice. There will be  
31 a hearing on the petition to terminate parental

1 rights pending adoption on ...(date)... at  
2 ...(time)... before ...(judge)... at  
3 ...(location, including complete name and  
4 street address of the courthouse).... The court  
5 has set aside...(amount of time)... for this  
6 hearing.

7  
8 UNDER SECTION 63.089, FLORIDA STATUTES, FAILURE  
9 TO TIMELY FILE A WRITTEN RESPONSE TO THE  
10 PETITION AND THIS NOTICE WITH THE COURT AND ~~OR~~  
11 TO APPEAR AT THIS HEARING CONSTITUTES GROUNDS  
12 UPON WHICH THE COURT SHALL END ANY PARENTAL  
13 RIGHTS YOU MAY HAVE OR ASSERT REGARDING THE  
14 MINOR CHILD.

15  
16 (4) REQUIRED INQUIRY.--In proceedings initiated under  
17 s. 63.087, the court must conduct an inquiry of the person who  
18 is placing the minor for adoption and of any relative or  
19 person having legal custody of the minor who is present at the  
20 hearing and likely to have the following information regarding  
21 the identity of:

22 (a) Any person to whom the mother of the minor was  
23 married at any time when conception of the minor may have  
24 occurred or at the time of the birth of the minor;

25 ~~(b) Any person who has been declared by a court to be~~  
26 ~~the father of the minor;~~

27 ~~(b)(c)~~ Any man who has adopted the minor;

28 ~~(c)(d)~~ Any man who has been established by a court  
29 judgment as the father of the minor child before the date that  
30 a petition is filed for termination of parental rights with  
31

1 ~~whom the mother was cohabiting at any time when conception of~~  
2 ~~the minor may have occurred; and~~

3 (d)(e) Any man who has filed an affidavit of paternity  
4 pursuant to s. 382.013(2)(c) before the date that a petition  
5 is filed for termination of parental rights ~~person who has~~  
6 ~~acknowledged or claimed paternity of the minor.~~

7  
8 The information required under this subsection may be provided  
9 to the court in the form of a sworn affidavit by a person  
10 having personal knowledge of the facts, addressing each  
11 inquiry enumerated in this subsection, except that, if the  
12 inquiry identifies a father under paragraph (a), paragraph  
13 (b), or paragraph (c), the inquiry shall not continue further.  
14 The inquiry required under this subsection may be conducted  
15 before the birth of the minor.

16 (5) LOCATION UNKNOWN; IDENTITY KNOWN.--If the inquiry  
17 by the court under subsection (4) identifies any person whose  
18 consent to adoption is required under s. 63.062 and who has  
19 not executed a consent to adoption or an affidavit of  
20 nonpaternity, and the location of the person from whom consent  
21 is required is unknown, the adoption entity must conduct a  
22 diligent search for that person which must include inquiries  
23 concerning:

24 (a) The person's current address, or any previous  
25 address, through an inquiry of the United States Postal  
26 Service through the Freedom of Information Act;

27 (b) The last known employment of the person, including  
28 the name and address of the person's employer;

29 (c) Regulatory agencies, including those regulating  
30 licensing in the area where the person last resided;

31

1 (d) Names and addresses of relatives to the extent  
2 ~~they such~~ can be reasonably obtained from the petitioner or  
3 other sources, contacts with those relatives, and inquiry as  
4 to the person's last known address. The petitioner shall  
5 pursue any leads of any addresses to which the person may have  
6 moved;

7 (e) Information as to whether or not the person may  
8 have died and, if so, the date and location;

9 (f) Telephone listings in the area where the person  
10 last resided;

11 (g) Inquiries of law enforcement agencies in the area  
12 where the person last resided;

13 (h) Highway patrol records in the state where the  
14 person last resided;

15 (i) Department of Corrections records in the state  
16 where the person last resided;

17 (j) Hospitals in the area where the person last  
18 resided;

19 (k) Records of utility companies, including water,  
20 sewer, cable television, and electric companies, in the area  
21 where the person last resided;

22 (l) Records of the Armed Forces of the United States  
23 as to whether there is any information as to the person;

24 (m) Records of the tax assessor and tax collector in  
25 the area where the person last resided; and

26 (n) Search of one Internet databank locator service.

27  
28 A person contacted by a petitioner or adoption entity when  
29 requesting information under this subsection must release the  
30 requested information to the petitioner or adoption entity,  
31 except when prohibited by law, without the necessity of a

1 subpoena or a court order. An affidavit of diligent search  
2 ~~executed by the petitioner and the adoption entity~~ must be  
3 filed with the court ~~confirming completion of each aspect of~~  
4 ~~the diligent search enumerated in this subsection and~~  
5 ~~specifying the results.~~ The diligent search required under  
6 this subsection may be conducted before the birth of the  
7 minor.

8 (6) CONSTRUCTIVE SERVICE.--This subsection only  
9 applies if, as to any person whose consent is required under  
10 s. 63.062 and who has not executed a consent to adoption or an  
11 affidavit of nonpaternity, the location of the person is  
12 unknown and the inquiry under subsection (4) fails to locate  
13 the person. The unlocated person must be served notice under  
14 subsection (3) by constructive service in the manner provided  
15 in chapter 49. The notice shall be published in the county  
16 where the person was last known to have resided. The notice,  
17 in addition to all information required under chapter 49, must  
18 include a physical description, including, but not limited to,  
19 age, race, hair and eye color, and approximate height and  
20 weight of the person, the minor's date of birth, and the place  
21 of birth of the minor. Constructive service by publication  
22 shall not be required to provide notice to an identified birth  
23 father whose consent is not required under ~~pursuant to~~ ss.  
24 63.062 and 63.064.

25 Section 17. Section 63.089, Florida Statutes, is  
26 amended to read:

27 63.089 Proceeding to terminate parental rights pending  
28 adoption; hearing; grounds; dismissal of petition; judgment.--

29 (1) HEARING.--The court may terminate parental rights  
30 pending adoption only after a hearing.

31

1           (2) HEARING PREREQUISITES.--The court may hold the  
2 hearing only when:

3           (a) For each person whose consent to adoption is  
4 required under s. 63.062:

5           1. A consent under s. 63.082 has been executed and  
6 filed with the court;

7           2. An affidavit of nonpaternity under s. 63.082 has  
8 been executed and filed with the court;

9           3. Notice has been provided under ss. 63.087 and  
10 63.088; or

11           4. The certificate from the Office of Vital Statistics  
12 has been provided to the court stating that a diligent search  
13 has been made of the Florida Putative Father Registry created  
14 in s. 63.054 and that no filing has been found pertaining to  
15 the father of the child in question or, if a filing is found,  
16 stating the name of the putative father and the time and date  
17 of the filing.

18           (b) For each notice and petition that must be served  
19 under ss. 63.087 and 63.088:

20           1. At least 20 days have elapsed since the date of  
21 individual personal service and an affidavit of service has  
22 been filed with the court;

23           2. At least 30 days have elapsed since the first date  
24 of publication of constructive service and an affidavit of  
25 service has been filed with the court; or

26           3. An affidavit of nonpaternity, consent for adoption,  
27 or other document that ~~which~~ affirmatively waives service has  
28 been executed and filed with the court;

29           (c) The minor named in the petition has been born; and

30           (d) The petition contains all information required  
31 under s. 63.087 and all affidavits of inquiry, diligent

1 search, and service required under s. 63.088 have been  
2 obtained and filed with the court.

3 (3) GROUNDS FOR TERMINATING PARENTAL RIGHTS PENDING  
4 ADOPTION.--The court may enter a judgment terminating parental  
5 rights pending adoption or a judgment declaring that a person  
6 has no parental rights if the court determines by clear and  
7 convincing evidence, supported by written findings of fact,  
8 that the each person whose consent to adoption is required  
9 ~~under s. 63.062:~~

10 (a) Has executed a valid consent under s. 63.082 and  
11 the consent was obtained according to the requirements of this  
12 chapter;

13 (b) Has executed an affidavit of nonpaternity and the  
14 affidavit was obtained according to the requirements of this  
15 chapter;

16 (c) Has been served with a notice of the intended  
17 adoption plan in accordance with the provisions of s.  
18 63.062(3) and has failed to respond within the designated time  
19 period;

20 (d) Has failed to timely perfect his or her right to  
21 consent pursuant to s. 63.062 because the person failed to  
22 register as required by s. 63.054 and comply with s.  
23 63.062(2)(b);

24 (e) Has failed to timely perfect his or her right to  
25 consent pursuant to s. 63.062 because, in the case of a child  
26 who is placed with the adoptive parents more than 6 months  
27 after the child's birth, the person failed to register as  
28 required by s. 63.054 and comply with s. 63.062(2)(a);

29 (f)(d) Has been properly served notice of the  
30 proceeding in accordance with the requirements of this chapter  
31 and has failed to file a written answer or appear at the

1 | evidentiary hearing resulting in the judgment terminating  
2 | parental rights pending adoption;

3 |       ~~(g)(e)~~ Has been properly served notice of the  
4 | proceeding in accordance with the requirements of this chapter  
5 | and has been determined under subsection (4) to have abandoned  
6 | the minor ~~as defined in s. 63.032~~;

7 |       ~~(h)(f)~~ Is a parent of the person to be adopted, which  
8 | parent has been judicially declared incapacitated with  
9 | restoration of competency found to be medically improbable;

10 |       ~~(i)(g)~~ Is a person who has legal custody of the person  
11 | to be adopted, other than a parent, who has failed to respond  
12 | in writing to a request for consent for a period of 60 days  
13 | or, after examination of his or her written reasons for  
14 | withholding consent, is found by the court to be withholding  
15 | his or her consent unreasonably;

16 |       ~~(j)(h)~~ Has been properly served notice of the  
17 | proceeding in accordance with the requirements of this  
18 | chapter, but has been found by the court, after examining  
19 | written reasons for the withholding of consent, to be  
20 | unreasonably withholding his or her consent; or

21 |       ~~(k)(i)~~ Is the spouse of the person to be adopted who  
22 | has failed to consent, and the failure of the spouse to  
23 | consent to the adoption is excused by reason of prolonged and  
24 | unexplained absence, unavailability, incapacity, or  
25 | circumstances that are found by the court to constitute  
26 | unreasonable withholding of consent.

27 |  
28 | A person whose consent is not required may voluntarily waive  
29 | any and all parental rights that he or she may have to the  
30 | child by executing a consent for adoption or an affidavit of  
31 | nonpaternity.

1           (4) FINDING OF ABANDONMENT.--A finding of abandonment  
2 resulting in a termination of parental rights must be based  
3 upon clear and convincing evidence that a parent or person  
4 having legal custody has abandoned the child ~~in accordance~~  
5 ~~with the definition contained in s. 63.032(1). A finding of~~  
6 ~~abandonment may be based upon emotional abuse or a refusal to~~  
7 ~~provide reasonable financial support, when able, to a birth~~  
8 ~~mother during her pregnancy. If, in the opinion of the court,~~  
9 ~~the efforts of a parent or person having legal custody of the~~  
10 ~~child to support and communicate with the child are only~~  
11 ~~marginal efforts that do not evince a settled purpose to~~  
12 ~~assume all parental duties, the court may declare the child to~~  
13 ~~be abandoned. In making this decision, the court may consider~~  
14 ~~the conduct of a father toward the child's mother during her~~  
15 ~~pregnancy.~~

16           (a) In making a determination of abandonment at a  
17 hearing for termination of parental rights under ~~pursuant to~~  
18 this chapter, the court must consider, among other relevant  
19 factors not inconsistent with this section:

20           1. Whether the actions alleged to constitute  
21 abandonment demonstrate a willful disregard for the safety or  
22 welfare of the child or the unborn child;

23           2. Whether the person alleged to have abandoned the  
24 child, while being able, failed to provide financial support;

25           3. Whether the person alleged to have abandoned the  
26 child, while being able, failed to pay for medical treatment;  
27 and

28           4. Whether the amount of support provided or medical  
29 expenses paid was appropriate, taking into consideration the  
30 needs of the child and relative means and resources available  
31 to the person alleged to have abandoned the child.

1 (b) The child has been abandoned when the parent of a  
2 child is incarcerated on or after October 1, 2001, in a state  
3 or federal correctional institution and:

4 1. The period of time for which the parent has been or  
5 is expected to be incarcerated constitutes ~~will constitute~~ a  
6 significant ~~substantial~~ portion of the child's minority. This  
7 period of time begins on the date that the parent enters into  
8 incarceration at any federal, state, or county correctional  
9 institution or facility ~~period of time before the child will~~  
10 ~~attain the age of 18 years;~~

11 2. The incarcerated parent has been determined by the  
12 court to be a violent career criminal as defined in s.  
13 775.084, a habitual violent felony offender as defined in s.  
14 775.084, convicted of child abuse as defined in s. 827.03, or  
15 a sexual predator as defined in s. 775.21; has been convicted  
16 of first degree or second degree murder in violation of s.  
17 782.04 or a sexual battery that constitutes a capital, life,  
18 or first degree felony violation of s. 794.011; or has been  
19 convicted of an offense in another jurisdiction which is  
20 substantially similar to one of the offenses listed in this  
21 subparagraph. As used in this section, the term "substantially  
22 similar offense" means any offense that is substantially  
23 similar in elements and penalties to one of those listed in  
24 this subparagraph, and that is in violation of a law of any  
25 other jurisdiction, whether that of another state, the  
26 District of Columbia, the United States or any possession or  
27 territory thereof, or any foreign jurisdiction; or

28 3. The court determines by clear and convincing  
29 evidence that continuing the parental relationship with the  
30 incarcerated parent would be harmful to the child and, for  
31

1 | this reason, that termination of the parental rights of the  
2 | incarcerated parent is in the best interest of the child.

3 |         (5) DISMISSAL OF PETITION.--If the court does not find  
4 | by clear and convincing evidence that parental rights of a  
5 | parent should be terminated pending adoption, the court must  
6 | dismiss the petition and that parent's parental rights ~~that~~  
7 | ~~were the subject of such petition~~ shall remain in full force  
8 | under the law. The order must include written findings in  
9 | support of the dismissal, including findings as to the  
10 | criteria in subsection (4) if rejecting a claim of  
11 | abandonment. Parental rights may not be terminated based upon  
12 | a consent that the court finds has been timely withdrawn under  
13 | s. 63.082 or a consent to adoption or affidavit of  
14 | nonpaternity that the court finds was obtained by fraud or  
15 | duress. The court must enter an order based upon written  
16 | findings providing for the placement of the minor. The court  
17 | may order scientific testing to determine the paternity of the  
18 | minor at any time during which the court has jurisdiction over  
19 | the minor. Further proceedings, if any, regarding the minor  
20 | must be brought in a separate custody action under chapter 61,  
21 | a dependency action under chapter 39, or a paternity action  
22 | under chapter 742.

23 |         (6) JUDGMENT TERMINATING PARENTAL RIGHTS PENDING  
24 | ADOPTION.--

25 |         (a) The judgment terminating parental rights pending  
26 | adoption must be in writing and contain findings of fact as to  
27 | the grounds for terminating parental rights ~~pending adoption~~.

28 |         (b) Within 7 days after filing, the court shall mail a  
29 | copy of the judgment to the department. The clerk shall  
30 | execute a certificate of the ~~such~~ mailing.

31 |

1           (c) The judgment terminating parental rights pending  
2 adoption legally frees the child for subsequent adoption,  
3 adjudicates the child's status, and may not be challenged by a  
4 person claiming parental status who did not establish parental  
5 rights prior to the filing of the petition for termination,  
6 except as specifically provided in this chapter.

7           (7) RELIEF FROM JUDGMENT TERMINATING PARENTAL  
8 RIGHTS.--

9           (a) A motion for relief from a judgment terminating  
10 parental rights must be filed with the court originally  
11 entering the judgment. The motion must be filed within a  
12 reasonable time, but not later than 1 year after the entry of  
13 the judgment ~~terminating parental rights~~.

14           (b) No later than 30 days after the filing of a motion  
15 under this subsection, the court must conduct a preliminary  
16 hearing to determine what contact, if any, shall be permitted  
17 between a parent and the child pending resolution of the  
18 motion. ~~The~~ Such contact shall be considered only if it is  
19 requested by a parent who has appeared at the hearing. If the  
20 court orders contact between a parent and child, the order  
21 must be issued in writing as expeditiously as possible and  
22 must state with specificity the terms ~~any provisions~~ regarding  
23 contact with persons other than those with whom the child  
24 resides.

25           (c) At the preliminary hearing, the court, upon the  
26 motion of any party or upon its own motion, may order  
27 scientific testing to determine the paternity of the minor if  
28 the person seeking to set aside the judgment is alleging to be  
29 the child's father and that fact has not previously been  
30 determined by legitimacy or scientific testing. The court may  
31 order visitation with a person for whom scientific testing for

1 paternity has been ordered and who has previously established  
2 a bonded relationship with the child.

3 (d) Unless otherwise agreed between the parties or for  
4 good cause shown, the court shall conduct a final hearing on  
5 the motion for relief from judgment within 45 days after the  
6 filing and enter its written order as expeditiously as  
7 possible thereafter.

8 (8) RECORDS; CONFIDENTIAL INFORMATION.--All papers and  
9 records pertaining to a petition to terminate parental rights  
10 pending adoption are related to the subsequent adoption of the  
11 minor and are subject to ~~the provisions of~~ s. 63.162. The  
12 confidentiality provisions of this chapter do not apply to the  
13 extent information regarding persons or proceedings must be  
14 made available as specified under s. 63.088.

15 Section 18. Section 63.092, Florida Statutes, is  
16 amended to read:

17 63.092 Report to the court of intended placement by an  
18 adoption entity; at-risk placement; preliminary study.--

19 (1) REPORT TO THE COURT.--The adoption entity must  
20 report any intended placement of a minor for adoption with any  
21 person who is not a relative or a stepparent if the adoption  
22 entity ~~has knowledge of, or participates in the, such~~ intended  
23 placement. The report must be made to the court before the  
24 minor is placed in the home or within 2 business days ~~48 hours~~  
25 thereafter.

26 (2) AT-RISK PLACEMENT.--If the minor is placed in the  
27 prospective adoptive home before the parental rights of the  
28 minor's parents are terminated under s. 63.089, the placement  
29 is an at-risk placement. ~~If the placement is an at risk~~  
30 ~~placement,~~ The prospective adoptive parents must acknowledge  
31 in writing that the placement is at risk before the minor may

1 | be placed in the prospective adoptive home ~~that the placement~~  
2 | ~~is at risk~~. The prospective adoptive parents shall be advised  
3 | by the adoption entity, in writing, that the minor is subject  
4 | to removal from the prospective adoptive home by the adoption  
5 | entity or by court order at any time before ~~prior to the~~  
6 | finalization of the adoption.

7 |         (3) PRELIMINARY HOME STUDY.--Before placing the minor  
8 | in the intended adoptive home, a preliminary home study must  
9 | be performed by a licensed child-placing agency, ~~a~~  
10 | ~~child caring agency registered under s. 409.176~~, a licensed  
11 | professional, or an agency described in s. 61.20(2), unless  
12 | the adoptee is an adult or the petitioner is a stepparent or a  
13 | relative. If the adoptee is an adult or the petitioner is a  
14 | stepparent or a relative, a preliminary home study may be  
15 | required by the court for good cause shown. The department is  
16 | required to perform the preliminary home study only if there  
17 | is no licensed child-placing agency, ~~child caring agency~~  
18 | ~~registered under s. 409.176~~, licensed professional, or agency  
19 | described in s. 61.20(2),~~7~~ in the county where the prospective  
20 | adoptive parents reside. The preliminary home study must ~~be~~  
21 | ~~made to~~ determine the suitability of the intended adoptive  
22 | parents and may be completed before ~~prior to~~ identification of  
23 | a prospective adoptive minor. A favorable preliminary home  
24 | study is valid for 1 year after the date of ~~its~~ completion.  
25 | Upon ~~its~~ completion, a copy of the home study must be provided  
26 | to the intended adoptive parents who were the subject of the  
27 | home study. A minor may not be placed in an intended adoptive  
28 | home before a favorable preliminary home study is completed  
29 | unless the adoptive home is also a licensed foster home under  
30 | s. 409.175. The preliminary home study must include, at a  
31 | minimum:

- 1 (a) An interview with the intended adoptive parents;  
2 (b) Records checks of the department's central abuse  
3 registry and criminal records correspondence checks under s.  
4 39.0138 through the Department of Law Enforcement on the  
5 intended adoptive parents;  
6 (c) An assessment of the physical environment of the  
7 home;  
8 (d) A determination of the financial security of the  
9 intended adoptive parents;  
10 (e) Documentation of counseling and education of the  
11 intended adoptive parents on adoptive parenting;  
12 (f) Documentation that information on adoption and the  
13 adoption process has been provided to the intended adoptive  
14 parents;  
15 (g) Documentation that information on support services  
16 available in the community has been provided to the intended  
17 adoptive parents; and  
18 (h) A copy of each intended adoptive parent's signed  
19 acknowledgment of receipt of disclosure required by s. 63.085.  
20

21 If the preliminary home study is favorable, a minor may be  
22 placed in the home pending entry of the judgment of adoption.  
23 A minor may not be placed in the home if the preliminary home  
24 study is unfavorable. If the preliminary home study is  
25 unfavorable, the adoption entity may, within 20 days after  
26 receipt of a copy of the written recommendation, petition the  
27 court to determine the suitability of the intended adoptive  
28 home. A determination as to suitability under this subsection  
29 does not act as a presumption of suitability at the final  
30 hearing. In determining the suitability of the intended  
31 adoptive home, the court must consider the totality of the

1 | circumstances in the home. No minor may be placed in a home in  
2 | which there resides any person determined by the court to be a  
3 | sexual predator as defined in s. 775.21 or to have been  
4 | convicted of an offense listed in s. 63.089(4)(b)2.

5 |         Section 19. Subsections (1) and (4) of section 63.097,  
6 | Florida Statutes, are amended to read:

7 |             63.097 Fees.--

8 |             (1) When the adoption entity is an agency, fees may be  
9 | assessed if they are approved by the department as part of  
10 | ~~within~~ the process of licensing the agency and if they are  
11 | for:

12 |             (a) Foster care expenses;

13 |             (b) Preplacement and postplacement social services;

14 | and

15 |             (c) Agency facility and administrative costs.

16 |             (4) Any fees, costs, or expenses not included in  
17 | subsection (1) or subsection (2) or prohibited under  
18 | subsection (5) require court approval prior to payment and  
19 | must be based on a finding of extraordinary circumstances.

20 |         Section 20. Subsections (1), (2), (5), and (6) of  
21 | section 63.102, Florida Statutes, are amended to read:

22 |             63.102 Filing of petition for adoption or declaratory  
23 | statement; venue; proceeding for approval of fees and costs.--

24 |             (1) PETITION FOR ADOPTION.--A petition for adoption  
25 | may not be filed until after the entry of the judgment or  
26 | decree terminating parental rights ~~pending adoption under this~~  
27 | ~~chapter~~, unless the adoptee is an adult or, the petitioner is  
28 | a stepparent or a relative, ~~or the minor has been the subject~~  
29 | ~~of a judgment terminating parental rights under chapter 39.~~

30 | After a judgment terminating parental rights has been entered,  
31 | a proceeding for adoption may be commenced by filing a

1 petition entitled, "In the Matter of the Adoption of \_\_\_\_" in  
2 the circuit court. The person to be adopted shall be  
3 designated in the caption in the name by which he or she is to  
4 be known if the petition is granted. Except in the case of a  
5 joint petition for adoption of a stepchild, a relative, or an  
6 adult, any name by which the minor was previously known may  
7 not be disclosed in the petition, the notice of hearing, ~~or~~  
8 the judgment of adoption, or the court docket according to s.  
9 63.162(3).

10 (2) VENUE.--A petition for adoption or for a  
11 declaratory statement as to the adoption contract shall be  
12 filed in the county where the petition for termination of  
13 parental rights was granted or filed, ~~unless the court, in~~  
14 ~~accordance with s. 47.122, changes the venue to the county~~  
15 ~~where the petitioner or petitioners or the minor resides or~~  
16 ~~where the adoption entity with which the minor has been placed~~  
17 is located. The circuit court in this state must retain  
18 jurisdiction over the matter until a final judgment is entered  
19 on the adoption, either within or outside the state. The  
20 Uniform Child Custody Jurisdiction and Enforcement Act does  
21 not apply until a final judgment is entered on the adoption.

22 (5) PRIOR APPROVAL OF FEES AND COSTS.--A proceeding  
23 for prior approval of fees and costs may be commenced any time  
24 after an agreement is reached with ~~between~~ the birth mother or  
25 ~~and~~ the adoptive parents by filing a petition for declaratory  
26 statement on the agreement entitled "In the Matter of the  
27 Proposed Adoption of a Minor Child" in the circuit court.

28 (a) The petition must be filed by the adoption entity  
29 with the consent of the parties to the agreement.

30 (b) A contract for the payment of fees, costs, and  
31 expenses permitted under this chapter must be in writing, and

1 | any person who enters into the contract has 3 business days in  
2 | which to cancel the contract unless placement of the child has  
3 | occurred. To cancel the contract, the person must notify the  
4 | adoption entity in writing by certified ~~United States~~ mail,  
5 | return receipt requested, no later than 3 business days after  
6 | signing the contract. For the purposes of this subsection, the  
7 | term "business day" means a day on which the United States  
8 | Postal Service accepts certified mail for delivery. If the  
9 | contract is canceled within the first 3 business days, the  
10 | person who cancels the contract does not owe any legal,  
11 | intermediary, or other fees, but may be responsible for the  
12 | adoption entity's actual costs during that time.

13 |         (c) The court may grant approval only of fees and  
14 | expenses permitted under s. 63.097. A prior approval of  
15 | prospective fees and costs shall create a presumption that  
16 | these items will subsequently be approved by the court under  
17 | s. 63.132. The court, under s. 63.132, may order an adoption  
18 | entity to refund any amounts paid under this subsection that  
19 | are subsequently found by the court to be greater than fees,  
20 | costs, and expenses actually incurred.

21 |         (d) The contract may not require, and the court may  
22 | not approve, any amount that constitutes payment for locating  
23 | a minor for adoption, except as authorized under s. 63.212(1).

24 |         (e) A declaratory statement as to the adoption  
25 | contract, regardless of when filed, shall be consolidated with  
26 | any related petition for adoption. The clerk of the court  
27 | shall only assess one filing fee that includes the adoption  
28 | action, the declaratory statement petition, and the petition  
29 | for termination of parental rights.

30 |  
31 |

1 (f) Prior approval of fees and costs by the court does  
2 not obligate the parent to ultimately relinquish the minor for  
3 adoption.

4 (6) STEPCHILD, RELATIVE, AND ADULT  
5 ADOPTIONS.--Petitions for the adoption of a stepchild, a  
6 relative, or an adult shall not require the filing of a  
7 separate judgment or separate proceeding terminating parental  
8 rights pending adoption. The final judgment of adoption has  
9 ~~shall have~~ the effect of terminating parental rights  
10 simultaneously with the granting of the decree of adoption.

11 Section 21. Subsection (2) of section 63.112, Florida  
12 Statutes, is amended to read:

13 63.112 Petition for adoption; description; report or  
14 recommendation, exceptions; mailing.--

15 (2) The following documents are required to be filed  
16 with the clerk of the court at the time the petition is filed:

17 (a) A certified copy of the court judgment terminating  
18 parental rights ~~under chapter 39 or under this chapter~~ or, if  
19 the adoptee is an adult or a minor relative or stepchild of  
20 the petitioner, the required consent, unless such consent is  
21 excused by the court.

22 (b) The favorable preliminary home study required  
23 ~~under of the department, licensed child placing agency, or~~  
24 ~~professional pursuant to~~ s. 63.092, as to the suitability of  
25 the home in which the minor has been placed, unless the  
26 petitioner is a stepparent or a relative.

27 (c) A copy of any declaratory statement previously  
28 entered by the court pursuant to s. 63.102.

29 (d) Documentation that an interview was held with the  
30 minor, if older than 12 years of age, unless the court, in the  
31

1 best interest of the minor, dispenses with the minor's consent  
2 under s. 63.062(1)(c).

3 Section 22. Subsections (3) and (5) of section 63.122,  
4 Florida Statutes, are amended to read:

5 63.122 Notice of hearing on petition.--

6 (3) Upon a showing by the petitioner or parent that  
7 the privacy, safety, or ~~and~~ welfare of the petitioner, parent,  
8 or minor may be endangered, the court may order the names of  
9 the petitioner, parent, or minor, or all both, to be deleted  
10 from the notice of hearing and from the copy of the petition  
11 attached thereto, provided the substantive rights of any  
12 person will not thereby be affected.

13 ~~(5) After filing the petition to adopt an adult, the~~  
14 ~~court may order an appropriate investigation to assist in~~  
15 ~~determining whether the adoption is in the best interest of~~  
16 ~~the persons involved and is in accordance with state law.~~

17 Section 23. Subsection (4) of section 63.125, Florida  
18 Statutes, is amended to read:

19 63.125 Final home investigation.--

20 (4) The department, the licensed child-placing agency,  
21 or the professional making the required investigation may  
22 request other state agencies, licensed professionals qualified  
23 to conduct a home study, or child-placing agencies within or  
24 outside this state to make investigations of designated parts  
25 of the inquiry and to make a written report to the department,  
26 the professional, or other person or agency.

27 Section 24. Subsection (4) of section 63.132, Florida  
28 Statutes, is amended to read:

29 63.132 Affidavit of expenses and receipts.--

30 (4) This section does not apply to an adoption by a  
31 stepparent or an adoption of a relative or adult, the

1 finalization of an adoption of a minor whose parent's parental  
2 rights were terminated under chapter 39, or the domestication  
3 of an adoption decree of a minor child adopted in a foreign  
4 country.

5 Section 25. Section 63.135, Florida Statutes, is  
6 amended to read:

7 63.135 Information ~~under oath~~ to be submitted to the  
8 court.--

9 (1) The adoption entity or petitioner must file an  
10 affidavit under the Uniform Child Custody Jurisdiction and  
11 Enforcement Act in a termination of parental rights ~~Each party~~  
12 ~~in an adoption proceeding,~~ in the first pleading or in an  
13 affidavit attached to that pleading, ~~shall give information~~  
14 ~~under oath as to the child's present address, the places where~~  
15 ~~the child has lived within the last 5 years, and the names and~~  
16 ~~present addresses of the persons with whom the child has lived~~  
17 ~~during that period. In the pleading or affidavit each party~~  
18 ~~shall further declare under oath whether:~~

19 (a) ~~The party has participated as a party or witness~~  
20 ~~or in any other capacity in any other litigation concerning~~  
21 ~~the custody of the same child in this or any other state;~~

22 (b) ~~The party has information of any custody~~  
23 ~~proceeding concerning the child pending in a court of this or~~  
24 ~~any other state; and~~

25 (c) ~~The party knows of any person not a party to the~~  
26 ~~proceedings who has physical custody of the child or claims to~~  
27 ~~have custody or visitation rights with respect to the child.~~

28 (2) ~~If the declaration as to any item specified in~~  
29 ~~subsection (1) is in the affirmative, the declarant shall give~~  
30 ~~additional information under oath as required by the court.~~

31 ~~The court may examine the parties under oath about details of~~

1 ~~the information furnished and other matters pertinent to the~~  
2 ~~court's jurisdiction and judgment of adoption.~~

3       ~~(2)(3)~~ Each party has a continuing duty to inform the  
4 court of any custody proceeding concerning the child in this  
5 or any other state about which he or she obtained information  
6 during this proceeding.

7       Section 26. Subsections (3) and (4) of section 63.142,  
8 Florida Statutes, are amended to read:

9       63.142 Hearing; judgment of adoption.--

10       (3) DISMISSAL.--

11       (a) If the petition is dismissed, further proceedings,  
12 if any, regarding the minor must be brought in a separate  
13 custody action under chapter 61, a dependency action under  
14 chapter 39, or a paternity action under chapter 742 ~~the court~~  
15 ~~shall determine the person that is to have custody of the~~  
16 ~~minor.~~

17       (b) If the petition is dismissed, the court shall  
18 state with specificity the reasons for the dismissal.

19       (4) JUDGMENT.--At the conclusion of the hearing, after  
20 the court determines that the date for a parent to file an  
21 appeal of a valid judgment terminating that parent's parental  
22 rights has passed and no appeal, under ~~pursuant to~~ the  
23 Florida Rules of Appellate Procedure, is pending and that the  
24 adoption is in the best interest of the person to be adopted,  
25 a judgment of adoption shall be entered. A judgment  
26 terminating parental rights pending adoption is voidable and  
27 any later judgment of adoption of that minor is voidable if,  
28 upon a parent's motion for relief from judgment, the court  
29 finds that the adoption fails to substantially meet the  
30 requirements of this chapter. The motion must be filed within  
31

1 a reasonable time, but not later than 1 year after the date  
2 the judgment terminating parental rights was entered.

3 Section 27. Section 63.152, Florida Statutes, is  
4 amended to read:

5 63.152 Application for new birth record.--Within 30  
6 days after entry of a judgment of adoption, the clerk of the  
7 court shall transmit a certified statement of the entry to the  
8 state registrar of vital statistics in the state where the  
9 adopted person was born on a form provided by the registrar. A  
10 new birth record containing the necessary information supplied  
11 by the certificate shall be issued by the registrar on  
12 application of the adopting parents or the adopted person.

13 Section 28. Subsections (1), (3), and (7) of section  
14 63.162, Florida Statutes, are amended to read:

15 63.162 Hearings and records in adoption proceedings;  
16 confidential nature.--

17 (1) All hearings held in proceedings under this  
18 chapter ~~act~~ shall be held in closed court without admittance  
19 of any person other than essential officers of the court, the  
20 parties, witnesses, counsel, persons who have not consented to  
21 the adoption and are required to consent, and representatives  
22 of the agencies who are present to perform their official  
23 duties.

24 (3) The court files, records, and papers in the  
25 adoption of a minor shall be indexed only in the name of the  
26 petitioner, and the names ~~name~~ of the petitioner and the minor  
27 may ~~shall~~ not be noted on any docket, index, or other record  
28 outside the court file, except that closed agency files may be  
29 cross-referenced in the original and adoptive names of the  
30 minor.

31

1           (7) The court may, upon petition of an adult adoptee,  
2 for good cause shown, appoint an intermediary or a licensed  
3 child-placing agency to contact a birth parent and to who has  
4 ~~not registered with the adoption registry pursuant to s.~~  
5 ~~63.165 and~~ advise him or her them of the adoptee's request to  
6 open the file and the adoption registry and offer the parent  
7 the opportunity to waive confidentiality and consent to the  
8 opening of the parent's records availability of same.

9           Section 29. Section 63.192, Florida Statutes, is  
10 amended to read:

11           63.192 Recognition of foreign judgment or decree  
12 affecting adoption.--A judgment ~~of court~~ terminating the  
13 relationship of parent and child or establishing the  
14 relationship by adoption, or a decree granting legal  
15 guardianship for purposes of adoption, issued pursuant to due  
16 process of law by a court or authorized body of any other  
17 jurisdiction within or without the United States shall be  
18 recognized in this state, and the rights and obligations of  
19 the parties ~~on matters within the jurisdiction of this state~~  
20 shall be determined as though the judgment or decree were  
21 issued by a court of this state. A judgment or decree of a  
22 court or authorized body terminating the relationship of a  
23 parent and child, whether independent, incorporated in an  
24 adoption decree, or incorporated in a legal guardianship order  
25 issued pursuant to due process of law of any other  
26 jurisdiction within or without the United States, shall be  
27 deemed to effectively terminate parental rights for purposes  
28 of a proceeding on a petition for adoption in this state. When  
29 a minor child has been made available for adoption in a  
30 foreign state or foreign country and the parental rights of  
31 the minor child's parent have been terminated or the child has

1 been declared to be abandoned or orphaned, no additional  
2 termination of parental rights proceeding need occur, and the  
3 adoption may be finalized according to the procedures set  
4 forth in this chapter.

5 Section 30. Paragraph (b) of subsection (1) of section  
6 63.207, Florida Statutes, is amended to read:

7 63.207 Out-of-state placement.--

8 (1) Unless the parent placing a minor for adoption  
9 files an affidavit that the parent chooses to place the minor  
10 outside the state, giving the reason for that placement, or  
11 the minor is to be placed with a relative or with a  
12 stepparent, or the minor is a special needs child, as defined  
13 in s. 409.166, or for other good cause shown, an adoption  
14 entity may not:

15 (b) Place or attempt to place a minor for the purpose  
16 of adoption with a family who primarily lives and works  
17 outside Florida in another state. If an adoption entity is  
18 acting under this subsection, the adoption entity must file a  
19 petition for declaratory statement pursuant to s. 63.102 for  
20 ~~prior~~ approval of fees and costs. The court shall review the  
21 costs pursuant to s. 63.097. The petition for declaratory  
22 statement must be converted to a petition for an adoption upon  
23 placement of the minor in the home. When a minor is placed for  
24 adoption with prospective adoptive parents who primarily live  
25 and work outside this state, the circuit court in this state  
26 may retain jurisdiction over the matter until the adoption  
27 becomes final. The prospective adoptive parents may finalize  
28 the adoption in this state or in their home state.

29 Section 31. Paragraph (c) of subsection (1) and  
30 subsections (2) and (7) of section 63.212, Florida Statutes,  
31 are amended to read:

1           63.212 Prohibited acts; penalties for violation.--  
2           (1) It is unlawful for any person:  
3           (c) To sell or surrender, or to arrange for the sale  
4 or surrender of, a minor to another person for money or  
5 anything of value or to receive ~~a such~~ minor child for ~~a such~~  
6 payment or thing of value. If a minor is being adopted by a  
7 relative or by a stepparent, or is being adopted through an  
8 adoption entity, this paragraph does not prohibit the person  
9 who is contemplating adopting the child from paying, under ss.  
10 63.097 and 63.132, the actual prenatal care and living  
11 expenses of the mother of the child to be adopted, or from  
12 paying, under ss. 63.097 and 63.132, the actual living and  
13 medical expenses of ~~the such~~ mother for a reasonable time, not  
14 to exceed 6 weeks, if medical needs require such support,  
15 after the birth of the minor.  
16           (2)(a) It is unlawful for any person or adoption  
17 entity under this chapter to:  
18           1. Knowingly provide false information; or  
19           2. Knowingly withhold material information.  
20           (b) It is unlawful for a parent, with the intent to  
21 defraud, to accept benefits related to the same pregnancy from  
22 more than one adoption entity without disclosing that fact to  
23 each entity.  
24           ~~(c) It is unlawful for any person who knows that the~~  
25 ~~parent whose rights are to be terminated intends to object to~~  
26 ~~said termination to intentionally file the petition for~~  
27 ~~termination of parental rights in a county inconsistent with~~  
28 ~~the required venue under such circumstances.~~  
29  
30 Any person who willfully violates any provision of this  
31 subsection commits a misdemeanor of the second degree,

1 punishable as provided in s. 775.082 or s. 775.083. In  
2 addition, ~~the such~~ person is liable for damages caused by the  
3 ~~such~~ acts or omissions, including reasonable attorney's fees  
4 and costs. Damages may be awarded through restitution in any  
5 related criminal prosecution or by filing a separate civil  
6 action.

7 (7) It is unlawful for any adoptive parent or adoption  
8 entity to obtain a preliminary home study or final home  
9 investigation and fail to disclose the existence of the study  
10 or investigation to the court ~~when required by law to do so.~~

11 Section 32. Subsection (4) and paragraph (c) of  
12 subsection (6) of section 63.213, Florida Statutes, are  
13 amended to read:

14 63.213 Preplanned adoption agreement.--

15 (4) An attorney who represents an intended father and  
16 intended mother or any other attorney with whom that attorney  
17 is associated shall not represent simultaneously a female who  
18 is or proposes to be a volunteer mother in the same ~~any matter~~  
19 ~~relating to a preplanned adoption agreement or preplanned~~  
20 adoption arrangement.

21 (6) As used in this section, the term:

22 (c) "Fertility technique" means artificial  
23 embryonation or artificial insemination, whether in vivo or  
24 in vitro or egg donation, ~~or embryo adoption.~~

25 Section 33. Section 63.236, Florida Statutes, is  
26 created to read:

27 63.236 Petitions filed before effective date;  
28 governing law.--Any petition for termination of parental  
29 rights filed before July 1, 2007, shall be governed by the law  
30 in effect at the time the petition was filed.  
31

1           Section 34. Paragraph (a) of subsection (2), paragraph  
2 (a) of subsection (3), and subsection (5) of section 409.166,  
3 Florida Statutes, are amended to read:

4           409.166 Special needs children; subsidized adoption  
5 program.--

6           (2) DEFINITIONS.--As used in this section, the term:

7           (a) "Special needs child" means a child whose  
8 permanent custody has been awarded to the department, ~~or~~ to a  
9 licensed child-placing agency, or to an adoption intermediary  
10 and:

11           1. Who has established significant emotional ties with  
12 his or her foster parents; or

13           2. Is not likely to be adopted because he or she is:

14           a. Eight years of age or older;

15           b. Mentally retarded;

16           c. Physically or emotionally handicapped;

17           d. Of black or racially mixed parentage; or

18           e. A member of a sibling group of any age, provided  
19 two or more members of a sibling group remain together for  
20 purposes of adoption.

21           (3) ADMINISTRATION OF PROGRAM.--

22           (a) The department shall establish and administer an  
23 adoption program for special needs children to be carried out  
24 by the department, ~~or~~ by contract with a licensed  
25 child-placing agency, or by an adoption intermediary. The  
26 program shall attempt to increase the number of persons  
27 seeking to adopt special needs children and the number of  
28 adoption placements and shall extend subsidies and services,  
29 when needed, to the adopting parents of a special needs child.

30           (5) WAIVER OF ADOPTION FEES.--The adoption fees shall  
31 be waived for all adoptive parents who ~~participate in the~~

1 ~~program who~~ adopt special needs children in the custody of the  
2 department. Fees may be waived for families who adopt children  
3 in the custody of a licensed child-placing agency ~~agencies~~ or  
4 who adopt children through intermediary-placed independent  
5 adoptions, and who receive or may be eligible for subsidies  
6 through the department. Retroactive reimbursement of fees is  
7 ~~may~~ not ~~be~~ required for families who adopt children in the  
8 custody of licensed child-placing agencies.

9 Section 35. Paragraph (b) of subsection (5), paragraph  
10 (b) of subsection (10), paragraph (b) of subsection (11), and  
11 subsection (14) of section 409.176, Florida Statutes, are  
12 amended to read:

13 409.176 Registration of residential child-caring  
14 agencies and family foster homes.--

15 (5) The licensing provisions of s. 409.175 do not  
16 apply to a facility operated by an organization that:

17 (b) Is certified by a Florida statewide child care  
18 organization ~~that which~~ was in existence on January 1, 1984,  
19 and ~~that which~~ publishes, and requires compliance with, its  
20 standards and files copies of its standards ~~thereof~~ with the  
21 department. ~~These~~ Such standards shall be in substantial  
22 compliance with published minimum standards that similar  
23 licensed child-caring agencies, licensed child-placing  
24 agencies, or family foster homes are required to meet, as  
25 determined by the department, with the exception of those  
26 standards of a curricular or religious nature and those  
27 relating to staffing or financial stability of licensed  
28 child-caring agencies or family foster homes. Once the  
29 department has determined that the standards for child-caring  
30 agencies, child-placing agencies, or family foster homes are  
31 in substantial compliance with minimum standards that similar

1 facilities are required to meet, the standards need ~~do~~ not  
2 ~~have to~~ be resubmitted to the department unless a change  
3 occurs in the standards. Any changes in the standards shall be  
4 provided to the department within 10 days after ~~of~~ their  
5 adoption.

6 (10)

7 (b) The qualified association shall notify the  
8 department when the qualified association finds, within 30  
9 days after providing written notification by registered mail  
10 of the requirement for registration, that a person or facility  
11 is continuing ~~continues~~ to care for or place children without  
12 a certificate of registration. The department shall notify the  
13 appropriate state attorney of the violation of law and, if  
14 necessary, ~~shall~~ institute a civil suit to enjoin the person  
15 or facility from continuing the care or placement of children.

16 (11)

17 (b) If the department determines that a person or  
18 facility is caring for or placing a child without a valid  
19 certificate of registration issued by the qualified  
20 association or has made a willful or intentional misstatement  
21 on any registration application or other document required to  
22 be filed in connection with an application for a certificate  
23 of registration, the qualified association, as an alternative  
24 to or in conjunction with an administrative action against the  
25 ~~such~~ person or facility, shall make a reasonable attempt to  
26 discuss each violation with, and recommend corrective action  
27 to, the person or the administrator of the facility, ~~7~~ prior to  
28 written notification thereof.

29 (14) Registration under this section, including the  
30 issue of substantial compliance with published minimum  
31 standards that similar licensed child-caring facilities,

1 licensed child-placing agencies, or family foster homes are  
2 required to meet, as provided in paragraph (5)(b), is subject  
3 to ~~the provisions of~~ chapter 120.

4 Section 36. Section 742.021, Florida Statutes, is  
5 amended to read:

6 742.021 Venue, process, complaint.--The proceedings  
7 shall be in the circuit court of the county where the  
8 plaintiff resides or ~~of~~ the county where the defendant  
9 resides. The complaint shall assert ~~aver~~ sufficient facts  
10 charging the paternity of the child. Upon filing of a  
11 complaint seeking to determine paternity, the clerk of court  
12 shall issue a notice to be provided to each petitioner and to  
13 each respondent along with service of the petition. The notice  
14 shall be in substantially the following form:

15  
16 In order to preserve the right to notice and consent to the  
17 adoption of the child, an unmarried biological father must, as  
18 the "registrant," file a notarized claim of paternity form  
19 with the Florida Putative Father Registry maintained by the  
20 Office of Vital Statistics of the Department of Health which  
21 includes confirmation of his willingness and intent to support  
22 the child for whom paternity is claimed in accordance with  
23 state law. The claim of paternity may be filed at any time  
24 prior to the child's birth, but a claim of paternity may not  
25 be filed after the date a petition is filed for termination of  
26 parental rights.

27  
28 Process served on ~~directed to~~ the defendant shall issue  
29 forthwith requiring the defendant to file written defenses to  
30 the complaint in the same manner as suits in chancery. Upon  
31 application and proof under oath, the court may issue a writ

1 of ne exeat against the defendant on such terms and conditions  
2 and conditioned upon bond in such amount as the court may  
3 determine.

4 Section 37. Subsection (1) of section 742.10, Florida  
5 Statutes, is amended to read:

6 742.10 Establishment of paternity for children born  
7 out of wedlock.--

8 (1) Except as provided chapters 39 and 63, this  
9 chapter provides the primary jurisdiction and procedures for  
10 the determination of paternity for children born out of  
11 wedlock. When the establishment of paternity has been raised  
12 and determined within an adjudicatory hearing brought under  
13 the statutes governing inheritance, or dependency under  
14 workers' compensation or similar compensation programs, or  
15 when an affidavit acknowledging paternity or a stipulation of  
16 paternity is executed by both parties and filed with the clerk  
17 of the court, or when an affidavit, a notarized voluntary  
18 acknowledgment of paternity, or a voluntary acknowledgment of  
19 paternity that is witnessed by two individuals and signed  
20 under penalty of perjury as provided for in s. 382.013 or s.  
21 382.016 is executed by both parties, or when paternity is  
22 adjudicated by the Department of Revenue as provided in s.  
23 409.256, such adjudication, affidavit, or acknowledgment  
24 constitutes the establishment of paternity for purposes of  
25 this chapter. If no adjudicatory proceeding was held, a  
26 notarized voluntary acknowledgment of paternity or voluntary  
27 acknowledgment of paternity that is witnessed by two  
28 individuals and signed under penalty of perjury as specified  
29 by s. 92.525(2) shall create a rebuttable presumption, as  
30 defined by s. 90.304, of paternity and is subject to the right  
31 of any signatory to rescind the acknowledgment within 60 days

1 after the date the acknowledgment was signed or the date of an  
2 administrative or judicial proceeding relating to the child,  
3 including a proceeding to establish a support order, in which  
4 the signatory is a party, whichever is earlier. Both parents  
5 must provide their social security numbers on any  
6 acknowledgment of paternity, consent affidavit, or stipulation  
7 of paternity. Except for affidavits under seal pursuant to ss.  
8 382.015 and 382.016, the Office of Vital Statistics shall  
9 provide certified copies of affidavits to the Title IV-D  
10 agency upon request.

11 Section 38. This act shall take effect July 1, 2007.

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SENATE SUMMARY

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