

1                   A bill to be entitled  
2       An act relating to adoption; amending s. 39.802, F.S.;  
3       requiring the Department of Children and Family  
4       Services to inform the parents of a child of the  
5       availability of private placement of the child with an  
6       adoption entity in certain circumstances; amending s.  
7       63.022, F.S.; revising legislative intent to delete  
8       reference to reporting requirements for placements of  
9       minors and exceptions; amending s. 63.032, F.S.;  
10      revising definitions; amending s. 63.037, F.S.;  
11      exempting adoption proceedings initiated under chapter  
12      39, F.S., from a requirement for a search of the  
13      Florida Putative Father Registry; amending s. 63.039,  
14      F.S.; providing that all adoptions of minor children  
15      require the use of an adoption entity that will assume  
16      the responsibilities provided in specified provisions;  
17      providing an exception; amending s. 63.0423, F.S.;  
18      revising procedures with respect to surrendered  
19      infants; providing that an infant who tests positive  
20      for illegal drugs, narcotic prescription drugs,  
21      alcohol, or other substances, but shows no other signs  
22      of child abuse or neglect, shall be placed in the  
23      custody of a licensed child-placing agency; providing  
24      that a specified reporting requirement is not  
25      superseded; providing that when the Department of  
26      Children and Family Services is contacted regarding a  
27      surrendered infant who does not appear to have been  
28      the victim of actual or suspected child abuse or

29 neglect, it shall provide instruction to contact a  
30 licensed child-placing agency and may not take custody  
31 of the infant; providing an exception; revising  
32 provisions relating to scientific testing to determine  
33 the paternity or maternity of a minor; amending s.  
34 63.0427, F.S.; prohibiting a court from increasing  
35 contact between an adopted child and siblings, birth  
36 parents, or other relatives without the consent of the  
37 adoptive parent or parents; amending s. 63.052, F.S.;  
38 deleting a requirement that a minor be permanently  
39 committed to an adoption entity in order for the  
40 entity to be guardian of the person of the minor;  
41 limiting the circumstances in which an intermediary  
42 may remove a child; providing that an intermediary  
43 does not become responsible for a minor child's  
44 medical bills that were incurred before taking  
45 physical custody of the child; providing additional  
46 placement options for a minor surrendered to an  
47 adoption entity for subsequent adoption when a  
48 suitable prospective adoptive home is not available;  
49 amending s. 63.053, F.S.; requiring that an unmarried  
50 biological father strictly comply with specified  
51 provisions in order to protect his interests; amending  
52 s. 63.054, F.S.; authorizing submission of an  
53 alternative document to the Office of Vital Statistics  
54 by the petitioner in each proceeding for termination  
55 of parental rights; providing that by filing a claim  
56 of paternity form the registrant expressly consents to

57 | paying for DNA testing; requiring that an alternative  
58 | address designated by a registrant be a physical  
59 | address; providing that the filing of a claim of  
60 | paternity with the Florida Putative Father Registry  
61 | does not relieve a person from compliance with  
62 | specified requirements; amending s. 63.062, F.S.;  
63 | revising requirements for when a minor's father must  
64 | be served prior to termination of parental rights;  
65 | requiring that an unmarried biological father comply  
66 | with specified requirements in order for his consent  
67 | to be required for adoption; revising such  
68 | requirements; providing that the mere fact that a  
69 | father expresses a desire to fulfill his  
70 | responsibilities towards his child which is  
71 | unsupported by acts evidencing this intent does not  
72 | meet the requirements; providing for the sufficiency  
73 | of an affidavit of nonpaternity; providing an  
74 | exception to a condition to a petition to adopt an  
75 | adult; amending s. 63.063, F.S.; conforming  
76 | terminology; amending s. 63.082, F.S.; revising  
77 | language concerning applicability of notice and  
78 | consent provisions in cases in which the child is  
79 | conceived as a result of a violation of criminal law;  
80 | requiring notice to be provided to the father of a  
81 | child alleged to be conceived as a result of a  
82 | violation of criminal law if charges are not filed;  
83 | providing that a criminal conviction is not required  
84 | for the court to find that the child was conceived as

85 a result of a violation of criminal law; requiring an  
86 affidavit of diligent search to be filed whenever a  
87 person who is required to consent is unavailable  
88 because the person cannot be located; providing that  
89 in an adoption of a stepchild or a relative, a  
90 certified copy of the death certificate of the person  
91 whose consent is required may be attached to the  
92 petition for adoption if a separate petition for  
93 termination of parental rights is not being filed;  
94 authorizing the execution of an affidavit of  
95 nonpaternity before the birth of a minor in preplanned  
96 adoptions; revising language of a consent to adoption;  
97 providing that a home study provided by the adoption  
98 entity shall be deemed to be sufficient except in  
99 certain circumstances; providing for a hearing if an  
100 adoption entity moves to intervene in a dependency  
101 case; requiring the court to provide information to  
102 prospective adoptive parents regarding parent training  
103 classes in the community upon determining the child  
104 dependent; requiring the department to file an  
105 acknowledgement of receipt of information; requiring  
106 the adoption entity to provide updates to the court at  
107 specified intervals; requiring the court to advise a  
108 biological parent who is a party to a dependency  
109 proceeding of the right to participate in a private  
110 adoption; revising language concerning seeking to  
111 revoke consent to an adoption of a child older than 6  
112 months of age; providing that if the consent of one

113 parent is set aside or revoked, any other consents  
114 executed by the other parent or a third party whose  
115 consent is required for the adoption of the child may  
116 not be used by the parent who consent was revoked or  
117 set aside to terminate or diminish the rights of the  
118 other parent or third party; amending s. 63.085, F.S.;  
119 revising language of an adoption disclosure statement;  
120 requiring that a copy of a waiver by prospective  
121 adoptive parents of receipt of certain records must be  
122 filed with the court; amending s. 63.087, F.S.;  
123 specifying that a failure to personally appear at a  
124 proceeding to terminate parental rights constitutes  
125 grounds for termination; amending s. 63.088, F.S.;  
126 providing that in a termination of parental rights  
127 proceeding if a required inquiry that identifies a  
128 father who has been adjudicated by a court as the  
129 father of the minor child before the date a petition  
130 for termination of parental rights is filed the  
131 inquiry must terminate at that point; amending s.  
132 63.089, F.S.; specifying that it is a failure to  
133 personally appear that provides grounds for  
134 termination of parental rights in certain  
135 circumstances; providing additional grounds upon which  
136 a finding of abandonment may be made; revising  
137 provisions relating to dismissal of petitions to  
138 terminate parental rights; providing that contact  
139 between a parent seeking relief from a judgment  
140 terminating parental rights and a child may be awarded

141 only in certain circumstances; providing for placement  
142 of a child in the event that a court grants relief  
143 from a judgment terminating parental rights and no new  
144 pleading is filed to terminate parental rights;  
145 amending s. 63.092, F.S.; requiring that a signed copy  
146 of the home study must be provided to the intended  
147 adoptive parents who were the subject of the study;  
148 amending s. 63.097, F.S.; providing guidelines for a  
149 court considering a reasonable attorney fee associated  
150 with adoption services; amending s. 63.152, F.S.;  
151 authorizing an adoption entity to transmit a certified  
152 statement of the entry of a judgment of adoption to  
153 the state registrar of vital statistics; amending s.  
154 63.162, F.S.; authorizing a birth parent to petition  
155 that court to appoint an intermediary or a licensed  
156 child-placing agency to contact an adult adoptee and  
157 advise both of the availability of the adoption  
158 registry and that the birth parent wishes to establish  
159 contact; amending s. 63.167, F.S.; requiring that the  
160 state adoption center provide contact information for  
161 all adoption entities in a caller's county or, if no  
162 adoption entities are located in the caller's county,  
163 the number of the nearest adoption entity when  
164 contacted for a referral to make an adoption plan;  
165 amending s. 63.202, F.S.; revising terminology in  
166 provisions relating to licensing by the department;  
167 amending s. 63.212, F.S.; restricting who may place a  
168 paid advertisement or paid listing of the person's

169 telephone number offering certain adoption services;  
170 requiring of publishers of telephone directories to  
171 include certain statements at the beginning of any  
172 classified heading for adoption and adoption services;  
173 providing requirements for such advertisements;  
174 providing criminal penalties for violations;  
175 prohibiting the offense of adoption deception by a  
176 person who is a birth mother or a woman who holds  
177 herself out to be a birth mother; providing criminal  
178 penalties; providing liability by violators for  
179 certain damages; amending s. 63.213, F.S.; providing  
180 that a preplanned adoption arrangement does not  
181 constitute consent of a mother to place her biological  
182 child for adoption until 48 hours following birth;  
183 providing that a volunteer mother's right to rescind  
184 her consent in a preplanned adoption applies only when  
185 the child is genetically related to her; revising the  
186 definitions of the terms "child," "preplanned adoption  
187 arrangement," and "volunteer mother"; amending s.  
188 63.222, F.S.; providing that provisions designated as  
189 remedial may apply to any proceedings pending on the  
190 effective date of the provisions; amending s. 63.2325,  
191 F.S.; revising terminology relating to revocation of  
192 consent to adoption; providing an effective date.

193

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

195

196 Section 1. Subsection (4) of section 39.802, Florida

197 Statutes, is amended to read:

198 39.802 Petition for termination of parental rights;  
 199 filing; elements.—

200 (4) A petition for termination of parental rights filed  
 201 under this chapter must contain facts supporting the following  
 202 allegations:

203 (a) That at least one of the grounds listed in s. 39.806  
 204 has been met.

205 (b) That the parents of the child were informed of their  
 206 right to counsel at all hearings that they attended and that a  
 207 dispositional order adjudicating the child dependent was entered  
 208 in any prior dependency proceeding relied upon in offering a  
 209 parent a case plan as described in s. 39.806.

210 (c) That the manifest best interests of the child, in  
 211 accordance with s. 39.810, would be served by the granting of  
 212 the petition.

213 (d) That the parents of the child will be informed of the  
 214 availability of private placement of the child with an adoption  
 215 entity, as defined in s. 63.032.

216 Section 2. Paragraphs (e) through (m) of subsection (4) of  
 217 section 63.022, Florida Statutes, are redesignated as paragraphs  
 218 (d) through (l), respectively, and subsection (2) and present  
 219 paragraph (d) of subsection (4) of that section are amended to  
 220 read:

221 63.022 Legislative intent.—

222 (2) It is the intent of the Legislature that in every  
 223 adoption, the best interest of the child should govern and be of  
 224 foremost concern in the court's determination. The court shall



225 make a specific finding as to the best interests ~~interest~~ of the  
 226 child in accordance with the provisions of this chapter.

227 (4) The basic safeguards intended to be provided by this  
 228 chapter are that:

229 ~~(d) All placements of minors for adoption are reported to~~  
 230 ~~the Department of Children and Family Services, except relative,~~  
 231 ~~adult, and stepparent adoptions.~~

232 Section 3. Subsections (1), (3), (12), (17), and (19) of  
 233 section 63.032, Florida Statutes, are amended to read:

234 63.032 Definitions.—As used in this chapter, the term:

235 (1) "Abandoned" means a situation in which the parent or  
 236 person having legal custody of a child, while being able, makes  
 237 little or no provision for the child's support or ~~and~~ makes  
 238 little or no effort to communicate with the child, which  
 239 situation is sufficient to evince an intent to reject parental  
 240 responsibilities. If, in the opinion of the court, the efforts  
 241 of such parent or person having legal custody of the child to  
 242 support and communicate with the child are only marginal efforts  
 243 that do not evince a settled purpose to assume all parental  
 244 duties, the court may declare the child to be abandoned. In  
 245 making this decision, the court may consider the conduct of a  
 246 father towards the child's mother during her pregnancy.

247 (3) "Adoption entity" means the department, ~~an agency,~~ a  
 248 child-caring agency registered under s. 409.176, an  
 249 intermediary, a Florida child-placing agency licensed under s.  
 250 63.202, or a child-placing agency licensed in another state  
 251 which is licensed ~~qualified~~ by the department to place children  
 252 in the State of Florida.

253 (12) "Parent" means a woman who gives birth to a child and  
 254 who is not a gestational surrogate as defined in s. 742.13 or a  
 255 man whose consent to the adoption of the child would be required  
 256 under s. 63.062(1). If a child has been legally adopted, the  
 257 term "parent" means the adoptive mother or father of the child.  
 258 The term does not include an individual whose parental  
 259 relationship to the child has been legally terminated or an  
 260 alleged or prospective parent.

261 (17) "Suitability of the intended placement" means the  
 262 fitness of the intended placement, with primary consideration  
 263 being given to the best interests ~~interest~~ of the child.

264 (19) "Unmarried biological father" means the child's  
 265 biological father who is not married to the child's mother at  
 266 the time of conception or on the date of the birth of the child  
 267 and who, before the filing of a petition to terminate parental  
 268 rights, has not been adjudicated by a court of competent  
 269 jurisdiction to be the legal father of the child or has not  
 270 filed ~~executed~~ an affidavit pursuant to s. 382.013(2)(c).

271 Section 4. Section 63.037, Florida Statutes, is amended to  
 272 read:

273 63.037 Proceedings applicable to cases resulting from a  
 274 termination of parental rights under chapter 39.—A case in which  
 275 a minor becomes available for adoption after the parental rights  
 276 of each parent have been terminated by a judgment entered  
 277 pursuant to chapter 39 shall be governed by s. 39.812 and this  
 278 chapter. Adoption proceedings initiated under chapter 39 are  
 279 exempt from the following provisions of this chapter:  
 280 requirement for search of the Florida Putative Father Registry

281 provided in s. 63.054(7), if a search was previously completed  
 282 and documentation of the search is contained in the case file;  
 283 disclosure requirements for the adoption entity provided in s.  
 284 63.085(1); general provisions governing termination of parental  
 285 rights pending adoption provided in s. 63.087; notice and  
 286 service provisions governing termination of parental rights  
 287 pending adoption provided in s. 63.088; and procedures for  
 288 terminating parental rights pending adoption provided in s.  
 289 63.089.

290 Section 5. Subsections (2) through (4) of section 63.039,  
 291 Florida Statutes, are renumbered as subsections (3) through (5),  
 292 respectively, and a new subsection (2) is added to that section  
 293 to read:

294 63.039 Duty of adoption entity to prospective adoptive  
 295 parents; sanctions.—

296 (2) With the exception of an adoption by a relative or  
 297 stepparent, all adoptions of minor children require the use of  
 298 an adoption entity that will assume the responsibilities  
 299 provided in this section.

300 Section 6. Subsections (1), (2), (4), (7), (8), and (9) of  
 301 section 63.0423, Florida Statutes, are amended to read:

302 63.0423 Procedures with respect to surrendered infants.—

303 (1) Upon entry of final judgment terminating parental  
 304 rights, a licensed child-placing agency that takes physical  
 305 custody of an infant surrendered at a hospital, emergency  
 306 medical services station, or fire station pursuant to s. 383.50  
 307 assumes ~~shall assume~~ responsibility for the all medical costs  
 308 and ~~all~~ other costs associated with the emergency services and

309 care of the surrendered infant from the time the licensed child-  
310 placing agency takes physical custody of the surrendered infant.

311 (2) The licensed child-placing agency shall immediately  
312 seek an order from the circuit court for emergency custody of  
313 the surrendered infant. The emergency custody order shall remain  
314 in effect until the court orders preliminary approval of  
315 placement of the surrendered infant in the prospective home, at  
316 which time the prospective adoptive parents become guardians  
317 pending termination of parental rights and finalization of  
318 adoption or until the court orders otherwise. The guardianship  
319 of the prospective adoptive parents shall remain subject to the  
320 right of the licensed child-placing agency to remove the  
321 surrendered infant from the placement during the pendency of the  
322 proceedings if such removal is deemed by the licensed child-  
323 placing agency to be in the best interests ~~interest~~ of the  
324 child. The licensed child-placing agency may immediately seek to  
325 place the surrendered infant in a prospective adoptive home.

326 (4) The parent who surrenders the infant in accordance  
327 with s. 383.50 is presumed to have consented to termination of  
328 parental rights, and express consent is not required. Except  
329 when there is actual or suspected child abuse or neglect, the  
330 licensed child-placing agency shall not attempt to pursue,  
331 search for, or notify that parent as provided in s. 63.088 and  
332 chapter 49. For purposes of s. 383.50 and this section, an  
333 infant who tests positive for illegal drugs, narcotic  
334 prescription drugs, alcohol, or other substances, but shows no  
335 other signs of child abuse or neglect, shall be placed in the  
336 custody of a licensed child-placing agency. Such a placement

337 does not eliminate the reporting requirement under s. 383.50(7).  
338 When the department is contacted regarding an infant properly  
339 surrendered under this section and s. 383.50, the department  
340 shall provide instruction to contact a licensed child-placing  
341 agency and may not take custody of the infant unless reasonable  
342 efforts to contact a licensed child-placing agency to accept the  
343 infant have not been successful.

344 (7) If a claim of parental rights of a surrendered infant  
345 is made before the judgment to terminate parental rights is  
346 entered, the circuit court may hold the action for termination  
347 of parental rights ~~pending subsequent adoption~~ in abeyance for a  
348 period of time not to exceed 60 days.

349 (a) The court may order scientific testing to determine  
350 maternity or paternity at the expense of the parent claiming  
351 parental rights.

352 (b) The court shall appoint a guardian ad litem for the  
353 surrendered infant and order whatever investigation, home  
354 evaluation, and psychological evaluation are necessary to  
355 determine what is in the best interests ~~interest~~ of the  
356 surrendered infant.

357 (c) The court may not terminate parental rights solely on  
358 the basis that the parent left the infant at a hospital,  
359 emergency medical services station, or fire station in  
360 accordance with s. 383.50.

361 (d) The court shall enter a judgment with written findings  
362 of fact and conclusions of law.

363 (8) Within 7 business days after recording the judgment,  
364 the clerk of the court shall mail a copy of the judgment to the

365 department, the petitioner, and any person ~~the persons~~ whose  
 366 consent was ~~were~~ required, if known. The clerk shall execute a  
 367 certificate of each mailing.

368 (9) (a) A judgment terminating parental rights pending  
 369 adoption is voidable, and any later judgment of adoption of that  
 370 minor is voidable, if, upon the motion of a ~~birth~~ parent, the  
 371 court finds that a person knowingly gave false information that  
 372 prevented the ~~birth~~ parent from timely making known his or her  
 373 desire to assume parental responsibilities toward the minor or  
 374 from exercising his or her parental rights. A motion under this  
 375 subsection must be filed with the court originally entering the  
 376 judgment. The motion must be filed within a reasonable time but  
 377 not later than 1 year after the entry of the judgment  
 378 terminating parental rights.

379 (b) No later than 30 days after the filing of a motion  
 380 under this subsection, the court shall conduct a preliminary  
 381 hearing to determine what contact, if any, will be permitted  
 382 between a ~~birth~~ parent and the child pending resolution of the  
 383 motion. Such contact may be allowed only if it is requested by a  
 384 parent who has appeared at the hearing and the court determines  
 385 that it is in the best interests ~~interest~~ of the child. If the  
 386 court orders contact between a ~~birth~~ parent and the child, the  
 387 order must be issued in writing as expeditiously as possible and  
 388 must state with specificity any provisions regarding contact  
 389 with persons other than those with whom the child resides.

390 (c) ~~At the preliminary hearing, The court, upon the motion~~  
 391 ~~of any party or upon its own motion,~~ may not order scientific  
 392 testing to determine the paternity or maternity of the minor

393 until such time as the court determines that a previously  
 394 entered judgment terminating the parental rights of that parent  
 395 is voidable pursuant to paragraph (a), unless all parties agree  
 396 that such testing is in the best interests of the child ~~if the~~  
 397 ~~person seeking to set aside the judgment is alleging to be the~~  
 398 ~~child's birth parent but has not previously been determined by~~  
 399 ~~legal proceedings or scientific testing to be the birth parent.~~  
 400 Upon the filing of test results establishing that person's  
 401 maternity or paternity of the surrendered infant, the court may  
 402 order visitation only if it appears to be ~~as it deems~~  
 403 ~~appropriate and~~ in the best interests ~~interest~~ of the child.

404 (d) Within 45 days after the preliminary hearing, the  
 405 court shall conduct a final hearing on the motion to set aside  
 406 the judgment and shall enter its written order as expeditiously  
 407 as possible thereafter.

408 Section 7. Section 63.0427, Florida Statutes, is amended  
 409 to read:

410 63.0427 Agreements for ~~Adopted minor's right to~~ continued  
 411 communication or contact between adopted child and ~~with~~  
 412 siblings, parents, and other relatives.-

413 (1) A child whose parents have had their parental rights  
 414 terminated and whose custody has been awarded to the department  
 415 pursuant to s. 39.811, and who is the subject of a petition for  
 416 adoption under this chapter, shall have the right to have the  
 417 court consider the appropriateness of postadoption communication  
 418 or contact, including, but not limited to, visits, written  
 419 correspondence, or telephone calls, with his or her siblings or,  
 420 upon agreement of the adoptive parents, with the parents who

421 have had their parental rights terminated or other specified  
422 biological relatives. The court shall consider the following in  
423 making such determination:

424 (a) Any orders of the court pursuant to s. 39.811(7).

425 (b) Recommendations of the department, the foster parents  
426 if other than the adoptive parents, and the guardian ad litem.

427 (c) Statements of the prospective adoptive parents.

428 (d) Any other information deemed relevant and material by  
429 the court.

430

431 If the court determines that the child's best interests will be  
432 served by postadoption communication or contact, the court shall  
433 so order, stating the nature and frequency of ~~for~~ the  
434 communication or contact. This order shall be made a part of the  
435 final adoption order, but ~~in no event shall~~ the continuing  
436 validity of the adoption may not be contingent upon such  
437 postadoption communication or contact and, ~~nor shall~~ the ability  
438 of the adoptive parents and child to change residence within or  
439 outside the State of Florida may not be impaired by such  
440 communication or contact.

441 (2) Notwithstanding ~~the provisions of~~ s. 63.162, the  
442 adoptive parent may, at any time, petition for review of a  
443 communication or contact order entered pursuant to subsection  
444 (1), if the adoptive parent believes that the best interests of  
445 the adopted child are being compromised, and the court may ~~shall~~  
446 ~~have authority to~~ order the communication or contact to be  
447 terminated or modified, as the court deems to be in the best  
448 interests of the adopted child; however, the court may not



449 increase contact between the adopted child and siblings, birth  
450 parents, or other relatives without the consent of the adoptive  
451 parent or parents. As part of the review process, the court may  
452 order the parties to engage in mediation. The department shall  
453 not be required to be a party to such review.

454 Section 8. Subsections (1), (2), (3), and (6) of section  
455 63.052, Florida Statutes, are amended to read:

456 63.052 Guardians designated; proof of commitment.—

457 (1) For minors who have been placed for adoption with ~~and~~  
458 ~~permanently committed to~~ an adoption entity, other than an  
459 intermediary, such adoption entity shall be the guardian of the  
460 person of the minor and has the responsibility and authority to  
461 provide for the needs and welfare of the minor.

462 (2) For minors who have been voluntarily surrendered to an  
463 intermediary through an execution of a consent to adoption, the  
464 intermediary shall be responsible for the minor until the time a  
465 court orders preliminary approval of placement of the minor in  
466 the prospective adoptive home, after which time the prospective  
467 adoptive parents shall become guardians pending finalization of  
468 adoption, subject to the intermediary's right and responsibility  
469 to remove the child from the prospective adoptive home if the  
470 removal is deemed by the intermediary to be in the best  
471 interests ~~interest~~ of the child. The intermediary may not remove  
472 the child without a court order unless the child is in danger of  
473 imminent harm. The intermediary does not become responsible for  
474 the minor child's medical bills that were incurred before taking  
475 physical custody of the child after the execution of adoption  
476 consents. Prior to the court's entry of an order granting

477 preliminary approval of the placement, the intermediary shall  
 478 have the responsibility and authority to provide for the needs  
 479 and welfare of the minor. A ~~No~~ minor may not ~~shall~~ be placed in  
 480 a prospective adoptive home until that home has received a  
 481 favorable preliminary home study, as provided in s. 63.092,  
 482 completed and approved within 1 year before such placement in  
 483 the prospective home. The provisions of s. 627.6578 shall remain  
 484 in effect notwithstanding the guardianship provisions in this  
 485 section.

486 (3) If a minor is surrendered to an adoption entity for  
 487 subsequent adoption and a suitable prospective adoptive home is  
 488 not available pursuant to s. 63.092 at the time the minor is  
 489 surrendered to the adoption entity, the minor must be placed in  
 490 a licensed foster care home, or with a person or family that has  
 491 received a favorable preliminary home study pursuant to  
 492 subsection (2), or with a relative until such a suitable  
 493 prospective adoptive home is available.

494 (6) Unless otherwise authorized by law or ordered by the  
 495 court, the department is not responsible for expenses incurred  
 496 by other adoption entities participating in a placement of a  
 497 minor.

498 Section 9. Subsections (2) and (3) of section 63.053,  
 499 Florida Statutes, are amended to read:

500 63.053 Rights and responsibilities of an unmarried  
 501 biological father; legislative findings.—

502 (2) The Legislature finds that the interests of the state,  
 503 the mother, the child, and the adoptive parents described in  
 504 this chapter outweigh the interest of an unmarried biological

505 father who does not take action in a timely manner to establish  
 506 and demonstrate a relationship with his child in accordance with  
 507 the requirements of this chapter. An unmarried biological father  
 508 has the primary responsibility to protect his rights and is  
 509 presumed to know that his child may be adopted without his  
 510 consent unless he strictly complies with ~~the provisions of~~ this  
 511 chapter and demonstrates a prompt and full commitment to his  
 512 parental responsibilities.

513 (3) The Legislature finds that a birth mother and a birth  
 514 father have a right of ~~to~~ privacy.

515 Section 10. Subsections (1), (2), (4), and (13) of section  
 516 63.054, Florida Statutes, are amended to read:

517 63.054 Actions required by an unmarried biological father  
 518 to establish parental rights; Florida Putative Father Registry.—

519 (1) In order to preserve the right to notice and consent  
 520 to an adoption under this chapter, an unmarried biological  
 521 father must, as the "registrant," file a notarized claim of  
 522 paternity form with the Florida Putative Father Registry  
 523 maintained by the Office of Vital Statistics of the Department  
 524 of Health which includes confirmation of his willingness and  
 525 intent to support the child for whom paternity is claimed in  
 526 accordance with state law. The claim of paternity may be filed  
 527 at any time before the child's birth, but may not be filed after  
 528 the date a petition is filed for termination of parental rights.  
 529 In each proceeding for termination of parental rights, the  
 530 petitioner must submit to the Office of Vital Statistics a copy  
 531 of the petition for termination of parental rights or a document  
 532 executed by the clerk of the court showing the style of the

533 case, the names of the persons whose rights are sought to be  
534 terminated, and the date and time of the filing of the petition.  
535 The Office of Vital Statistics may not record a claim of  
536 paternity after the date a petition for termination of parental  
537 rights is filed. The failure of an unmarried biological father  
538 to file a claim of paternity with the registry before the date a  
539 petition for termination of parental rights is filed also bars  
540 him from filing a paternity claim under chapter 742.

541 (a) An unmarried biological father is excepted from the  
542 time limitations for filing a claim of paternity with the  
543 registry or for filing a paternity claim under chapter 742, if:

544 1. The mother identifies him to the adoption entity as a  
545 potential biological father by the date she executes a consent  
546 for adoption; and

547 2. He is served with a notice of intended adoption plan  
548 pursuant to s. 63.062(3) and the 30-day mandatory response date  
549 is later than the date the petition for termination of parental  
550 rights is filed with the court.

551 (b) If an unmarried biological father falls within the  
552 exception provided by paragraph (a), the petitioner shall also  
553 submit to the Office of Vital Statistics a copy of the notice of  
554 intended adoption plan and proof of service of the notice on the  
555 potential biological father.

556 (c) An unmarried biological father who falls within the  
557 exception provided by paragraph (a) may not file a claim of  
558 paternity with the registry or a paternity claim under chapter  
559 742 after the 30-day mandatory response date to the notice of  
560 intended adoption plan has expired. The Office of Vital

561 Statistics may not record a claim of paternity 30 days after  
562 service of the notice of intended adoption plan.

563 (2) By filing a claim of paternity form with the Office of  
564 Vital Statistics, the registrant expressly consents to submit to  
565 and pay for DNA testing upon the request of any party, the  
566 registrant, or the adoption entity with respect to the child  
567 referenced in the claim of paternity.

568 (4) Upon initial registration, or at any time thereafter,  
569 the registrant may designate a physical ~~an~~ address other than  
570 his residential address for sending any communication regarding  
571 his registration. Similarly, upon initial registration, or at  
572 any time thereafter, the registrant may designate, in writing,  
573 an agent or representative to receive any communication on his  
574 behalf and receive service of process. The agent or  
575 representative must file an acceptance of the designation, in  
576 writing, in order to receive notice or service of process. The  
577 failure of the designated representative or agent of the  
578 registrant to deliver or otherwise notify the registrant of  
579 receipt of correspondence from the Florida Putative Father  
580 Registry is at the registrant's own risk and may ~~shall~~ not serve  
581 as a valid defense based upon lack of notice.

582 (13) The filing of a claim of paternity with the Florida  
583 Putative Father Registry does not excuse or waive the obligation  
584 of a petitioner to comply with the requirements of s. 63.088(4)  
585 for conducting a diligent search and required inquiry with  
586 respect to the identity of an unmarried biological father or  
587 legal father which are set forth in this chapter.

588 Section 11. Paragraph (b) of subsection (1), subsections

589 (2), (3), and (4), and paragraph (a) of subsection (8) of  
590 section 63.062, Florida Statutes, are amended to read:

591 63.062 Persons required to consent to adoption; affidavit  
592 of nonpaternity; waiver of venue.—

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

598 (b) The father of the minor, if:

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

601 2. The minor is his child by adoption;

602 3. The minor has been adjudicated by the court to be his  
603 child before ~~by~~ the date a petition ~~is filed~~ for termination of  
604 parental rights is filed;

605 4. He has filed an affidavit of paternity pursuant to s.  
606 382.013(2)(c) or he is listed on the child's birth certificate  
607 before ~~by~~ the date a petition ~~is filed~~ for termination of  
608 parental rights is filed; or

609 5. In the case of an unmarried biological father, he has  
610 acknowledged in writing, signed in the presence of a competent  
611 witness, that he is the father of the minor, has filed such  
612 acknowledgment with the Office of Vital Statistics of the  
613 Department of Health within the required timeframes, and has  
614 complied with the requirements of subsection (2).

615

616 The status of the father shall be determined at the time of the

617 filing of the petition to terminate parental rights and may not  
618 be modified, except as otherwise provided in s. 63.0423(9)(a),  
619 for purposes of his obligations and rights under this chapter by  
620 acts occurring after the filing of the petition to terminate  
621 parental rights.

622 (2) In accordance with subsection (1), the consent of an  
623 unmarried biological father shall be necessary only if the  
624 unmarried biological father has complied with the requirements  
625 of this subsection.

626 (a)1. With regard to a child who is placed with adoptive  
627 parents more than 6 months after the child's birth, an unmarried  
628 biological father must have developed a substantial relationship  
629 with the child, taken some measure of responsibility for the  
630 child and the child's future, and demonstrated a full commitment  
631 to the responsibilities of parenthood by providing reasonable  
632 and regular financial support to the child in accordance with  
633 the unmarried biological father's ability, if not prevented from  
634 doing so by the person or authorized agency having lawful  
635 custody of the child, and either:

636 a. Regularly visited the child at least monthly, when  
637 physically and financially able to do so and when not prevented  
638 from doing so by the birth mother or the person or authorized  
639 agency having lawful custody of the child; or

640 b. Maintained regular communication with the child or with  
641 the person or agency having the care or custody of the child,  
642 when physically or financially unable to visit the child or when  
643 not prevented from doing so by the birth mother or person or  
644 authorized agency having lawful custody of the child.

645           ~~2. The mere fact that an unmarried biological father~~  
646 ~~expresses a desire to fulfill his responsibilities towards his~~  
647 ~~child which is unsupported by acts evidencing this intent does~~  
648 ~~not preclude a finding by the court that the unmarried~~  
649 ~~biological father failed to comply with the requirements of this~~  
650 ~~subsection.~~

651           ~~2.3.~~ An unmarried biological father who openly lived with  
652 the child for at least 6 months within the 1-year period  
653 following the birth of the child and immediately preceding  
654 placement of the child with adoptive parents and who openly held  
655 himself out to be the father of the child during that period  
656 shall be deemed to have developed a substantial relationship  
657 with the child and to have otherwise met the requirements of  
658 this paragraph.

659           (b) With regard to a child who is ~~younger than~~ 6 months of  
660 age or younger at the time the child is placed with the adoptive  
661 parents, an unmarried biological father must have demonstrated a  
662 full commitment to his parental responsibility by having  
663 performed all of the following acts prior to the time the mother  
664 executes her consent for adoption:

665           1. Filed a notarized claim of paternity form with the  
666 Florida Putative Father Registry within the Office of Vital  
667 Statistics of the Department of Health, which form shall be  
668 maintained in the confidential registry established for that  
669 purpose and shall be considered filed when the notice is entered  
670 in the registry of notices from unmarried biological fathers.

671           2. Upon service of a notice of an intended adoption plan  
672 or a petition for termination of parental rights pending



673 adoption, executed and filed an affidavit in that proceeding  
674 stating that he is personally fully able and willing to take  
675 responsibility for the child, setting forth his plans for care  
676 of the child, and agreeing to a court order of child support and  
677 a contribution to the payment of living and medical expenses  
678 incurred for the mother's pregnancy and the child's birth in  
679 accordance with his ability to pay.

680 3. If he had knowledge of the pregnancy, paid a fair and  
681 reasonable amount of the living and medical expenses incurred in  
682 connection with the mother's pregnancy and the child's birth, in  
683 accordance with his financial ability and when not prevented  
684 from doing so by the birth mother or person or authorized agency  
685 having lawful custody of the child. The responsibility of the  
686 unmarried biological father to provide financial assistance to  
687 the birth mother during her pregnancy and to the child after  
688 birth is not abated because support is being provided to the  
689 birth mother or child by the adoption entity, a prospective  
690 adoptive parent, or a third party, nor does it serve as a basis  
691 to excuse the birth father's failure to provide support.

692 (c) The mere fact that a father expresses a desire to  
693 fulfill his responsibilities towards his child which is  
694 unsupported by acts evidencing this intent does not meet the  
695 requirements of this section.

696 (d) ~~(e)~~ The petitioner shall file with the court a  
697 certificate from the Office of Vital Statistics stating that a  
698 diligent search has been made of the Florida Putative Father  
699 Registry of notices from unmarried biological fathers described  
700 in subparagraph (b)1. and that no filing has been found

701 | pertaining to the father of the child in question or, if a  
702 | filing is found, stating the name of the putative father and the  
703 | time and date of filing. That certificate shall be filed with  
704 | the court prior to the entry of a final judgment of termination  
705 | of parental rights.

706 |       (e)~~(d)~~ An unmarried biological father who does not comply  
707 | with each of the conditions provided in this subsection is  
708 | deemed to have waived and surrendered any rights in relation to  
709 | the child, including the right to notice of any judicial  
710 | proceeding in connection with the adoption of the child, and his  
711 | consent to the adoption of the child is not required.

712 |       (3) Pursuant to chapter 48, an adoption entity shall serve  
713 | a notice of intended adoption plan upon any known and locatable  
714 | unmarried biological father who is identified to the adoption  
715 | entity by the mother by the date she signs her consent for  
716 | adoption if the child is 6 months of age or less at the time the  
717 | consent is executed ~~or who is identified by a diligent search of~~  
718 | ~~the Florida Putative Father Registry, or upon an entity whose~~  
719 | ~~consent is required~~. Service of the notice of intended adoption  
720 | plan is not required ~~mandatory~~ when the unmarried biological  
721 | father signs a consent for adoption or an affidavit of  
722 | nonpaternity or when the child is more than 6 months of age at  
723 | the time of the execution of the consent by the mother. The  
724 | notice may be served at any time before the child's birth or  
725 | before placing the child in the adoptive home. The recipient of  
726 | the notice may waive service of process by executing a waiver  
727 | and acknowledging receipt of the plan. The notice of intended  
728 | adoption plan must specifically state that if the unmarried

729 biological father desires to contest the adoption plan he must,  
730 within 30 days after service, file with the court a verified  
731 response that contains a pledge of commitment to the child in  
732 substantial compliance with subparagraph (2)(b)2. and a claim of  
733 paternity form with the Office of Vital Statistics, and must  
734 provide the adoption entity with a copy of the verified response  
735 filed with the court and the claim of paternity form filed with  
736 the Office of Vital Statistics. The notice must also include  
737 instructions for submitting a claim of paternity form to the  
738 Office of Vital Statistics and the address to which the claim  
739 must be sent. If the party served with the notice of intended  
740 adoption plan is an entity whose consent is required, the notice  
741 must specifically state that the entity must file, within 30  
742 days after service, a verified response setting forth a legal  
743 basis for contesting the intended adoption plan, specifically  
744 addressing the best interests ~~interest~~ of the child.

745 (a) If the unmarried biological father or entity whose  
746 consent is required fails to timely and properly file a verified  
747 response with the court and, in the case of an unmarried  
748 biological father, a claim of paternity form with the Office of  
749 Vital Statistics, the court shall enter a default judgment  
750 against the ~~any~~ unmarried biological father or entity and the  
751 consent of that unmarried biological father or entity shall no  
752 longer be required under this chapter and shall be deemed to  
753 have waived any claim of rights to the child. To avoid an entry  
754 of a default judgment, within 30 days after receipt of service  
755 of the notice of intended adoption plan:

756 1. The unmarried biological father must:

757           a. File a claim of paternity with the Florida Putative  
758 Father Registry maintained by the Office of Vital Statistics;  
759           b. File a verified response with the court which contains  
760 a pledge of commitment to the child in substantial compliance  
761 with subparagraph (2)(b)2.; and  
762           c. Provide support for the birth mother and the child.  
763           2. The entity whose consent is required must file a  
764 verified response setting forth a legal basis for contesting the  
765 intended adoption plan, specifically addressing the best  
766 interests ~~interest~~ of the child.  
767           (b) If the mother identifies a potential unmarried  
768 biological father within the timeframes required by the statute,  
769 whose location is unknown, the adoption entity shall conduct a  
770 diligent search pursuant to s. 63.088. If, upon completion of a  
771 diligent search, the potential unmarried biological father's  
772 location remains unknown and a search of the Florida Putative  
773 Father Registry fails to reveal a match, the adoption entity  
774 shall request in the petition for termination of parental rights  
775 pending adoption that the court declare the diligent search to  
776 be in compliance with s. 63.088, that the adoption entity has no  
777 further obligation to provide notice to the potential unmarried  
778 biological father, and that the potential unmarried biological  
779 father's consent to the adoption is not required.  
780           (4) Any person whose consent is required under paragraph  
781 (1)(b), or any other man, may execute an irrevocable affidavit  
782 of nonpaternity in lieu of a consent under this section and by  
783 doing so waives notice to all court proceedings after the date  
784 of execution. An affidavit of nonpaternity must be executed as

785 provided in s. 63.082. The affidavit of nonpaternity may be  
 786 executed prior to the birth of the child. The person executing  
 787 the affidavit must receive disclosure under s. 63.085 prior to  
 788 signing the affidavit. For purposes of this chapter, an  
 789 affidavit of nonpaternity is sufficient if it contains a  
 790 specific denial of parental obligations and does not need to  
 791 deny the existence of a biological relationship.

792 (8) A petition to adopt an adult may be granted if:  
 793 (a) Written consent to adoption has been executed by the  
 794 adult and the adult's spouse, if any, unless the spouse's  
 795 consent is waived by the court for good cause.

796 Section 12. Subsection (2) of section 63.063, Florida  
 797 Statutes, is amended to read:

798 63.063 Responsibility of parents for actions; fraud or  
 799 misrepresentation; contesting termination of parental rights and  
 800 adoption.—

801 (2) Any person injured by a fraudulent representation or  
 802 action in connection with an adoption may pursue civil or  
 803 criminal penalties as provided by law. A fraudulent  
 804 representation is not a defense to compliance with the  
 805 requirements of this chapter and is not a basis for dismissing a  
 806 petition for termination of parental rights or a petition for  
 807 adoption, for vacating an adoption decree, or for granting  
 808 custody to the offended party. Custody and adoption  
 809 determinations must be based on the best interests ~~interest~~ of  
 810 the child in accordance with s. 61.13.

811 Section 13. Paragraph (d) of subsection (1), paragraphs  
 812 (c) and (d) of subsection (3), paragraphs (a), (d), and (e) of

813 subsection (4), and subsections (6) and (7) of section 63.082,  
 814 Florida Statutes, are amended to read:

815 63.082 Execution of consent to adoption or affidavit of  
 816 nonpaternity; family social and medical history; revocation  
 817 ~~withdrawal~~ of consent.-

818 (1)

819 (d) The notice and consent provisions of this chapter as  
 820 they relate to the father ~~birth~~ of a child ~~or to legal fathers~~  
 821 do not apply in cases in which the child is conceived as a  
 822 result of a violation of the criminal laws of this or another  
 823 state or country, including, but not limited to, sexual battery,  
 824 unlawful sexual activity with certain minors under s. 794.05,  
 825 lewd acts perpetrated upon a minor, or incest. Notice shall be  
 826 provided to the father of a child alleged to have been conceived  
 827 as a result of a violation of the criminal laws of this or  
 828 another state or country, if no criminal charges have been  
 829 filed. A criminal conviction is not required for the court to  
 830 find that the child was conceived as a result of a violation of  
 831 the criminal laws of this state or another state or country.

832 (3)

833 (c) If any person who is required to consent is  
 834 unavailable because the person cannot be located, an ~~the~~  
 835 ~~petition to terminate parental rights pending adoption must be~~  
 836 ~~accompanied by the~~ affidavit of diligent search required under  
 837 s. 63.088 shall be filed.

838 (d) If any person who is required to consent is  
 839 unavailable because the person is deceased, the petition to  
 840 terminate parental rights pending adoption must be accompanied

841 by a certified copy of the death certificate. In an adoption of  
842 a stepchild or a relative, the certified copy of the death  
843 certificate of the person whose consent is required may ~~must~~ be  
844 attached to the petition for adoption if a separate petition for  
845 termination of parental rights is not being filed.

846 (4) (a) An affidavit of nonpaternity may be executed before  
847 the birth of the minor; however, the consent to an adoption may  
848 ~~shall~~ not be executed before the birth of the minor except in a  
849 preplanned adoption pursuant to s. 63.213.

850 (d) The consent to adoption or the affidavit of  
851 nonpaternity must be signed in the presence of two witnesses and  
852 be acknowledged before a notary public who is not signing as one  
853 of the witnesses. The notary public must legibly note on the  
854 consent or the affidavit the date and time of execution. The  
855 witnesses' names must be typed or printed underneath their  
856 signatures. The witnesses' home or business addresses must be  
857 included. The person who signs the consent or the affidavit has  
858 the right to have at least one of the witnesses be an individual  
859 who does not have an employment, professional, or personal  
860 relationship with the adoption entity or the prospective  
861 adoptive parents. The adoption entity must give reasonable  
862 advance notice to the person signing the consent or affidavit of  
863 the right to select a witness of his or her own choosing. The  
864 person who signs the consent or affidavit must acknowledge in  
865 writing on the consent or affidavit that such notice was given  
866 and indicate the witness, if any, who was selected by the person  
867 signing the consent or affidavit. The adoption entity must  
868 include its name, address, and telephone number on the consent

869 to adoption or affidavit of nonpaternity.

870 (e) A consent to adoption being executed by the birth  
 871 parent must be in at least 12-point boldfaced type and shall  
 872 contain the following recitation of rights ~~in substantially the~~  
 873 ~~following form:~~

874 CONSENT TO ADOPTION

875  
 876 YOU HAVE THE RIGHT TO SELECT AT LEAST ONE PERSON WHO DOES NOT  
 877 HAVE AN EMPLOYMENT, PROFESSIONAL, OR PERSONAL RELATIONSHIP WITH  
 878 THE ADOPTION ENTITY OR THE PROSPECTIVE ADOPTIVE PARENTS TO BE  
 879 PRESENT WHEN THIS AFFIDAVIT IS EXECUTED AND TO SIGN IT AS A  
 880 WITNESS. YOU MUST ACKNOWLEDGE ON THIS FORM THAT YOU WERE  
 881 NOTIFIED OF THIS RIGHT AND YOU MUST INDICATE THE WITNESS OR  
 882 WITNESSES YOU SELECTED, IF ANY.

883  
 884 YOU DO NOT HAVE TO SIGN THIS CONSENT FORM. YOU MAY DO ANY OF THE  
 885 FOLLOWING INSTEAD OF SIGNING THIS CONSENT OR BEFORE SIGNING THIS  
 886 CONSENT:

- 887
- 888 1. CONSULT WITH AN ATTORNEY;
  - 889 2. HOLD, CARE FOR, AND FEED THE CHILD UNLESS OTHERWISE  
 890 LEGALLY PROHIBITED;
  - 891 3. PLACE THE CHILD IN FOSTER CARE OR WITH ANY FRIEND OR  
 892 FAMILY MEMBER YOU CHOOSE WHO IS WILLING TO CARE FOR THE  
 893 CHILD;
  - 894 4. TAKE THE CHILD HOME UNLESS OTHERWISE LEGALLY  
 895 PROHIBITED; AND
  - 896 5. FIND OUT ABOUT THE COMMUNITY RESOURCES THAT ARE



897 AVAILABLE TO YOU IF YOU DO NOT GO THROUGH WITH THE  
 898 ADOPTION.  
 899  
 900 IF YOU DO SIGN THIS CONSENT, YOU ARE GIVING UP ALL RIGHTS TO  
 901 YOUR CHILD. YOUR CONSENT IS VALID, BINDING, AND IRREVOCABLE  
 902 EXCEPT UNDER SPECIFIC LEGAL CIRCUMSTANCES. IF YOU ARE GIVING UP  
 903 YOUR RIGHTS TO A NEWBORN CHILD WHO IS TO BE IMMEDIATELY PLACED  
 904 FOR ADOPTION UPON THE CHILD'S RELEASE FROM A LICENSED HOSPITAL  
 905 OR BIRTH CENTER FOLLOWING BIRTH, A WAITING PERIOD WILL BE  
 906 IMPOSED UPON THE BIRTH MOTHER BEFORE SHE MAY SIGN THE CONSENT  
 907 FOR ADOPTION. A BIRTH MOTHER MUST WAIT 48 HOURS FROM THE TIME OF  
 908 BIRTH, OR UNTIL THE DAY THE BIRTH MOTHER HAS BEEN NOTIFIED IN  
 909 WRITING, EITHER ON HER PATIENT CHART OR IN RELEASE PAPERS, THAT  
 910 SHE IS FIT TO BE RELEASED FROM A LICENSED HOSPITAL OR BIRTH  
 911 CENTER, WHICHEVER IS SOONER, BEFORE THE CONSENT FOR ADOPTION MAY  
 912 BE EXECUTED. ANY MAN MAY EXECUTE A CONSENT AT ANY TIME AFTER THE  
 913 BIRTH OF THE CHILD. ONCE YOU HAVE SIGNED THE CONSENT, IT IS  
 914 VALID, BINDING, AND IRREVOCABLE AND CANNOT BE INVALIDATED  
 915 ~~WITHDRAWN~~ UNLESS A COURT FINDS THAT IT WAS OBTAINED BY FRAUD OR  
 916 DURESS.

917  
 918 IF YOU BELIEVE THAT YOUR CONSENT WAS OBTAINED BY FRAUD OR DURESS  
 919 AND YOU WISH TO INVALIDATE ~~REVOKE~~ THAT CONSENT, YOU MUST:

- 921 1. NOTIFY THE ADOPTION ENTITY, BY WRITING A LETTER, THAT
- 922 YOU WISH TO WITHDRAW YOUR CONSENT; AND
- 923 2. PROVE IN COURT THAT THE CONSENT WAS OBTAINED BY FRAUD
- 924 OR DURESS.

925  
926 This statement of rights is not required for the adoption of a  
927 relative, an adult, a stepchild, or a child older than 6 months  
928 of age. A consent form for the adoption of a child older than 6  
929 months of age at the time of the execution of consent must  
930 contain a statement outlining the revocation rights provided in  
931 paragraph (c).

932 (6) (a) If a parent executes a consent for placement of a  
933 minor with an adoption entity or qualified prospective adoptive  
934 parents and the minor child is in the custody of the department,  
935 but parental rights have not yet been terminated, the adoption  
936 consent is valid, binding, and enforceable by the court.

937 (b) Upon execution of the consent of the parent, the  
938 adoption entity shall be permitted to ~~may~~ intervene in the  
939 dependency case as a party in interest and must provide the  
940 court that acquired ~~having~~ jurisdiction over the minor, pursuant  
941 to the shelter or dependency petition filed by the department, a  
942 copy of the preliminary home study of the prospective adoptive  
943 parents and any other evidence of the suitability of the  
944 placement. The preliminary home study must be maintained with  
945 strictest confidentiality within the dependency court file and  
946 the department's file. A preliminary home study must be provided  
947 to the court in all cases in which an adoption entity has  
948 intervened pursuant to this section. Unless the court has  
949 concerns regarding the qualifications of the home study  
950 provider, or concerns that the home study may not be adequate to  
951 determine the best interests of the child, the home study  
952 provided by the adoption entity shall be deemed to be sufficient

953 and no additional home study needs to be performed by the  
954 department.

955 (c) If an adoption entity files a motion to intervene in  
956 the dependency case in accordance with this chapter, the  
957 dependency court shall promptly grant a hearing to determine  
958 whether the adoption entity has filed the required documents to  
959 be permitted to intervene and whether a change of placement of  
960 the child is appropriate.

961 (d)~~(e)~~ Upon a determination by the court that the  
962 prospective adoptive parents are properly qualified to adopt the  
963 minor child and that the adoption appears to be in the best  
964 interests ~~interest~~ of the minor child, the court shall  
965 immediately order the transfer of custody of the minor child to  
966 the prospective adoptive parents, under the supervision of the  
967 adoption entity. The adoption entity shall thereafter provide  
968 monthly supervision reports to the department until finalization  
969 of the adoption. If the child has been determined to be  
970 dependent by the court, the department shall provide information  
971 to the prospective adoptive parents at the time they receive  
972 placement of the dependent child regarding approved parent  
973 training classes available within the community. The department  
974 shall file with the court an acknowledgement of the parent's  
975 receipt of the information regarding approved parent training  
976 classes available within the community.

977 (e)~~(d)~~ In determining whether the best interests ~~interest~~  
978 of the child are ~~is~~ served by transferring the custody of the  
979 minor child to the prospective adoptive parent selected by the  
980 parent, the court shall consider the rights of the parent to

981 determine an appropriate placement for the child, the permanency  
982 offered, the child's bonding with any potential adoptive home  
983 that the child has been residing in, and the importance of  
984 maintaining sibling relationships, if possible.

985 (f) The adoption entity shall be responsible for keeping  
986 the dependency court informed of the status of the adoption  
987 proceedings at least every 90 days from the date of the order  
988 changing placement of the child until the date of finalization  
989 of the adoption.

990 (g) In all dependency proceedings, after it is determined  
991 that reunification is not a viable alternative and prior to the  
992 filing of a petition for termination of parental rights, the  
993 court shall advise the biological parent who is a party to the  
994 case of the right to participate in a private adoption plan.

995 (7) If a person is seeking to revoke ~~withdraw~~ consent for  
996 a child older than 6 months of age ~~who has been placed with~~  
997 ~~prospective adoptive parents:~~

998 (a) The person seeking to revoke ~~withdraw~~ consent must, in  
999 accordance with paragraph (4)(c), notify the adoption entity in  
1000 writing by certified mail, return receipt requested, within 3  
1001 business days after execution of the consent. As used in this  
1002 subsection, the term "business day" means any day on which the  
1003 United States Postal Service accepts certified mail for  
1004 delivery.

1005 (b) Upon receiving timely written notice from a person  
1006 whose consent to adoption is required of that person's desire to  
1007 revoke ~~withdraw~~ consent, the adoption entity must contact the  
1008 prospective adoptive parent to arrange a time certain for the

1009 adoption entity to regain physical custody of the minor, unless,  
1010 upon a motion for emergency hearing by the adoption entity, the  
1011 court determines in written findings that placement of the minor  
1012 with the person who had legal or physical custody of the child  
1013 immediately before the child was placed for adoption may  
1014 endanger the minor or that the person who desires to revoke  
1015 ~~withdraw~~ consent is not required to consent to the adoption, has  
1016 been determined to have abandoned the child, or is otherwise  
1017 subject to a determination that the person's consent is waived  
1018 under this chapter.

1019 (c) If the court finds that the placement may endanger the  
1020 minor, the court shall enter an order continuing the placement  
1021 of the minor with the prospective adoptive parents pending  
1022 further proceedings if they desire continued placement. If the  
1023 prospective adoptive parents do not desire continued placement,  
1024 the order must include, but need not be limited to, a  
1025 determination of whether temporary placement in foster care,  
1026 with the person who had legal or physical custody of the child  
1027 immediately before placing the child for adoption, or with a  
1028 relative is in the best interests ~~interest~~ of the child and  
1029 whether an investigation by the department is recommended.

1030 (d) If the person revoking ~~withdrawing~~ consent claims to  
1031 be the father of the minor but has not been established to be  
1032 the father by marriage, court order, or scientific testing, the  
1033 court may order scientific paternity testing and reserve ruling  
1034 on removal of the minor until the results of such testing have  
1035 been filed with the court.

1036 (e) The adoption entity must return the minor within 3

1037 business days after timely and proper notification of the  
 1038 revocation ~~withdrawal~~ of consent or after the court determines  
 1039 that revocation ~~withdrawal~~ is timely and in accordance with the  
 1040 requirements of this chapter ~~valid and binding~~ upon  
 1041 consideration of an emergency motion, as filed pursuant to  
 1042 paragraph (b), to the physical custody of the person revoking  
 1043 ~~withdrawing~~ consent or the person directed by the court. If the  
 1044 person seeking to revoke ~~withdraw~~ consent claims to be the  
 1045 father of the minor but has not been established to be the  
 1046 father by marriage, court order, or scientific testing, the  
 1047 adoption entity may return the minor to the care and custody of  
 1048 the mother, if she desires such placement and she is not  
 1049 otherwise prohibited by law from having custody of the child.

1050 (f) Following the revocation period ~~for withdrawal of~~  
 1051 ~~consent~~ described in paragraph (a), ~~or the placement of the~~  
 1052 ~~child with the prospective adoptive parents, whichever occurs~~  
 1053 ~~later~~, consent may be set aside ~~withdrawn~~ only when the court  
 1054 finds that the consent was obtained by fraud or duress.

1055 (g) An affidavit of nonpaternity may be set aside  
 1056 ~~withdrawn~~ only if the court finds that the affidavit was  
 1057 obtained by fraud or duress.

1058 (h) If the consent of one parent is set aside or revoked  
 1059 in accordance with this chapter, any other consents executed by  
 1060 the other parent or a third party whose consent is required for  
 1061 the adoption of the child may not be used by the parent who  
 1062 consent was revoked or set aside to terminate or diminish the  
 1063 rights of the other parent or third party whose consent was  
 1064 required for the adoption of the child.

1065 Section 14. Subsection (1) and paragraph (a) of subsection  
 1066 (2) of section 63.085, Florida Statutes, are amended, and  
 1067 paragraph (c) is added to subsection (2) of that section, to  
 1068 read:

1069 63.085 Disclosure by adoption entity.—

1070 (1) DISCLOSURE REQUIRED TO PARENTS AND PROSPECTIVE  
 1071 ADOPTIVE PARENTS.—Within 14 days after a person seeking to adopt  
 1072 a minor or a person seeking to place a minor for adoption  
 1073 contacts an adoption entity in person or provides the adoption  
 1074 entity with a mailing address, the entity must provide a written  
 1075 disclosure statement to that person if the entity agrees or  
 1076 continues to work with the person. The adoption entity shall  
 1077 also provide the written disclosure to the parent who did not  
 1078 initiate contact with the adoption entity within 14 days after  
 1079 that parent is identified and located. For purposes of providing  
 1080 the written disclosure, a person is considered to be seeking to  
 1081 place a minor for adoption if that person has sought information  
 1082 or advice from the adoption entity regarding the option of  
 1083 adoptive placement. The written disclosure statement must be in  
 1084 substantially the following form:

1085  
 1086 ADOPTION DISCLOSURE  
 1087 THE STATE OF FLORIDA REQUIRES THAT THIS FORM BE PROVIDED TO ALL  
 1088 PERSONS CONSIDERING ADOPTING A MINOR OR SEEKING TO PLACE A MINOR  
 1089 FOR ADOPTION, TO ADVISE THEM OF THE FOLLOWING FACTS REGARDING  
 1090 ADOPTION UNDER FLORIDA LAW:

1091  
 1092 1. The name, address, and telephone number of the adoption

1093 entity providing this disclosure is:

1094 Name:

1095 Address:

1096 Telephone Number:

1097 2. The adoption entity does not provide legal  
 1098 representation or advice to parents or anyone signing a consent  
 1099 for adoption or affidavit of nonpaternity, and parents have the  
 1100 right to consult with an attorney of their own choosing to  
 1101 advise them.

1102 3. With the exception of an adoption by a stepparent or  
 1103 relative, a child cannot be placed into a prospective adoptive  
 1104 home unless the prospective adoptive parents have received a  
 1105 favorable preliminary home study, including criminal and child  
 1106 abuse clearances.

1107 4. A valid consent for adoption may not be signed by the  
 1108 birth mother until 48 hours after the birth of the child, or the  
 1109 day the birth mother is notified, in writing, that she is fit  
 1110 for discharge from the licensed hospital or birth center. Any  
 1111 man may sign a valid consent for adoption at any time after the  
 1112 birth of the child.

1113 5. A consent for adoption signed before the child attains  
 1114 the age of 6 months is binding and irrevocable from the moment  
 1115 it is signed unless it can be proven in court that the consent  
 1116 was obtained by fraud or duress. A consent for adoption signed  
 1117 after the child attains the age of 6 months is valid from the  
 1118 moment it is signed; however, it may be revoked up to 3 business  
 1119 days after it was signed.

1120 6. A consent for adoption is not valid if the signature of



1121 the person who signed the consent was obtained by fraud or  
1122 duress.

1123 7. An unmarried biological father must act immediately in  
1124 order to protect his parental rights. Section 63.062, Florida  
1125 Statutes, prescribes that any father seeking to establish his  
1126 right to consent to the adoption of his child must file a claim  
1127 of paternity with the Florida Putative Father Registry  
1128 maintained by the Office of Vital Statistics of the Department  
1129 of Health by the date a petition to terminate parental rights is  
1130 filed with the court, or within 30 days after receiving service  
1131 of a Notice of Intended Adoption Plan. If he receives a Notice  
1132 of Intended Adoption Plan, he must file a claim of paternity  
1133 with the Florida Putative Father Registry, file a parenting plan  
1134 with the court, and provide financial support to the mother or  
1135 child within 30 days following service. An unmarried biological  
1136 father's failure to timely respond to a Notice of Intended  
1137 Adoption Plan constitutes an irrevocable legal waiver of any and  
1138 all rights that the father may have to the child. A claim of  
1139 paternity registration form for the Florida Putative Father  
1140 Registry may be obtained from any local office of the Department  
1141 of Health, Office of Vital Statistics, the Department of  
1142 Children and Families, the Internet websites for these agencies,  
1143 and the offices of the clerks of the Florida circuit courts. The  
1144 claim of paternity form must be submitted to the Office of Vital  
1145 Statistics, Attention: Adoption Unit, P.O. Box 210,  
1146 Jacksonville, FL 32231.

1147 8. There are alternatives to adoption, including foster  
1148 care, relative care, and parenting the child. There may be

1149 services and sources of financial assistance in the community  
 1150 available to parents if they choose to parent the child.

1151 9. A parent has the right to have a witness of his or her  
 1152 choice, who is unconnected with the adoption entity or the  
 1153 adoptive parents, to be present and witness the signing of the  
 1154 consent or affidavit of nonpaternity.

1155 10. A parent 14 years of age or younger must have a  
 1156 parent, legal guardian, or court-appointed guardian ad litem to  
 1157 assist and advise the parent as to the adoption plan and to  
 1158 witness consent.

1159 11. A parent has a right to receive supportive counseling  
 1160 from a counselor, social worker, physician, clergy, or attorney.

1161 12. The payment of living or medical expenses by the  
 1162 prospective adoptive parents before the birth of the child does  
 1163 not, in any way, obligate the parent to sign the consent for  
 1164 adoption.

1165 (2) DISCLOSURE TO ADOPTIVE PARENTS.—

1166 (a) At the time that an adoption entity is responsible for  
 1167 selecting prospective adoptive parents for a born or unborn  
 1168 child whose parents are seeking to place the child for adoption  
 1169 or whose rights were terminated pursuant to chapter 39, the  
 1170 adoption entity must provide the prospective adoptive parents  
 1171 with information concerning the background of the child to the  
 1172 extent such information is disclosed to the adoption entity by  
 1173 the parents, legal custodian, or the department. This subsection  
 1174 applies only if the adoption entity identifies the prospective  
 1175 adoptive parents and supervises the ~~physical~~ placement of the  
 1176 child in the prospective adoptive parents' home. If any

1177 information cannot be disclosed because the records custodian  
1178 failed or refused to produce the background information, the  
1179 adoption entity has a duty to provide the information if it  
1180 becomes available. An individual or entity contacted by an  
1181 adoption entity to obtain the background information must  
1182 release the requested information to the adoption entity without  
1183 the necessity of a subpoena or a court order. In all cases, the  
1184 prospective adoptive parents must receive all available  
1185 information by the date of the final hearing on the petition for  
1186 adoption. The information to be disclosed includes:

- 1187 1. A family social and medical history form completed  
1188 pursuant to s. 63.162(6).
- 1189 2. The biological mother's medical records documenting her  
1190 prenatal care and the birth and delivery of the child.
- 1191 3. A complete set of the child's medical records  
1192 documenting all medical treatment and care since the child's  
1193 birth and before placement.
- 1194 4. All mental health, psychological, and psychiatric  
1195 records, reports, and evaluations concerning the child before  
1196 placement.
- 1197 5. The child's educational records, including all records  
1198 concerning any special education needs of the child before  
1199 placement.
- 1200 6. Records documenting all incidents that required the  
1201 department to provide services to the child, including all  
1202 orders of adjudication of dependency or termination of parental  
1203 rights issued pursuant to chapter 39, any case plans drafted to  
1204 address the child's needs, all protective services

1205 investigations identifying the child as a victim, and all  
 1206 guardian ad litem reports filed with the court concerning the  
 1207 child.

1208 7. Written information concerning the availability of  
 1209 adoption subsidies for the child, if applicable.

1210 (c) If the prospective adoptive parents waive the receipt  
 1211 of any of the records described in paragraph (a), a copy of the  
 1212 written notification of the waiver to the adoption entity shall  
 1213 be filed with the court.

1214 Section 15. Subsection (6) of section 63.087, Florida  
 1215 Statutes, is amended to read:

1216 63.087 Proceeding to terminate parental rights pending  
 1217 adoption; general provisions.—

1218 (6) ANSWER AND APPEARANCE REQUIRED.—An answer to the  
 1219 petition or any pleading requiring an answer must be filed in  
 1220 accordance with the Florida Family Law Rules of Procedure.  
 1221 Failure to file a written response to the petition constitutes  
 1222 grounds upon which the court may terminate parental rights.  
 1223 Failure to personally appear at the hearing constitutes grounds  
 1224 upon which the court may terminate parental rights. Any person  
 1225 present at the hearing to terminate parental rights pending  
 1226 adoption whose consent to adoption is required under s. 63.062  
 1227 must:

1228 (a) Be advised by the court that he or she has a right to  
 1229 ask that the hearing be reset for a later date so that the  
 1230 person may consult with an attorney; and

1231 (b) Be given an opportunity to admit or deny the  
 1232 allegations in the petition.

1233 Section 16. Subsection (4) of section 63.088, Florida  
1234 Statutes, is amended to read:

1235 63.088 Proceeding to terminate parental rights pending  
1236 adoption; notice and service; diligent search.—

1237 (4) REQUIRED INQUIRY.—In proceedings initiated under s.  
1238 63.087, the court shall conduct an inquiry of the person who is  
1239 placing the minor for adoption and of any relative or person  
1240 having legal custody of the minor who is present at the hearing  
1241 and likely to have the following information regarding the  
1242 identity of:

1243 (a) Any man to whom the mother of the minor was married at  
1244 any time when conception of the minor may have occurred or at  
1245 the time of the birth of the minor;

1246 (b) Any man who has filed an affidavit of paternity  
1247 pursuant to s. 382.013(2)(c) before the date that a petition for  
1248 termination of parental rights is filed with the court;

1249 (c) Any man who has adopted the minor;

1250 (d) Any man who has been adjudicated by a court as the  
1251 father of the minor child before the date a petition for  
1252 termination of parental rights is filed with the court; and

1253 (e) Any man whom the mother identified to the adoption  
1254 entity as a potential biological father before the date she  
1255 signed the consent for adoption.

1256

1257 The information sought under this subsection may be provided to  
1258 the court in the form of a sworn affidavit by a person having  
1259 personal knowledge of the facts, addressing each inquiry  
1260 enumerated in this subsection, except that, if the inquiry

1261 identifies a father under paragraph (a), paragraph (b), ~~or~~  
 1262 paragraph (c), or paragraph (d), the inquiry may not continue  
 1263 further. The inquiry required under this subsection may be  
 1264 conducted before the birth of the minor.

1265 Section 17. Paragraph (d) of subsection (3) and  
 1266 subsections (4), (5), and (7) of section 63.089, Florida  
 1267 Statutes, are amended to read:

1268 63.089 Proceeding to terminate parental rights pending  
 1269 adoption; hearing; grounds; dismissal of petition; judgment.—

1270 (3) GROUNDS FOR TERMINATING PARENTAL RIGHTS PENDING  
 1271 ADOPTION.—The court may enter a judgment terminating parental  
 1272 rights pending adoption if the court determines by clear and  
 1273 convincing evidence, supported by written findings of fact, that  
 1274 each person whose consent to adoption is required under s.  
 1275 63.062:

1276 (d) Has been properly served notice of the proceeding in  
 1277 accordance with the requirements of this chapter and has failed  
 1278 to file a written answer or personally appear at the evidentiary  
 1279 hearing resulting in the judgment terminating parental rights  
 1280 pending adoption;

1281 (4) FINDING OF ABANDONMENT.—A finding of abandonment  
 1282 resulting in a termination of parental rights must be based upon  
 1283 clear and convincing evidence that a parent or person having  
 1284 legal custody has abandoned the child in accordance with the  
 1285 definition contained in s. 63.032. A finding of abandonment may  
 1286 also be based upon emotional abuse or a refusal to provide  
 1287 reasonable financial support, when able, to a birth mother  
 1288 during her pregnancy or on whether the person alleged to have

1289 abandoned the child, while being able, failed to establish  
 1290 contact with the child or accept responsibility for the child's  
 1291 welfare.

1292 (a) In making a determination of abandonment at a hearing  
 1293 for termination of parental rights under this chapter, the court  
 1294 shall consider, among other relevant factors not inconsistent  
 1295 with this section:

1296 1. Whether the actions alleged to constitute abandonment  
 1297 demonstrate a willful disregard for the safety or welfare of the  
 1298 child or the unborn child;

1299 2. Whether the person alleged to have abandoned the child,  
 1300 while being able, failed to provide financial support;

1301 3. Whether the person alleged to have abandoned the child,  
 1302 while being able, failed to pay for medical treatment; and

1303 4. Whether the amount of support provided or medical  
 1304 expenses paid was appropriate, taking into consideration the  
 1305 needs of the child and relative means and resources available to  
 1306 the person alleged to have abandoned the child.

1307 (b) The child has been abandoned when the parent of a  
 1308 child is incarcerated on or after October 1, 2001, in a federal,  
 1309 state, or county correctional institution and:

1310 1. The period of time for which the parent has been or is  
 1311 expected to be incarcerated will constitute a significant  
 1312 portion of the child's minority. In determining whether the  
 1313 period of time is significant, the court shall consider the  
 1314 child's age and the child's need for a permanent and stable  
 1315 home. The period of time begins on the date that the parent  
 1316 enters into incarceration;

1317           2. The incarcerated parent has been determined by a court  
 1318 of competent jurisdiction to be a violent career criminal as  
 1319 defined in s. 775.084, a habitual violent felony offender as  
 1320 defined in s. 775.084, convicted of child abuse as defined in s.  
 1321 827.03, or a sexual predator as defined in s. 775.21; has been  
 1322 convicted of first degree or second degree murder in violation  
 1323 of s. 782.04 or a sexual battery that constitutes a capital,  
 1324 life, or first degree felony violation of s. 794.011; or has  
 1325 been convicted of a substantially similar offense in another  
 1326 jurisdiction. As used in this section, the term "substantially  
 1327 similar offense" means any offense that is substantially similar  
 1328 in elements and penalties to one of those listed in this  
 1329 subparagraph, and that is in violation of a law of any other  
 1330 jurisdiction, whether that of another state, the District of  
 1331 Columbia, the United States or any possession or territory  
 1332 thereof, or any foreign jurisdiction; or

1333           3. The court determines by clear and convincing evidence  
 1334 that continuing the parental relationship with the incarcerated  
 1335 parent would be harmful to the child and, for this reason,  
 1336 termination of the parental rights of the incarcerated parent is  
 1337 in the best interests ~~interest~~ of the child.

1338           (5) DISMISSAL OF PETITION.—If the court does not find by  
 1339 clear and convincing evidence that parental rights of a parent  
 1340 should be terminated pending adoption, the court must dismiss  
 1341 the petition and that parent's parental rights that were the  
 1342 subject of such petition shall remain in full force under the  
 1343 law. The order must include written findings in support of the  
 1344 dismissal, including findings as to the criteria in subsection



1345 (4) if rejecting a claim of abandonment.

1346 (a) Parental rights may not be terminated based upon a  
 1347 consent that the court finds has been timely revoked ~~withdrawn~~  
 1348 under s. 63.082 or a consent to adoption or affidavit of  
 1349 nonpaternity that the court finds was obtained by fraud or  
 1350 duress.

1351 (b) The court must enter an order based upon written  
 1352 findings providing for the placement of the minor, but the court  
 1353 may not proceed to determine custody between competing eligible  
 1354 parties. The placement of the child should revert to the parent  
 1355 or guardian who had physical custody of the child at the time of  
 1356 the placement for adoption unless the court determines upon  
 1357 clear and convincing evidence that this placement is not in the  
 1358 best interests of the child or is not an available option for  
 1359 the child. The court may not change the placement of a child who  
 1360 has established a bonded relationship with the current caregiver  
 1361 without providing for a reasonable transition plan consistent  
 1362 with the best interests of the child. The court may direct the  
 1363 parties to participate in a reunification or unification plan  
 1364 with a qualified professional to assist the child in the  
 1365 transition. The court may order scientific testing to determine  
 1366 the paternity of the minor only if the court has determined that  
 1367 the consent of the alleged father would be required, unless all  
 1368 parties agree that such testing is in the best interests of the  
 1369 child. The court may not order scientific testing to determine  
 1370 paternity of an unmarried biological father if the child has a  
 1371 father as described in s. 63.088(4)(a)-(d) whose rights have not  
 1372 been previously terminated at any time during which the court

1373 ~~has jurisdiction over the minor.~~ Further proceedings, if any,  
1374 regarding the minor must be brought in a separate custody action  
1375 under chapter 61, a dependency action under chapter 39, or a  
1376 paternity action under chapter 742.

1377 (7) RELIEF FROM JUDGMENT TERMINATING PARENTAL RIGHTS.—

1378 (a) A motion for relief from a judgment terminating  
1379 parental rights must be filed with the court originally entering  
1380 the judgment. The motion must be filed within a reasonable time,  
1381 but not later than 1 year after the entry of the judgment. An  
1382 unmarried biological father does not have standing to seek  
1383 relief from a judgment terminating parental rights if the mother  
1384 did not identify him to the adoption entity before the date she  
1385 signed a consent for adoption or if he was not located because  
1386 the mother failed or refused to provide sufficient information  
1387 to locate him.

1388 (b) No later than 30 days after the filing of a motion  
1389 under this subsection, the court must conduct a preliminary  
1390 hearing to determine what contact, if any, shall be permitted  
1391 between a parent and the child pending resolution of the motion.  
1392 Such contact shall be considered only if it is requested by a  
1393 parent who has appeared at the hearing and may not be awarded  
1394 unless the parent previously established a bonded relationship  
1395 with the child and the parent has pled a legitimate legal basis  
1396 and established a prima facia case for setting aside the  
1397 judgment terminating parental rights. If the court orders  
1398 contact between a parent and child, the order must be issued in  
1399 writing as expeditiously as possible and must state with  
1400 specificity any provisions regarding contact with persons other

1401 than those with whom the child resides.

1402 (c) At the preliminary hearing, the court, upon the motion  
1403 of any party or upon its own motion, may order scientific  
1404 testing to determine the paternity of the minor if the person  
1405 seeking to set aside the judgment is alleging to be the child's  
1406 father and that fact has not previously been determined by  
1407 legitimacy or scientific testing. The court may order visitation  
1408 with a person for whom scientific testing for paternity has been  
1409 ordered and who has previously established a bonded relationship  
1410 with the child.

1411 (d) Unless otherwise agreed between the parties or for  
1412 good cause shown, the court shall conduct a final hearing on the  
1413 motion for relief from judgment within 45 days after the filing  
1414 and enter its written order as expeditiously as possible  
1415 thereafter.

1416 (e) If the court grants relief from the judgment  
1417 terminating parental rights and no new pleading is filed to  
1418 terminate parental rights, the placement of the child should  
1419 revert to the parent or guardian who had physical custody of the  
1420 child at the time of the original placement for adoption unless  
1421 the court determines upon clear and convincing evidence that  
1422 this placement is not in the best interests of the child or is  
1423 not an available option for the child. The court may not change  
1424 the placement of a child who has established a bonded  
1425 relationship with the current caregiver without providing for a  
1426 reasonable transition plan consistent with the best interests of  
1427 the child. The court may direct the parties to participate in a  
1428 reunification or unification plan with a qualified professional

1429 to assist the child in the transition. The court may not direct  
1430 the placement of a child with a person other than the adoptive  
1431 parents without first obtaining a favorable home study of that  
1432 person and any other persons residing in the proposed home and  
1433 shall take whatever additional steps are necessary and  
1434 appropriate for the physical and emotional protection of the  
1435 child.

1436 Section 18. Subsection (3) of section 63.092, Florida  
1437 Statutes, is amended to read:

1438 63.092 Report to the court of intended placement by an  
1439 adoption entity; at-risk placement; preliminary study.—

1440 (3) PRELIMINARY HOME STUDY.—Before placing the minor in  
1441 the intended adoptive home, a preliminary home study must be  
1442 performed by a licensed child-placing agency, a child-caring  
1443 agency registered under s. 409.176, a licensed professional, or  
1444 agency described in s. 61.20(2), unless the adoptee is an adult  
1445 or the petitioner is a stepparent or a relative. If the adoptee  
1446 is an adult or the petitioner is a stepparent or a relative, a  
1447 preliminary home study may be required by the court for good  
1448 cause shown. The department is required to perform the  
1449 preliminary home study only if there is no licensed child-  
1450 placing agency, child-caring agency registered under s. 409.176,  
1451 licensed professional, or agency described in s. 61.20(2), in  
1452 the county where the prospective adoptive parents reside. The  
1453 preliminary home study must be made to determine the suitability  
1454 of the intended adoptive parents and may be completed prior to  
1455 identification of a prospective adoptive minor. A favorable  
1456 preliminary home study is valid for 1 year after the date of its

1457 completion. Upon its completion, a signed copy of the home study  
1458 must be provided to the intended adoptive parents who were the  
1459 subject of the home study. A minor may not be placed in an  
1460 intended adoptive home before a favorable preliminary home study  
1461 is completed unless the adoptive home is also a licensed foster  
1462 home under s. 409.175. The preliminary home study must include,  
1463 at a minimum:

- 1464 (a) An interview with the intended adoptive parents;
- 1465 (b) Records checks of the department's central abuse  
1466 registry and criminal records correspondence checks under s.  
1467 39.0138 through the Department of Law Enforcement on the  
1468 intended adoptive parents;
- 1469 (c) An assessment of the physical environment of the home;
- 1470 (d) A determination of the financial security of the  
1471 intended adoptive parents;
- 1472 (e) Documentation of counseling and education of the  
1473 intended adoptive parents on adoptive parenting;
- 1474 (f) Documentation that information on adoption and the  
1475 adoption process has been provided to the intended adoptive  
1476 parents;
- 1477 (g) Documentation that information on support services  
1478 available in the community has been provided to the intended  
1479 adoptive parents; and
- 1480 (h) A copy of each signed acknowledgment of receipt of  
1481 disclosure required by s. 63.085.

1482 If the preliminary home study is favorable, a minor may be  
1483 placed in the home pending entry of the judgment of adoption. A  
1484 minor may not be placed in the home if the preliminary home

1485 study is unfavorable. If the preliminary home study is  
 1486 unfavorable, the adoption entity may, within 20 days after  
 1487 receipt of a copy of the written recommendation, petition the  
 1488 court to determine the suitability of the intended adoptive  
 1489 home. A determination as to suitability under this subsection  
 1490 does not act as a presumption of suitability at the final  
 1491 hearing. In determining the suitability of the intended adoptive  
 1492 home, the court must consider the totality of the circumstances  
 1493 in the home. A ~~No~~ minor may not be placed in a home in which  
 1494 there resides any person determined by the court to be a sexual  
 1495 predator as defined in s. 775.21 or to have been convicted of an  
 1496 offense listed in s. 63.089(4)(b)2.

1497 Section 19. Subsection (7) is added to section 63.097,  
 1498 Florida Statutes, to read:

1499 63.097 Fees.—

1500 (7) In determining reasonable attorney fees, courts shall  
 1501 use the following criteria:

1502 (a) The time and labor required, the novelty and  
 1503 difficulty of the question involved, and the skill requisite to  
 1504 perform the legal service properly.

1505 (b) The likelihood, if apparent to the client, that the  
 1506 acceptance of the particular employment will preclude other  
 1507 employment by the attorney.

1508 (c) The fee customarily charged in the locality for  
 1509 similar legal services.

1510 (d) The amount involved in the subject matter of the  
 1511 representation, the responsibility involved in the  
 1512 representation, and the results obtained.

1513       (e) The time limitations imposed by the client or by the  
 1514 circumstances and, as between attorney and client, any  
 1515 additional or special time demands or requests of the attorney  
 1516 by the client.

1517       (f) The nature and length of the professional relationship  
 1518 with the client.

1519       (g) The experience, reputation, diligence, and ability of  
 1520 the attorney or attorneys performing the service and the skill,  
 1521 expertise, or efficiency of effort reflected in the actual  
 1522 providing of such services.

1523       (h) Whether the fee is fixed or contingent.

1524       Section 20. Section 63.152, Florida Statutes, is amended  
 1525 to read:

1526       63.152 Application for new birth record.—Within 30 days  
 1527 after entry of a judgment of adoption, the clerk of the court or  
 1528 the adoption entity shall transmit a certified statement of the  
 1529 entry to the state registrar of vital statistics on a form  
 1530 provided by the registrar. A new birth record containing the  
 1531 necessary information supplied by the certificate shall be  
 1532 issued by the registrar on application of the adopting parents  
 1533 or the adopted person.

1534       Section 21. Subsection (7) of section 63.162, Florida  
 1535 Statutes, is amended to read:

1536       63.162 Hearings and records in adoption proceedings;  
 1537 confidential nature.—

1538       (7) The court may, upon petition of an adult adoptee or  
 1539 birth parent, for good cause shown, appoint an intermediary or a  
 1540 licensed child-placing agency to contact a birth parent or adult

1541 adoptee, as applicable, who has not registered with the adoption  
 1542 registry pursuant to s. 63.165 and advise both ~~them~~ of the  
 1543 availability of the intermediary or agency and that the birth  
 1544 parent or adult adoptee, as applicable, wishes to establish  
 1545 contact ~~same~~.

1546 Section 22. Paragraph (c) of subsection (2) of section  
 1547 63.167, Florida Statutes, is amended to read:

1548 63.167 State adoption information center.—

1549 (2) The functions of the state adoption information center  
 1550 shall include:

1551 (c) Operating a toll-free telephone number to provide  
 1552 information and referral services. The state adoption  
 1553 information center shall provide contact information for all  
 1554 adoption entities in the caller's county or, if no adoption  
 1555 entities are located in the caller's county, the number of the  
 1556 nearest adoption entity when contacted for a referral to make an  
 1557 adoption plan and shall rotate the order in which the names of  
 1558 adoption entities are provided to callers.

1559 Section 23. Subsection (1) of section 63.202, Florida  
 1560 Statutes, is amended to read:

1561 63.202 Authority to license; adoption of rules.—

1562 (1) The Department of Children and Family Services is  
 1563 authorized and empowered to license child placement ~~welfare~~  
 1564 agencies that it determines to be qualified to place minors for  
 1565 adoption.

1566 Section 24. Paragraph (g) of subsection (1) and  
 1567 subsections (2) and (8) of section 63.212, Florida Statutes, are  
 1568 amended to read:



1569           63.212 Prohibited acts; penalties for violation.—  
 1570           (1) It is unlawful for any person:  
 1571           (g) Except an adoption entity, to advertise or offer to  
 1572 the public, in any way, by any medium whatever that a minor is  
 1573 available for adoption or that a minor is sought for adoption;  
 1574 and, further, it is unlawful for any person to publish or  
 1575 broadcast any such advertisement or assist an unlicensed person  
 1576 or entity in publishing or broadcasting any such advertisement  
 1577 without including a Florida license number of the agency or  
 1578 attorney placing the advertisement.  
 1579           1. Only a person who is an attorney licensed to practice  
 1580 law in this state or an adoption entity licensed under the laws  
 1581 of this state may place a paid advertisement or paid listing of  
 1582 the person's telephone number, on the person's own behalf, in a  
 1583 telephone directory that:  
 1584           a. A child is offered or wanted for adoption; or  
 1585           b. The person is able to place, locate, or receive a child  
 1586 for adoption.  
 1587           2. A person who publishes a telephone directory that is  
 1588 distributed in this state:  
 1589           a. Shall include, at the beginning of any classified  
 1590 heading for adoption and adoption services, a statement that  
 1591 informs directory users that only attorneys licensed to practice  
 1592 law in this state and licensed adoption entities may legally  
 1593 provide adoption services under state law.  
 1594           b. May publish an advertisement described in subparagraph  
 1595 1. in the telephone directory only if the advertisement contains  
 1596 the following:

1597        (I) For an attorney licensed to practice law in this  
 1598 state, the person's Florida Bar number.

1599        (II) For a child placing agency licensed under the laws of  
 1600 this state, the number on the person's adoption entity license.

1601        (2) Any person who is a birth mother, or a woman who holds  
 1602 herself out to be a birth mother, who is interested in making an  
 1603 adoption plan and who knowingly or intentionally benefits from  
 1604 the payment of adoption-related expenses in connection with that  
 1605 adoption plan commits adoption deception if:

1606        (a) The person knows or should have known that the person  
 1607 is not pregnant at the time the sums were requested or received;

1608        (b) The person accepts living expenses assistance from a  
 1609 prospective adoptive parent or adoption entity without  
 1610 disclosing that she is receiving living expenses assistance from  
 1611 another prospective adoptive parent or adoption entity at the  
 1612 same time in an effort to adopt the same child; or

1613        (c) The person knowingly makes false representations to  
 1614 induce the payment of living expenses and does not intend to  
 1615 make an adoptive placement. It is unlawful for:

1616        ~~(a) Any person or adoption entity under this chapter to:~~

1617        ~~1. Knowingly provide false information; or~~

1618        ~~2. Knowingly withhold material information.~~

1619        ~~(b) A parent, with the intent to defraud, to accept~~  
 1620 ~~benefits related to the same pregnancy from more than one~~  
 1621 ~~adoption entity without disclosing that fact to each entity.~~

1622  
 1623 Any person who willfully commits adoption deception ~~violates any~~  
 1624 ~~provision of this subsection~~ commits a misdemeanor of the second

1625 degree, punishable as provided in s. 775.082 or s. 775.083, if  
1626 the sums received by the birth mother or woman holding herself  
1627 out to be a birth mother do not exceed \$300, and a felony of the  
1628 third degree, punishable as provided in s. 775.082, s. 775.083,  
1629 or s. 775.084, if the sums received by the birth mother or woman  
1630 holding herself out to be a birth mother exceed \$300. In  
1631 addition, the person is liable for damages caused by such acts  
1632 or omissions, including reasonable attorney ~~attorney's~~ fees and  
1633 costs incurred by the adoption entity or the prospective  
1634 adoptive parent. Damages may be awarded through restitution in  
1635 any related criminal prosecution or by filing a separate civil  
1636 action.

1637 (8) Unless otherwise indicated, a person who willfully and  
1638 with criminal intent violates any provision of this section,  
1639 excluding paragraph (1)(g), commits a felony of the third  
1640 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
1641 775.084. A person who willfully and with criminal intent  
1642 violates paragraph (1)(g) commits a misdemeanor of the second  
1643 degree, punishable as provided in s. 775.083; and each day of  
1644 continuing violation shall be considered a separate offense. In  
1645 addition, any person who knowingly publishes or assists with the  
1646 publication of any advertisement or other publication which  
1647 violates the requirements of paragraph (1)(g) commits a  
1648 misdemeanor of the second degree, punishable as provided in s.  
1649 775.083, and may be required to pay a fine of up to \$150 per day  
1650 for each day of continuing violation.

1651 Section 25. Paragraph (b) of subsection (1), paragraphs  
1652 (a) and (e) of subsection (2), and paragraphs (b), (h), and (i)

1653 of subsection (6) of section 63.213, Florida Statutes, are  
 1654 amended to read:

1655 63.213 Preplanned adoption agreement.—

1656 (1) Individuals may enter into a preplanned adoption  
 1657 arrangement as specified in this section, but such arrangement  
 1658 may not in any way:

1659 (b) Constitute consent of a mother to place her biological  
 1660 child for adoption until 48 hours after the ~~following~~ birth of  
 1661 the child and unless the court making the custody determination  
 1662 or approving the adoption determines that the mother was aware  
 1663 of her right to rescind within the 48-hour period after the  
 1664 ~~following~~ birth of the child but chose not to rescind such  
 1665 consent. The volunteer mother's right to rescind her consent in  
 1666 a preplanned adoption applies only when the child is genetically  
 1667 related to her.

1668 (2) A preplanned adoption agreement must include, but need  
 1669 not be limited to, the following terms:

1670 (a) That the volunteer mother agrees to become pregnant by  
 1671 the fertility technique specified in the agreement, to bear the  
 1672 child, and to terminate any parental rights and responsibilities  
 1673 to the child she might have through a written consent executed  
 1674 at the same time as the preplanned adoption agreement, subject  
 1675 to a right of rescission by the volunteer mother any time within  
 1676 48 hours after the birth of the child, if the volunteer mother  
 1677 is genetically related to the child.

1678 (e) That the intended father and intended mother  
 1679 acknowledge that they may not receive custody or the parental  
 1680 rights under the agreement if the volunteer mother terminates

1681 the agreement or if the volunteer mother rescinds her consent to  
 1682 place her child for adoption within 48 hours after the birth of  
 1683 the child, if the volunteer mother is genetically related to the  
 1684 child.

1685 (6) As used in this section, the term:

1686 (b) "Child" means the child or children conceived by means  
 1687 of a fertility technique ~~an insemination~~ that is part of a  
 1688 preplanned adoption arrangement.

1689 (h) "Preplanned adoption arrangement" means the  
 1690 arrangement through which the parties enter into an agreement  
 1691 for the volunteer mother to bear the child, for payment by the  
 1692 intended father and intended mother of the expenses allowed by  
 1693 this section, for the intended father and intended mother to  
 1694 assert full parental rights and responsibilities to the child if  
 1695 consent to adoption is not rescinded after birth by a the  
 1696 volunteer mother who is genetically related to the child, and  
 1697 for the volunteer mother to terminate, subject to any ~~a~~ right of  
 1698 rescission, all her parental rights and responsibilities to the  
 1699 child in favor of the intended father and intended mother.

1700 (i) "Volunteer mother" means a female at least 18 years of  
 1701 age who voluntarily agrees, subject to a right of rescission if  
 1702 it is her biological child, that if she should become pregnant  
 1703 pursuant to a preplanned adoption arrangement, she will  
 1704 terminate her parental rights and responsibilities to the child  
 1705 in favor of the intended father and intended mother.

1706 Section 26. Section 63.222, Florida Statutes, is amended  
 1707 to read:

1708 63.222 Effect on prior adoption proceedings.—Any adoption

1709 made before July 1, 2012, is ~~the effective date of this act~~  
 1710 ~~shall be~~ valid, and any proceedings pending on that ~~the~~  
 1711 ~~effective date and any subsequent amendments thereto of this act~~  
 1712 are not affected thereby unless the amendment is designated as a  
 1713 remedial provision.

1714 Section 27. Section 63.2325, Florida Statutes, is amended  
 1715 to read:

1716 63.2325 Conditions for invalidation ~~revocation~~ of a  
 1717 consent to adoption or affidavit of nonpaternity.—  
 1718 Notwithstanding the requirements of this chapter, a failure to  
 1719 meet any of those requirements does not constitute grounds for  
 1720 invalidation ~~revocation~~ of a consent to adoption or revocation  
 1721 ~~withdrawal~~ of an affidavit of nonpaternity unless the extent and  
 1722 circumstances of such a failure result in a material failure of  
 1723 fundamental fairness in the administration of due process, or  
 1724 the failure constitutes or contributes to fraud or duress in  
 1725 obtaining a consent to adoption or affidavit of nonpaternity.

1726 Section 28. This act shall take effect July 1, 2012.