

Amendment No. 2 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Lynn offered the following:

Amendment

On page 20, lines 1-29,
remove from the bill: those lines
and insert in lieu thereof:

(2) If a court finds that a consent to adoption or an affidavit of nonpaternity taken under this chapter was obtained by fraud or under duress attributable to the adoption entity, the court must award all sums paid by the prospective adoptive parents or on their behalf in anticipation of or in connection with the adoption. the court may also award reasonable attorney's fees and costs incurred by the prospective adoptive parents in connection with the adoption and any litigation related to placement or adoption of a minor. The court must award reasonable attorney's fees and costs, if any, incurred by the person whose consent or affidavit was obtained by fraud or under duress. Any award under this subsection to the prospective adoptive parents or to the person whose consent or affidavit was obtained by fraud

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1 or under duress must be paid directly to them by the adoption
2 entity or by any applicable insurance carrier on behalf of the
3 adoption entity.

4 (3) If a person whose consent to an adoption is
5 required under s. 63.062 prevails in an action to set aside a
6 judgment terminating parental rights pending adoption, or a
7 judgment of adoption, the court must award reasonable
8 attorney's fees and costs to the prevailing party. An award
9 under this subsection must be paid by the adoption entity or
10 by any applicable insurance carrier on behalf of the adoption
11 entity if the court finds that the acts or omissions of the
12 entity were the basis for the court's order granting relief to
13 the prevailing party.

14 (4) The Clerk of the Court must forward to: (a) The
15 Florida Bar any order that imposes sanctions under this
16 section against an attorney acting as an adoption entity; (b)
17 the Department of Children and Family Services any order that
18 imposes sanctions under this section against a licensed
19 child-placing agency or a child-placing agency licensed in
20 another state that is qualified by the department; and (c) The
21 entity under s. 409.176(5) that certifies child-caring
22 agencies any order that imposes sanctions under this section
23 against a child-caring agency registered under s. 409.176. The
24 order must be forwarded within 30 days after the date that the
25 order was issues.

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