

Amendment No. 001 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 Representative(s) Mahon offered the following:

13 **Amendment (with title amendment)**

14 Remove everything after the enacting clause

16 and insert:

17 Section 1. Paragraph (c) of subsection (1) of section
18 63.062, Florida Statutes, is amended, paragraph (h) is added
19 to said subsection, and subsection (2) of said section is
20 amended, to read:

21 63.062 Persons required to consent to adoption;
22 affidavit of nonpaternity; waiver of venue.--

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

29 (c) If there is no father as set forth in paragraph
30 (b), any man established to be the father of the child by
31 scientific tests that are generally acceptable within the

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1 scientific community to show a probability of paternity.

2 (h) Any man who has timely registered with the
3 paternity registry as the father of the child.

4 (2) Any person whose consent is required under
5 paragraph (1)(c) or paragraph (1)(d) may execute an affidavit
6 of nonpaternity in lieu of a consent under this section and by
7 doing so waives notice to all court proceedings after the date
8 of execution. An affidavit of nonpaternity must be executed as
9 provided in s. 63.082. The person executing the affidavit must
10 receive disclosure under s. 63.085 prior to signing the
11 affidavit.

12 Section 2. Subsection (1) of section 63.085, Florida
13 Statutes, is amended to read:

14 63.085 Disclosure by adoption entity.--

15 (1) DISCLOSURE REQUIRED TO PARENTS AND PROSPECTIVE
16 ADOPTIVE PARENTS.--Not later than 7 days after a person
17 seeking to adopt a minor or a person seeking to place a minor
18 for adoption contacts an adoption entity in person or provides
19 the adoption entity with a mailing address, the entity must
20 provide a written disclosure statement to that person if the
21 entity agrees or continues to work with such person. If an
22 adoption entity is assisting in the effort to terminate the
23 parental rights of a parent who did not initiate the contact
24 with the adoption entity, the written disclosure must be
25 provided within 7 days after that parent is identified and
26 located. For purposes of providing the written disclosure, a
27 person is considered to be seeking to place a minor for
28 adoption when that person has sought information or advice
29 from the adoption entity regarding the option of adoptive
30 placement. The written disclosure statement must be in
31 substantially the following form:

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ADOPTION DISCLOSURE

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

1. Under section 63.102, Florida Statutes, the existence of a placement or adoption contract signed by the parent or prospective adoptive parent, prior approval of that contract by the court, or payment of any expenses permitted under Florida law does not obligate anyone to sign a consent or ultimately place a minor for adoption.

2. Under sections 63.092 and 63.125, Florida Statutes, a favorable preliminary home study, before the minor may be placed in that home, and a final home investigation, before the adoption becomes final, must be completed.

3. Under section 63.082, Florida Statutes, a consent to adoption or affidavit of nonpaternity may not be signed until after the birth of the minor.

4. Under section 63.082, Florida Statutes, if the minor is to be placed for adoption with identified prospective adoptive parents upon release from a licensed hospital or birth center following birth, the consent to

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1 adoption may not be signed until 48 hours after
2 birth or until the day the birth mother has
3 been notified in writing, either on her patient
4 chart or in release papers, that she is fit to
5 be released from the licensed hospital or birth
6 center, whichever is sooner. The consent to
7 adoption or affidavit of nonpaternity is valid
8 and binding upon execution unless the court
9 finds it was obtained by fraud or under duress.

10 5. Under section 63.082, Florida
11 Statutes, if the minor is not placed for
12 adoption with the prospective adoptive parent
13 upon release from the hospital or birth center
14 following birth, a 3-day revocation period
15 applies during which consent may be withdrawn
16 for any reason by notifying the adoption entity
17 in writing. In order to withdraw consent, the
18 written withdrawal of consent must be mailed at
19 a United States Post Office no later than 3
20 business days after execution of the consent or
21 1 business day after the date of the birth
22 mother's discharge from a licensed hospital or
23 birth center, whichever occurs later. For
24 purposes of mailing the withdrawal of consent,
25 the term "business day" means any day on which
26 the United States Postal Service accepts
27 certified mail for delivery. The letter must be
28 sent by certified United States mail, return
29 receipt requested. Postal costs must be paid at
30 the time of mailing and the receipt should be
31 retained as proof that consent was withdrawn in

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1 a timely manner.

2 6. Under section 63.082, Florida
3 Statutes, and notwithstanding the revocation
4 period, the consent may be withdrawn at any
5 time prior to the placement of the child with
6 the prospective adoptive parent, by notifying
7 the adoption entity in writing by certified
8 United States mail, return receipt requested.

9 7. Under section 63.082, Florida
10 Statutes, if an adoption entity timely receives
11 written notice from a person of that person's
12 desire to withdraw consent, the adoption entity
13 must contact the prospective adoptive parent to
14 arrange a time certain to regain physical
15 custody of the child. Absent a court order for
16 continued placement of the child entered under
17 section 63.082, Florida Statutes, the adoption
18 entity must return the minor within 3 days
19 after notification of the withdrawal of consent
20 to the physical custody of the person
21 withdrawing consent. After the revocation
22 period for withdrawal of consent ends, or after
23 the placement of the child with the prospective
24 adoptive parent, whichever occurs later, the
25 consent may be withdrawn only if the court
26 finds that the consent was obtained by fraud or
27 under duress.

28 8. Under section 63.082, Florida
29 Statutes, an affidavit of nonpaternity, once
30 executed, may be withdrawn only if the court
31 finds that it was obtained by fraud or under

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duress.

9. Under section 63.082, Florida Statutes, a person who signs a consent to adoption or an affidavit of nonpaternity must be given reasonable notice of his or her right to select a person who does not have an employment, professional, or personal relationship with the adoption entity or the prospective adoptive parents to be present when the consent or affidavit is executed and to sign the consent or affidavit as a witness.

10. Under section 63.088, Florida Statutes, specific and extensive efforts are required by law to attempt to obtain the consents required under section 63.062, Florida Statutes. If these efforts are unsuccessful, the court may not enter a judgment terminating parental rights pending adoption until certain requirements have been met.

11. Under Florida law, an intermediary may represent the legal interests of only the prospective adoptive parents. Each person whose consent to an adoption is required under section 63.062, Florida Statutes, is entitled to seek independent legal advice and representation before signing any document or surrendering parental rights.

12. Under section 63.182, Florida Statutes, an action or proceeding of any kind to vacate, set aside, or otherwise nullify a judgment of adoption or an underlying judgment

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1 terminating parental rights pending adoption,
2 on any ground, ~~including duress but excluding~~
3 ~~fraud~~, must be filed within 1 year after entry
4 of the judgment terminating parental rights
5 pending adoption. ~~Such an action or proceeding~~
6 ~~for fraud must be filed within 2 years after~~
7 ~~entry of the judgment terminating parental~~
8 ~~rights.~~

9 13. Under section 63.089, Florida
10 Statutes, a judgment terminating parental
11 rights pending adoption is voidable and any
12 later judgment of adoption of that minor is
13 voidable if, upon the motion of a parent, the
14 court finds that any person knowingly gave
15 false information that prevented the parent
16 from timely making known his or her desire to
17 assume parental responsibilities toward the
18 minor or to exercise his or her parental
19 rights. The motion must be filed with the court
20 that originally entered the judgment. The
21 motion must be filed within a reasonable time,
22 but not later than 1 year ~~2 years~~ after the
23 date the judgment to which the motion is
24 directed was entered.

25 14. Under section 63.165, Florida
26 Statutes, the State of Florida maintains a
27 registry of adoption information which includes
28 a paternity registry. Information about the
29 registry is available from the Department of
30 Children and Family Services.

31 15. Under section 63.032, Florida

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1 Statutes, a court may find that a parent has
2 abandoned his or her child based on conduct
3 during the pregnancy or based on conduct after
4 the child is born. In addition, under section
5 63.089, Florida Statutes, the failure of a
6 parent to respond to notices of proceedings
7 involving his or her child shall result in
8 termination of parental rights of a parent. A
9 lawyer can explain what a parent must do to
10 protect his or her parental rights. Any parent
11 wishing to protect his or her parental rights
12 should act IMMEDIATELY.

13 16. Each parent and prospective adoptive
14 parent is entitled to independent legal advice
15 and representation. Attorney information may be
16 obtained from the yellow pages, The Florida
17 Bar's lawyer referral service, and local legal
18 aid offices and bar associations.

19 17. Counseling services may be helpful
20 while making a parenting decision. Consult the
21 yellow pages of the telephone directory.

22 18. Medical and social services support
23 is available if the parent wishes to retain
24 parental rights and responsibilities. Consult
25 the Department of Children and Family Services.

26 19. Under section 63.039, Florida
27 Statutes, an adoption entity has certain legal
28 responsibilities and may be liable for damages
29 to persons whose consent to an adoption is
30 required or to prospective adoptive parents for
31 failing to materially meet those

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1 responsibilities. Damages may also be recovered
2 from an adoption entity if a consent to
3 adoption or affidavit of nonpaternity is
4 obtained by fraud or under duress attributable
5 to an adoption entity.

6 20. Under section 63.097, Florida
7 Statutes, reasonable living expenses of the
8 birth mother may be paid by the prospective
9 adoptive parents and the adoption entity only
10 if the birth mother is unable to pay due to
11 unemployment, underemployment, or disability.
12 The law also allows payment of reasonable and
13 necessary medical expenses, expenses necessary
14 to comply with the requirements of chapter 63,
15 Florida Statutes, court filing expenses, and
16 costs associated with advertising. Certain
17 documented legal, counseling, and other
18 professional fees may be paid. Prior approval
19 of the court is not required until the
20 cumulative total of amounts permitted exceeds
21 \$2,500 in legal or other fees, \$500 in court
22 costs, \$3,000 in expenses, or \$1,500 in
23 cumulative expenses incurred prior to the date
24 the prospective adoptive parent retains the
25 adoption entity. The following fees, costs, and
26 expenses are prohibited:

27 a. Any fee or expense that constitutes
28 payment for locating a minor for adoption.

29 b. Any lump-sum payment to the entity
30 which is nonrefundable directly to the payor or
31 which is not itemized on the affidavit.

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1 c. Any fee on the affidavit which does
2 not specify the service that was provided and
3 for which the fee is being charged, such as a
4 fee for facilitation or acquisition.

5
6 The court may reduce amounts charged or refund
7 amounts that have been paid if it finds that
8 these amounts were more than what was
9 reasonable or allowed under the law.

10 21. Under section 63.132, Florida
11 Statutes, the adoption entity and the
12 prospective adoptive parents must sign and file
13 with the court a written statement under oath
14 listing all the fees, expenses, and costs made,
15 or agreed to be made, by or on behalf of the
16 prospective adoptive parents and any adoption
17 entity in connection with the adoption. The
18 affidavit must state whether any of the
19 expenses were eligible to be paid for by any
20 other source.

21 22. Under section 63.132, Florida
22 Statutes, the court order approving the money
23 spent on the adoption must be separate from the
24 judgment making the adoption final. The court
25 may approve only certain costs and expenses
26 allowed under section 63.097, Florida Statutes.
27 The court may approve only fees that are
28 allowed under law and that it finds to be
29 "reasonable." A good idea of what is and is not
30 allowed to be paid for in an adoption can be
31 determined by reading sections 63.097 and

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1 63.132, Florida Statutes.

2 Section 3. Paragraphs (f) and (g) of
3 subsection (3) of section 63.088, Florida Statutes,
4 are amended, paragraph (h) is added to said
5 subsection, paragraphs (n) and (o) of subsection (4)
6 are amended, and paragraph (p) is added to subsection
7 (4) of said section, to read:

8 63.088 Proceeding to terminate parental rights pending
9 adoption; notice and service; diligent search.--

10 (3) REQUIRED INQUIRY.--In proceedings initiated under
11 s. 63.087, the court must conduct an inquiry of the person who
12 is placing the minor for adoption and of any relative or
13 person having legal custody of the minor who is present at the
14 hearing and likely to have the following information regarding
15 the identity of:

16 (f) Any person who has acknowledged or claimed
17 paternity of the minor; ~~and~~

18 (g) Any person the mother has reason to believe may be
19 the father; ~~and-~~

20 (h) Any person who has registered with the paternity
21 registry as the father of the child.

22
23 The information required under this subsection may be provided
24 to the court in the form of a sworn affidavit by a person
25 having personal knowledge of the facts, addressing each
26 inquiry enumerated in this subsection, except that, if the
27 inquiry identifies a father under paragraph (a) or paragraph
28 (b), the inquiry shall not continue further. The inquiry
29 required under this subsection may be conducted before the
30 birth of the minor.

31 (4) LOCATION UNKNOWN; IDENTITY KNOWN.--If the inquiry

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1 by the court under subsection (3) identifies any person whose
2 consent to adoption is required under s. 63.062 and who has
3 not executed a consent to adoption or an affidavit of
4 nonpaternity, and the location of the person from whom consent
5 is required is unknown, the adoption entity must conduct a
6 diligent search for that person which must include inquiries
7 concerning:

8 (n) Search of one Internet databank locator service;
9 and

10 (o) Information held by all medical providers who
11 rendered medical treatment or care to the birth mother and
12 child, including the identity and location information of all
13 persons listed by the mother as being financially responsible
14 for the uninsured expenses of treatment or care and all
15 persons who made any such payments; and-

16 (p) The paternity registry pursuant to s. 63.165.
17

18 Any person contacted by a petitioner or adoption entity who is
19 requesting information pursuant to this subsection must
20 release the requested information to the petitioner or
21 adoption entity, except when prohibited by law, without the
22 necessity of a subpoena or court order. An affidavit of
23 diligent search executed by the petitioner and the adoption
24 entity must be filed with the court confirming completion of
25 each aspect of the diligent search enumerated in this
26 subsection and specifying the results. The diligent search
27 required under this subsection may be conducted before the
28 birth of the minor.

29 Section 4. Paragraphs (a) and (c) of subsection (7) of
30 section 63.089, Florida Statutes, are amended to read:

31 63.089 Proceeding to terminate parental rights pending

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1 adoption; hearing; grounds; dismissal of petition; judgment.--

2 (7) RELIEF FROM JUDGMENT TERMINATING PARENTAL
3 RIGHTS.--

4 (a) A judgment terminating parental rights pending
5 adoption is voidable and any later judgment of adoption of
6 that minor is voidable if, upon the motion of a parent, the
7 court finds that a person knowingly gave false information
8 that prevented the parent from timely making known his or her
9 desire to assume parental responsibilities toward the minor or
10 meeting the requirements under this chapter to exercise his or
11 her parental rights. A motion under this subsection must be
12 filed with the court originally entering the judgment. The
13 motion must be filed within a reasonable time, but not later
14 than 1 year ~~2 years~~ after the entry of the judgment
15 terminating parental rights.

16 (c) At the preliminary hearing, the court, upon the
17 motion of any party or upon its own motion, may order
18 scientific testing to determine the paternity of the minor if
19 the person seeking to set aside the judgment is alleging to be
20 the child's father and that fact has not previously been
21 determined by legitimacy or scientific testing. The court may
22 not order such testing, nor are the results of any such test
23 admissible, after the time period specified by s. 63.182.The
24 court may order supervised visitation with a person for whom
25 scientific testing for paternity has been ordered. Such
26 visitation shall be conditioned upon the filing of those test
27 results with the court and such results establishing that
28 person's paternity of the minor.

29 Section 5. Paragraphs (a) and (c) of subsection (4) of
30 section 63.142, Florida Statutes, are amended to read:

31 63.142 Hearing; judgment of adoption.--

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1 (4) JUDGMENT.--At the conclusion of the hearing, after
2 the court determines that the date for a parent to file an
3 appeal of a valid judgment terminating that parent's parental
4 rights has passed and no appeal, pursuant to the Florida Rules
5 of Appellate Procedure, is pending and that the adoption is in
6 the best interest of the person to be adopted, a judgment of
7 adoption shall be entered.

8 (a) A judgment terminating parental rights pending
9 adoption is voidable and any later judgment of adoption of
10 that minor is voidable if, upon a motion to set aside of a
11 parent, the court finds that any person knowingly gave false
12 information that prevented the parent from timely making known
13 his or her desire to assume parental responsibilities toward
14 the minor or meeting the requirements under this chapter to
15 exercise his or her parental rights. A motion under this
16 paragraph must be filed with the court that entered the
17 original judgment. The motion must be filed within a
18 reasonable time, but not later than 1 year ~~2 years~~ after the
19 date the judgment terminating parental rights was entered.

20 (c) At the preliminary hearing, the court, upon the
21 motion of any party or its own motion, may order scientific
22 testing to determine the paternity of the minor if the person
23 seeking to set aside the judgment is alleging to be the
24 child's father and that fact has not previously been
25 determined by legitimacy or scientific testing. The court may
26 not order such testing, nor are the results of any such test
27 admissible, after the time period specified by s. 63.182.The
28 court may order supervised visitation with a person for whom
29 scientific testing for paternity has been ordered. Such
30 visitation shall be conditioned upon the filing of those test
31 results with the court and such results establishing that

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1 person's paternity of the minor.

2 Section 6. Section 63.165, Florida Statutes, is
3 amended to read:

4 63.165 State registry of adoption information; duty to
5 inform and explain; paternity registry.--

6 (1) STATE REGISTRY OF ADOPTION

7 INFORMATION.--Notwithstanding any other law to the contrary,
8 the department shall maintain a registry with the last known
9 names and addresses of an adoptee and his or her parents whose
10 consent was required under s. 63.062, and adoptive parents and
11 any other identifying information that the adoptee, parents
12 whose consent was required under s. 63.062, or adoptive
13 parents desire to include in the registry. The department
14 shall maintain the registry records for the time required by
15 rules adopted by the department in accordance with this
16 chapter or for 99 years, whichever period is greater. The
17 registry shall be open with respect to all adoptions in the
18 state, regardless of when they took place. The registry shall
19 be available for those persons choosing to enter information
20 therein, but no one shall be required to do so.

21 (a)~~(1)~~ Anyone seeking to enter, change, or use
22 information in the registry, or any agent of such person,
23 shall present verification of his or her identity and, if
24 applicable, his or her authority. A person who enters
25 information in the registry shall be required to indicate
26 clearly the persons to whom he or she is consenting to release
27 this information, which persons shall be limited to the
28 adoptee and the birth mother, father whose consent was
29 required under s. 63.062, adoptive mother, adoptive father,
30 birth siblings, and maternal and paternal birth grandparents
31 of the adoptee. Except as provided in this section,

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1 information in the registry is confidential and exempt from s.
2 119.07(1). Consent to the release of this information may be
3 made in the case of a minor adoptee by his or her adoptive
4 parents or by the court after a showing of good cause. At any
5 time, any person may withdraw, limit, or otherwise restrict
6 consent to release information by notifying the department in
7 writing.

8 ~~(b)(2)~~ The department may charge a reasonable fee to
9 any person seeking to enter, change, or use information in the
10 registry. The department shall deposit such fees in a trust
11 fund to be used by the department only for the efficient
12 administration of this section. The department and agencies
13 shall make counseling available for a fee to all persons
14 seeking to use the registry, and the department shall inform
15 all affected persons of the availability of such counseling.

16 ~~(c)(3)~~ The adoption entity must inform the parents
17 before parental rights are terminated, and the adoptive
18 parents before placement, in writing, of the existence and
19 purpose of the registry established under this section, but
20 failure to do so does not affect the validity of any
21 proceeding under this chapter.

22 (2) PATERNITY REGISTRY.--Within the state registry of
23 adoption information, the department shall maintain a
24 paternity registry.

25 (a) A man is not required to register with the
26 paternity registry if:

- 27 1. The minor was conceived or born while he was
28 married to the mother;
29 2. The minor is his child by adoption; or
30 3. The minor has been established by court proceeding
31 to be his child.

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1 4. The minor has been established to be his child by
2 scientific tests that are generally acceptable within the
3 scientific community to show a probability of paternity.

4 (b) The paternity registry does not relieve the mother
5 of the obligation to identify the known father.

6 (c) A man registering with the paternity registry
7 shall provide the paternity registry with the following
8 information in writing:

9 1. The name and the last known address of the mother
10 of the minor.

11 2. The name of the minor, and the location and date of
12 birth of the minor, if known, or the probable month and year
13 of the expected birth of the minor.

14 3. The man's name, address, and driver's license
15 number, or state identification card.

16 4. A statement in which the man claims to be the
17 father of the named minor.

18
19 A man who registers with the paternity registry shall promptly
20 notify the department in writing of any change in the required
21 information. A person who knowingly provides false information
22 to the paternity registry commits a misdemeanor of the second
23 degree and is subject to the provisions of s. 63.212(2).

24 (d) Except as provided in paragraph (a), a man who
25 claims to be the father of a minor shall register with the
26 paternity registry. Registration may be accepted by the
27 department before the birth of the child, but may not be
28 accepted by the department after the 30th day after the date
29 of birth of the minor. A man who is required to consent
30 pursuant to s. 63.062 and who has registered with the
31 paternity registry is entitled to receive notice of the

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1 petition and hearing to terminate parental rights pending
2 adoption, as required by s. 63.088.
3 1. A person who has sexual intercourse with a person
4 of the opposite sex is deemed to have knowledge that sexual
5 intercourse can result in a woman's pregnancy.
6 2. Ignorance of a pregnancy is not a sufficient reason
7 for failing to register with the paternity registry.
8 (e) Except as provided in s. 63.062(1)(b)-(f), and
9 provided that any diligent search required by s. 63.088 has
10 been completed, any man who fails to register with the
11 paternity registry by the 30th day after the date of birth of
12 the minor may not assert an interest in the minor except for
13 an action pursuant to s. 63.089(7).
14 (f) Upon request, the department shall furnish a
15 certificate attesting to the results of a search of the
16 paternity registry to:
17 1. A court;
18 2. The birth mother; or
19 3. An adoption entity.
20 (g) If a court determines that a registrant is not the
21 father of the minor, the court shall order the department to
22 remove the registrant's name from the paternity registry.
23 (h)1. The department may not charge a fee for the
24 registration in the paternity registry.
25 2. The department may charge a reasonable fee for
26 processing a search of the paternity registry pursuant to
27 paragraph (f). The department shall deposit such fees in a
28 trust fund to be used by the department only for the efficient
29 administration of this section.
30 (i) Information maintained by the paternity registry
31 is admissible in a proceeding in a court or administrative

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1 tribunal of this state for any purpose.

2 (j) The department shall:

3 1. Produce and distribute a pamphlet or publication
4 informing the public about the paternity registry, including
5 the procedures, the consequences, and the address of the
6 paternity registry. Such pamphlet or publication shall be
7 made available for distribution at all offices of the
8 department and the Department of Health. The department shall
9 also provide such pamphlets or publications to hospitals,
10 libraries, medical clinics, schools, universities, and county,
11 state, and federal jails and prisons, and other providers of
12 child-related services, upon request.

13 2. Provide information to the public at large through
14 general public service announcements, or in other ways deliver
15 information to the public about the paternity registry.

16 (3) RULES.--The department has authority to adopt
17 rules to implement this section.

18 Section 7. Section 63.182, Florida Statutes, is
19 amended to read:

20 63.182 Statute of repose.--Notwithstanding s. 95.031
21 or s. 95.11 or any other statute,⁺

22 ~~(1) an action or proceeding of any kind to vacate, set~~
23 ~~aside, or otherwise nullify a judgment of adoption or an~~
24 ~~underlying judgment terminating parental rights on any ground,~~
25 ~~including duress but excluding fraud, shall in no event be~~
26 ~~filed more than 1 year after entry of the judgment terminating~~
27 ~~parental rights.~~

28 ~~(2) An action or proceeding of any kind to vacate, set~~
29 ~~aside, or otherwise nullify a judgment of adoption or an~~
30 ~~underlying judgment terminating parental rights on grounds of~~
31 ~~fraud shall in no event be filed more than 2 years after entry~~

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1 ~~of the judgment terminating parental rights.~~

2 Section 8. Any petition for adoption filed before the
3 effective date of this act shall be governed by the law in
4 effect at the time the petition was filed.

5 Section 9. Effective July 1, 2002, section 409.406,
6 Florida Statutes, is created to read:

7 409.406 Interstate Compact on Adoption and Medical
8 Assistance.--The Interstate Compact on Adoption and Medical
9 Assistance is enacted into law and entered into with all other
10 jurisdictions legally joining therein in form substantially as
11 follows:

12 INTERSTATE COMPACT ON ADOPTION AND MEDICAL ASSISTANCE

13 ARTICLE I. Findings

14 The Legislature finds that:

15 (a) Special measures are required to find adoptive
16 families for children for whom state assistance is desirable
17 pursuant to s. 409.166 and to assure the protection of the
18 interest of the children affected during the entire assistance
19 period when the adoptive parents move to other states or are
20 residents of another state.

21 (b) The providers of medical and other necessary
22 services for children, with state assistance, encounter
23 special difficulties when the provision of services takes
24 place in other states.

25 ARTICLE II. Purposes

26 The purposes of the act are to:

27 (a) Authorize the Department of Children and Family
28 Services to enter into interstate agreements with agencies of
29 other states to protect children for whom adoption assistance
30 is provided by the Department of Children and Family Services.

31 (b) Provide procedures for interstate children's

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1 adoption assistance payments, including medical payments.

2 ARTICLE III. Definitions

3 As used in this compact, the term:

4 (a) "Agency" means the Agency for Health Care
5 Administration.

6 (b) "Department" means the Florida Department of
7 Children and Family Services.

8 (c) "State" means a state of the United States, the
9 District of Columbia, the Commonwealth of Puerto Rico, the
10 United States Virgin Islands, Guam, the Commonwealth of the
11 Northern Mariana Islands, or a territory or possession of or
12 administered by the United States.

13 (d) "Adoption assistance state" means the state that
14 is signatory to an adoption assistance agreement in a
15 particular case.

16 (e) "Residence state" means the state where the child
17 resides.

18 (f) "Medical assistance" means the medical assistance
19 program authorized by Title XIX of the Social Security Act.

20 ARTICLE IV. Compacts Authorized

21 The Department of Children and Family Services, by and through
22 its secretary, may participate in the development of and
23 negotiate and enter into interstate compacts on behalf of this
24 state with other states to implement the purposes of this act.
25 Such a compact has the force and effect of law.

26 ARTICLE V. Contents of Compacts

27 A compact entered into under this act must have the following
28 content:

29 (a) A provision making it available for joinder by all
30 states;

31 (b) A provision for withdrawal from the compact upon

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1 written notice to the parties, but with a period of 1 year
2 between the date of the notice and the effective date of the
3 withdrawal;

4 (c) A requirement that the protections afforded under
5 the compact continue in force for the duration of the adoption
6 assistance and are applicable to all children and their
7 adoptive parents who, on the effective date of the withdrawal,
8 are receiving adoption assistance from a party state other
9 than the one in which they are residents and have their
10 principal place of abode;

11 (d) A requirement that each instance of adoption
12 assistance to which the compact applies be covered by an
13 adoption assistance agreement in writing between the adoptive
14 parents and the state child welfare agency of the state which
15 undertakes to provide the adoption assistance, and further,
16 that any such agreement be expressly for the benefit of the
17 adopted child and enforceable by the adoptive parents and the
18 state agency providing the adoption assistance; and

19 (e) Such other provisions as are appropriate to the
20 proper administration of the compact.

21 ARTICLE VI. Optional Contents of Compacts

22 A compact entered into under this section may contain
23 provisions in addition to those required pursuant to Article
24 V, as follows:

25 (a) Provisions establishing procedures and entitlement
26 to medical and other necessary social services for the child
27 in accordance with applicable laws, even though the child and
28 the adoptive parents are in a state other than the one
29 responsible for or providing the services or the funds to
30 defray part or all of the costs thereof; and

31 (b) Such other provisions as are appropriate or

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1 incidental to the proper administration of the compact.

2 ARTICLE VII. Medical Assistance

3 (a) A child with special needs who is a resident of
4 this state and who is the subject of an adoption assistance
5 agreement with another state is entitled to receive a medical
6 assistance identification from this state upon the filing with
7 the agency of a certified copy of the adoption assistance
8 agreement obtained from the adoption assistance state.
9 Pursuant to rules of the agency, the adoptive parents shall at
10 least annually show that the agreement is still in force or
11 has been renewed.

12 (b) The terms of the compact entered into by the
13 department apply to children who are the subject of federal
14 adoption assistance agreements. The state will provide the
15 benefits under this section to children who are the subject of
16 a state adoption assistance agreement, pursuant to the
17 determination by the department and the agency that the
18 adoption assistance state is a party to the compact and has
19 reciprocity in the provision of medical assistance to such
20 children.

21 (c) The agency shall consider the holder of a medical
22 assistance identification pursuant to this section as any
23 other holder of a medical assistance identification under the
24 laws of this state and shall process and make payment on
25 claims on behalf of such holder in the same manner and under
26 the same conditions and procedures established for other
27 recipients of medical assistance.

28 (d) The provisions of this article apply only to
29 medical assistance for children under adoption assistance
30 agreements from states that have entered into a compact with
31 this state under which the other state provided medical

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1 assistance to children with special needs under adoption
2 assistance agreements made by this state. All other children
3 entitled to medical assistance pursuant to an adoption
4 assistance agreement entered into by this state are eligible
5 to receive such assistance under the laws and procedures
6 applicable thereto.

7 (e) The department shall adopt administrative rules
8 necessary for administering this section.

9 ARTICLE VIII. Federal Participation
10 Consistent with federal law, the department and the agency, in
11 administering the provisions of this act and any compact
12 pursuant hereto, must include in any state plan made pursuant
13 to the Adoption Assistance and Child Welfare Act of 1980 (Pub.
14 L. No. 96-272), Titles IV(E) and XIX of the Social Security
15 Act, and any other applicable federal laws, the provision of
16 adoption assistance and medical assistance for which the
17 Federal Government pays some or all of the cost. The
18 department and the agency shall apply for and administer all
19 relevant federal aid in accordance with law.

20 Section 10. Effective July 1, 2002, section 409.407,
21 Florida Statutes, is created to read:

22 409.407 Interstate agreements between the Department
23 of Children and Family Services and agencies of other
24 states.--The Department of Children and Family Services, which
25 is authorized to enter into interstate agreements with
26 agencies of other states for the implementation of the
27 purposes of the Interstate Compact on Adoption and Medical
28 Assistance pursuant to s. 409.406, shall not expand the
29 financial commitment of Florida beyond the financial
30 obligation of the adoption assistance agreements and Medicaid.

31 Section 11. Except as otherwise provided herein, this

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1 act shall take effect October 1, 2002.

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4 ===== T I T L E A M E N D M E N T =====

5 And the title is amended as follows:

6 On page 1, line 2,

7 To page 2, line 8,

8 remove: all of said lines

9

10 and insert:

11 An act relating to adoption; amending ss.

12 63.062, 63.085, 63.089, 63.142, and 63.182,

13 F.S.; reducing the time period within which an

14 action must be filed to nullify an adoption or

15 a termination of parental rights on grounds of

16 fraud or providing false information; providing

17 a time limitation for the use of scientific

18 testing to show a probability of paternity;

19 requiring notice to and written consent from a

20 registrant in the paternity registry for a

21 termination of parental rights pending

22 adoption; amending s. 63.088, F.S.; providing

23 court inquiry and diligent search requirements

24 regarding a registrant in the paternity

25 registry to terminate parental rights pending

26 adoption; amending s. 63.165, F.S.; requiring

27 the Department of Children and Family Services

28 to maintain a paternity registry within the

29 state registry of adoption information;

30 providing duties of registrants and the

31 department; providing a penalty; providing use

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1 and admissibility of registry information;
2 providing for a fee; providing rulemaking
3 authority; providing applicability of the act;
4 creating s. 409.406, F.S.; enacting the
5 Interstate Compact on Adoption and Medical
6 Assistance; providing authority for the
7 Department of Children and Family Services to
8 enter into interstate agreements with other
9 participating states for medical and other
10 necessary services for special needs children;
11 establishing procedures for interstate delivery
12 of adoption assistance and related services and
13 benefits; providing for the adoption of
14 administrative rules; creating s. 409.407,
15 F.S.; prohibiting expansion of Florida's
16 financial commitment; providing effective
17 dates.

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