

By Representative Mahon

1                                   A bill to be entitled  
2           An act relating to adoption; amending ss.  
3           63.062, 63.085, 63.089, 63.142, and 63.182,  
4           F.S.; reducing the time period within which an  
5           action must be filed to nullify an adoption or  
6           a termination of parental rights on grounds of  
7           fraud or providing false information; providing  
8           a time limitation for the use of scientific  
9           testing to show a probability of paternity;  
10          requiring notice to and written consent from a  
11          registrant in the paternity registry for a  
12          termination of parental rights pending  
13          adoption; amending s. 63.088, F.S.; providing  
14          court inquiry and diligent search requirements  
15          regarding a registrant in the paternity  
16          registry to terminate parental rights pending  
17          adoption; amending s. 63.165, F.S.; requiring  
18          the Department of Children and Family Services  
19          to maintain a paternity registry within the  
20          state registry of adoption information;  
21          providing duties of registrants and the  
22          department; providing a penalty; providing use  
23          and admissibility of registry information;  
24          providing for a fee; providing rulemaking  
25          authority; providing applicability of the act;  
26          creating s. 409.406, F.S.; enacting the  
27          Interstate Compact on Adoption and Medical  
28          Assistance; providing authority for the  
29          Department of Children and Family Services to  
30          enter into interstate agreements with other  
31          participating states for medical and other

1           necessary services for special needs children;  
2           establishing procedures for interstate delivery  
3           of adoption assistance and related services and  
4           benefits; providing for the adoption of  
5           administrative rules; creating s. 409.407,  
6           F.S.; prohibiting expansion of Florida's  
7           financial commitment; providing effective  
8           dates.

9  
10   Be It Enacted by the Legislature of the State of Florida:

11  
12           Section 1. Paragraph (c) of subsection (1) of section  
13   63.062, Florida Statutes, is amended, paragraph (h) is added  
14   to said subsection, and subsection (2) of said section is  
15   amended, to read:

16           63.062 Persons required to consent to adoption;  
17   affidavit of nonpaternity; waiver of venue.--

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

24           (c) If there is no father as set forth in paragraph  
25   (b), any man established to be the father of the child by  
26   scientific tests that are generally acceptable within the  
27   scientific community to show a probability of paternity. The  
28   requirements of this paragraph are only applicable during the  
29   time period specified by s. 63.182. The results of scientific  
30   tests that are generally acceptable within the scientific

31

1 community to show a probability of paternity are inadmissible  
2 past the 1-year statute of repose pursuant to s. 63.182.

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

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

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

15 63.085 Disclosure by adoption entity.--

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

1 placement. The written disclosure statement must be in  
2 substantially the following form:

3  
4 ADOPTION DISCLOSURE

5  
6 THE STATE OF FLORIDA REQUIRES THAT THIS FORM BE  
7 PROVIDED TO ALL PERSONS CONSIDERING ADOPTING A  
8 MINOR OR SEEKING TO PLACE A MINOR FOR ADOPTION,  
9 TO ADVISE THEM OF THE FOLLOWING FACTS REGARDING  
10 ADOPTION UNDER FLORIDA LAW:

11  
12 1. Under section 63.102, Florida  
13 Statutes, the existence of a placement or  
14 adoption contract signed by the parent or  
15 prospective adoptive parent, prior approval of  
16 that contract by the court, or payment of any  
17 expenses permitted under Florida law does not  
18 obligate anyone to sign a consent or ultimately  
19 place a minor for adoption.

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

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

29 4. Under section 63.082, Florida  
30 Statutes, if the minor is to be placed for  
31 adoption with identified prospective adoptive

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

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

1 the time of mailing and the receipt should be  
2 retained as proof that consent was withdrawn in  
3 a timely manner.

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

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

30 8. Under section 63.082, Florida  
31 Statutes, an affidavit of nonpaternity, once

1           executed, may be withdrawn only if the court  
2           finds that it was obtained by fraud or under  
3           duress.

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

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

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

30          12. Under section 63.182, Florida  
31          Statutes, an action or proceeding of any kind

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

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

27 14. Under section 63.165, Florida  
28 Statutes, the State of Florida maintains a  
29 registry of adoption information which includes  
30 a paternity registry. Information about the  
31



1 registry is available from the Department of  
2 Children and Family Services.

3 15. Under section 63.032, Florida  
4 Statutes, a court may find that a parent has  
5 abandoned his or her child based on conduct  
6 during the pregnancy or based on conduct after  
7 the child is born. In addition, under section  
8 63.089, Florida Statutes, the failure of a  
9 parent to respond to notices of proceedings  
10 involving his or her child shall result in  
11 termination of parental rights of a parent. A  
12 lawyer can explain what a parent must do to  
13 protect his or her parental rights. Any parent  
14 wishing to protect his or her parental rights  
15 should act IMMEDIATELY.

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

22 17. Counseling services may be helpful  
23 while making a parenting decision. Consult the  
24 yellow pages of the telephone directory.

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

29 19. Under section 63.039, Florida  
30 Statutes, an adoption entity has certain legal  
31 responsibilities and may be liable for damages

1 to persons whose consent to an adoption is  
2 required or to prospective adoptive parents for  
3 failing to materially meet those  
4 responsibilities. Damages may also be recovered  
5 from an adoption entity if a consent to  
6 adoption or affidavit of nonpaternity is  
7 obtained by fraud or under duress attributable  
8 to an adoption entity.

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

30 a. Any fee or expense that constitutes  
31 payment for locating a minor for adoption.

1           b. Any lump-sum payment to the entity  
2           which is nonrefundable directly to the payor or  
3           which is not itemized on the affidavit.

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

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

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

24          22. Under section 63.132, Florida  
25          Statutes, the court order approving the money  
26          spent on the adoption must be separate from the  
27          judgment making the adoption final. The court  
28          may approve only certain costs and expenses  
29          allowed under section 63.097, Florida Statutes.  
30          The court may approve only fees that are  
31          allowed under law and that it finds to be

1 "reasonable." A good idea of what is and is not  
2 allowed to be paid for in an adoption can be  
3 determined by reading sections 63.097 and  
4 63.132, Florida Statutes.

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

10 63.088 Proceeding to terminate parental rights pending  
11 adoption; notice and service; diligent search.--

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

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

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

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

24  
25 The information required under this subsection may be provided  
26 to the court in the form of a sworn affidavit by a person  
27 having personal knowledge of the facts, addressing each  
28 inquiry enumerated in this subsection, except that, if the  
29 inquiry identifies a father under paragraph (a) or paragraph  
30 (b), the inquiry shall not continue further. The inquiry  
31

1 required under this subsection may be conducted before the  
2 birth of the minor.

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

11 (n) Search of one Internet databank locator service;  
12 ~~and~~

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

19 (p) The paternity registry pursuant to s. 63.165.

20

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

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

3           63.089 Proceeding to terminate parental rights pending  
4 adoption; hearing; grounds; dismissal of petition; judgment.--

5           (7) RELIEF FROM JUDGMENT TERMINATING PARENTAL  
6 RIGHTS.--

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

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

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

3 63.142 Hearing; judgment of adoption.--

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

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

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

1 scientific testing for paternity has been ordered. Such  
2 visitation shall be conditioned upon the filing of those test  
3 results with the court and such results establishing that  
4 person's paternity of the minor.

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

7 63.165 State registry of adoption information; duty to  
8 inform and explain; paternity registry.--

9 (1) STATE REGISTRY OF ADOPTION

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

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



1 required under s. 63.062, adoptive mother, adoptive father,  
2 birth siblings, and maternal and paternal birth grandparents  
3 of the adoptee. Except as provided in this section,  
4 information in the registry is confidential and exempt from s.  
5 119.07(1). Consent to the release of this information may be  
6 made in the case of a minor adoptee by his or her adoptive  
7 parents or by the court after a showing of good cause. At any  
8 time, any person may withdraw, limit, or otherwise restrict  
9 consent to release information by notifying the department in  
10 writing.

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

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

25 (2) PATERNITY REGISTRY.--Within the state registry of  
26 adoption information, the department shall maintain a  
27 paternity registry.

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

30 1. The minor was conceived or born while he was  
31 married to the mother;

1           2. The minor is his child by adoption; or  
2           3. The minor has been established by court proceeding  
3 to be his child.  
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.  
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

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), 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  
31

1       (i) Information maintained by the paternity registry  
2 is admissible in a proceeding in a court or administrative  
3 tribunal of this state for any purpose.

4       (j) The department shall:

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

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

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

20       Section 7. Section 63.182, Florida Statutes, is  
21 amended to read:

22       63.182 Statute of repose.--Notwithstanding s. 95.031  
23 or s. 95.11 or any other statute,<sup>+</sup>

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

30       ~~(2) An action or proceeding of any kind to vacate, set~~  
31 ~~aside, or otherwise nullify a judgment of adoption or an~~

1 ~~underlying judgment terminating parental rights on grounds of~~  
2 ~~fraud shall in no event be filed more than 2 years after entry~~  
3 ~~of the judgment terminating parental rights.~~

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

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

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

14 INTERSTATE COMPACT ON ADOPTION AND MEDICAL ASSISTANCE

15 ARTICLE I. Findings

16 The Legislature finds that:

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

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

27 ARTICLE II. Purposes

28 The purposes of the act are to:

29 (a) Authorize the Department of Children and Family  
30 Services to enter into interstate agreements with agencies of  
31

1 other states to protect children for whom adoption assistance  
2 is provided by the Department of Children and Family Services.

3 (b) Provide procedures for interstate children's  
4 adoption assistance payments, including medical payments.

5 ARTICLE III. Definitions

6 As used in this compact, the term:

7 (a) "Agency" means the Agency for Health Care  
8 Administration.

9 (b) "Department" means the Florida Department of  
10 Children and Family Services.

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

16 (d) "Adoption assistance state" means the state that  
17 is signatory to an adoption assistance agreement in a  
18 particular case.

19 (e) "Residence state" means the state where the child  
20 resides.

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

23 ARTICLE IV. Compacts Authorized

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

29 ARTICLE V. Contents of Compacts

30 A compact entered into under this act must have the following  
31 content:

1       (a) A provision making it available for joinder by all  
2 states;

3       (b) A provision for withdrawal from the compact upon  
4 written notice to the parties, but with a period of 1 year  
5 between the date of the notice and the effective date of the  
6 withdrawal;

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

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

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

24               ARTICLE VI. Optional Contents of Compacts

25 A compact entered into under this section may contain  
26 provisions in addition to those required pursuant to Article  
27 V, as follows:

28       (a) Provisions establishing procedures and entitlement  
29 to medical and other necessary social services for the child  
30 in accordance with applicable laws, even though the child and  
31 the adoptive parents are in a state other than the one

1 responsible for or providing the services or the funds to  
2 defray part or all of the costs thereof; and

3 (b) Such other provisions as are appropriate or  
4 incidental to the proper administration of the compact.

5 ARTICLE VII. Medical Assistance

6 (a) A child with special needs who is a resident of  
7 this state and who is the subject of an adoption assistance  
8 agreement with another state is entitled to receive a medical  
9 assistance identification from this state upon the filing with  
10 the agency of a certified copy of the adoption assistance  
11 agreement obtained from the adoption assistance state.

12 Pursuant to rules of the agency, the adoptive parents shall at  
13 least annually show that the agreement is still in force or  
14 has been renewed.

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

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

31



1       (d) The provisions of this article apply only to  
2 medical assistance for children under adoption assistance  
3 agreements from states that have entered into a compact with  
4 this state under which the other state provided medical  
5 assistance to children with special needs under adoption  
6 assistance agreements made by this state. All other children  
7 entitled to medical assistance pursuant to an adoption  
8 assistance agreement entered into by this state are eligible  
9 to receive such assistance under the laws and procedures  
10 applicable thereto.

11       (e) The department shall adopt administrative rules  
12 necessary for administering this section.

13               ARTICLE VIII. Federal Participation

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

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

26               409.407 Interstate agreements between the Department  
27 of Children and Family Services and agencies of other  
28 states.--The Department of Children and Family Services, which  
29 is authorized to enter into interstate agreements with  
30 agencies of other states for the implementation of the  
31 purposes of the Interstate Compact on Adoption and Medical

1 Assistance pursuant to s. 409.406, shall not expand the  
2 financial commitment of Florida beyond the financial  
3 obligation of the adoption assistance agreements and Medicaid.

4 Section 11. Except as otherwise provided herein, this  
5 act shall take effect October 1, 2002.

6  
7 \*\*\*\*\*

8 HOUSE SUMMARY

9  
10 Reduces from 2 years to 1 year the time period within  
11 which an action must be filed to nullify an adoption or  
12 termination of parental rights on grounds of fraud or  
13 providing false information. Provides a 1-year limitation  
14 on the admissibility in court of scientific testing to  
15 show a probability of paternity. Requires the Department  
16 of Children and Family Services to maintain a paternity  
17 registry within the state registry of adoption  
18 information. Provides procedures and requirements for  
19 registration in the paternity registry, and provides a  
20 penalty for providing certain false information. Requires  
21 the department to inform the public regarding the  
22 paternity registry and to conduct paternity registry  
23 searches. Authorizes a fee for such searches. Provides  
24 for the use and admissibility in court of paternity  
25 registry information. Provides court inquiry, diligent  
26 search, notice, and consent requirements in proceedings  
27 for termination of parental rights pending adoption, with  
28 regard to a person registered with the paternity registry  
29 as the father of the child. Establishes the Interstate  
30 Compact on Adoption and Medical Assistance. Provides  
31 authority for the Department of Children and Family  
Services to enter into interstate agreements with other  
participating states for medical and other necessary  
services for special needs children. Establishes  
procedures for interstate delivery of adoption assistance  
and related services and benefits. Prohibits expansion of  
Florida's financial commitment beyond the financial  
obligation of the adoption assistance agreements and  
Medicaid.