

By the Council for Healthy Communities and Representatives
Mahon and Baxley

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 ss. 63.162 and 63.165, F.S.;
18 renaming state adoption registry; creating s.
19 63.063, F.S.; requiring the Office of Vital
20 Statistics of the Department of Health to
21 maintain a paternity registry; providing duties
22 of registrants and the department; providing a
23 penalty; providing use and admissibility of
24 registry information; providing for a fee;
25 providing rulemaking authority; providing
26 applicability of the act; creating s. 409.406,
27 F.S.; enacting the Interstate Compact on
28 Adoption and Medical Assistance; providing
29 authority for the Department of Children and
30 Family Services to enter into interstate
31 agreements with other participating states for

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

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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 reunion information.
30 Information about the registry is available
31

1 from the Department of Children and Family
2 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
6 Section 3. Paragraphs (f) and (g) of subsection (3) of
7 section 63.088, Florida Statutes, are amended, paragraph (h)
8 is added to said subsection, paragraphs (n) and (o) of
9 subsection (4) are amended, and paragraph (p) is added to
10 subsection (4) of said section, to read:

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

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

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

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

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

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

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. 63.063.
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. Subsection (7) of section 63.162, Florida
6 Statutes, is amended to read:

7 63.162 Hearings and records in adoption proceedings;
8 confidential nature.--

9 (7) The court may, upon petition of an adult adoptee,
10 for good cause shown, appoint an intermediary or a licensed
11 child-placing agency to contact a birth parent who has not
12 registered with the adoption reunion registry pursuant to s.
13 63.165 and advise them of the availability of same.

14 Section 7. Section 63.165, Florida Statutes, is
15 amended to read:

16 63.165 State registry of adoption reunion information;
17 duty to inform and explain.--

18 (1) Notwithstanding any other law to the contrary, the
19 department shall maintain an adoption reunion ~~a~~ registry with
20 the last known names and addresses of an adoptee and his or
21 her parents whose consent was required under s. 63.062, and
22 adoptive parents and any other identifying information that
23 the adoptee, parents whose consent was required under s.
24 63.062, or adoptive parents desire to include in the registry.
25 The department shall maintain the registry records for the
26 time required by rules adopted by the department in accordance
27 with this chapter or for 99 years, whichever period is
28 greater. The registry shall be open with respect to all
29 adoptions in the state, regardless of when they took place.
30 The registry shall be available for those persons choosing to
31

1 enter information therein, but no one shall be required to do
2 so.

3 (2)~~(1)~~ Anyone seeking to enter, change, or use
4 information in the registry, or any agent of such person,
5 shall present verification of his or her identity and, if
6 applicable, his or her authority. A person who enters
7 information in the registry shall be required to indicate
8 clearly the persons to whom he or she is consenting to release
9 this information, which persons shall be limited to the
10 adoptee and the birth mother, father whose consent was
11 required under s. 63.062, adoptive mother, adoptive father,
12 birth siblings, and maternal and paternal birth grandparents
13 of the adoptee. Except as provided in this section,
14 information in the registry is confidential and exempt from s.
15 119.07(1). Consent to the release of this information may be
16 made in the case of a minor adoptee by his or her adoptive
17 parents or by the court after a showing of good cause. At any
18 time, any person may withdraw, limit, or otherwise restrict
19 consent to release information by notifying the department in
20 writing.

21 (3)~~(2)~~ The department may charge a reasonable fee to
22 any person seeking to enter, change, or use information in the
23 registry. The department shall deposit such fees in a trust
24 fund to be used by the department only for the efficient
25 administration of this section. The department and agencies
26 shall make counseling available for a fee to all persons
27 seeking to use the registry, and the department shall inform
28 all affected persons of the availability of such counseling.

29 (4)~~(3)~~ The adoption entity must inform the parents
30 before parental rights are terminated, and the adoptive
31 parents before placement, in writing, of the existence and

1 purpose of the registry established under this section, but
2 failure to do so does not affect the validity of any
3 proceeding under this chapter.

4 Section 8. Section 63.063, Florida Statutes, is
5 created to read:

6 63.063 Paternity registry.--

7 (1) The Office of Vital Statistics of the Department
8 of Health shall establish and maintain a paternity registry,
9 and shall include in the paternity registry all information
10 obtained pursuant to compliance with s. 63.062(1)(d)1.

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

13 1. The minor was conceived or born while he was
14 married to the mother;

15 2. The minor is his child by adoption; or

16 3. The minor has been established by court proceeding
17 to be his child.

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

20 (c) A man registering with the paternity registry
21 shall provide the paternity registry with the following
22 information in writing:

23 1. The name and the last known address of the mother
24 of the minor.

25 2. The name of the minor, and the location and date of
26 birth of the minor, if known, or the probable month and year
27 of the expected birth of the minor.

28 3. The man's name, address, and driver's license
29 number.

30 4. A statement in which the man claims to be the
31 father of the named minor.

1
2 A man who registers with the paternity registry shall promptly
3 notify the Department of Health in writing of any change in
4 the required information. A person who knowingly provides
5 false information to the paternity registry commits a
6 misdemeanor of the second degree and is subject to the
7 provisions of s. 63.212(2).

8 (d) Except as provided in paragraph (a), a man who
9 claims to be the father of a minor shall register with the
10 paternity registry. Registration may be accepted by the
11 Department of Health before the birth of the child, but may
12 not be accepted by the Department of Health after the 30th day
13 after the date of birth of the minor. A man who is required to
14 consent pursuant to s. 63.062 and who has registered with the
15 paternity registry is entitled to receive notice of the
16 petition and hearing to terminate parental rights pending
17 adoption, as required by s. 63.088.

18 1. A person who has sexual intercourse with a person
19 of the opposite sex is deemed to have knowledge that sexual
20 intercourse can result in a woman's pregnancy.

21 2. Ignorance of a pregnancy is not a sufficient reason
22 for failing to register with the paternity registry.

23 (e) Except as provided in s. 63.062(1)(b), and
24 provided that any diligent search required by s. 63.088 has
25 been completed, any man who fails to register with the
26 paternity registry by the 30th day after the date of birth of
27 the minor may not assert an interest in the minor except for
28 an action pursuant to s. 63.089(7).

29 (f) Upon request, the Department of Health shall
30 furnish a certificate attesting to the results of a search of
31 the paternity registry to:

- 1 1. A court;
2 2. The birth mother; or
3 3. An adoption entity.
4 (g) If a court determines that a registrant is not the
5 father of the minor, the court shall order the Department of
6 Health to remove the registrant's name from the paternity
7 registry.
8 (h) 1. The Department of Health may not charge a fee
9 for the registration in the paternity registry.
10 2. The Department of Health may charge a reasonable
11 fee for processing a search of the paternity registry pursuant
12 to paragraph (f). The Department of Health shall deposit such
13 fees in a trust fund to be used by the Department of Health
14 only for the efficient administration of this section.
15 (i) Information maintained by the paternity registry
16 is admissible in a proceeding in a court or administrative
17 tribunal of this state for any purpose.
18 (j) The Department of Health shall:
19 1. Produce and distribute a pamphlet or publication
20 informing the public about the paternity registry, including
21 the procedures, the consequences, and the address of the
22 paternity registry. Such pamphlet or publication shall be made
23 available for distribution at all offices of the Department of
24 Revenue and the Department of Health. The Department of Health
25 shall also provide such pamphlets or publications to
26 hospitals, libraries, medical clinics, schools, universities,
27 and county, state, and federal jails and prisons, and other
28 providers of child-related services, upon request.
29 2. Provide information to the public at large through
30 general public service announcements, or in other ways deliver
31 information to the public about the paternity registry.

1 (2) The Department of Health has authority to adopt
2 rules to implement this section.

3 Section 9. Section 63.182, Florida Statutes, is
4 amended to read:

5 63.182 Statute of repose.--Notwithstanding s. 95.031
6 or s. 95.11 or any other statute,⁺

7 ~~(1) an action or proceeding of any kind to vacate, set~~
8 ~~aside, or otherwise nullify a judgment of adoption or an~~
9 ~~underlying judgment terminating parental rights on any ground,~~
10 ~~including duress but excluding fraud, shall in no event be~~
11 ~~filed more than 1 year after entry of the judgment terminating~~
12 ~~parental rights.~~

13 ~~(2) An action or proceeding of any kind to vacate, set~~
14 ~~aside, or otherwise nullify a judgment of adoption or an~~
15 ~~underlying judgment terminating parental rights on grounds of~~
16 ~~fraud shall in no event be filed more than 2 years after entry~~
17 ~~of the judgment terminating parental rights.~~

18 Section 10. Any petition for adoption filed before the
19 effective date of this act shall be governed by the law in
20 effect at the time the petition was filed.

21 Section 11. Effective July 1, 2002, section 409.406,
22 Florida Statutes, is created to read:

23 409.406 Interstate Compact on Adoption and Medical
24 Assistance.--The Interstate Compact on Adoption and Medical
25 Assistance is enacted into law and entered into with all other
26 jurisdictions legally joining therein in form substantially as
27 follows:

28 INTERSTATE COMPACT ON ADOPTION AND MEDICAL ASSISTANCE

29 ARTICLE I. Findings

30 The Legislature finds that:

31

1 (a) Special measures are required to find adoptive
2 families for children for whom state assistance is desirable
3 pursuant to s. 409.166 and to assure the protection of the
4 interest of the children affected during the entire assistance
5 period when the adoptive parents move to other states or are
6 residents of another state.

7 (b) The providers of medical and other necessary
8 services for children, with state assistance, encounter
9 special difficulties when the provision of services takes
10 place in other states.

11 ARTICLE II. Purposes

12 The purposes of the act are to:

13 (a) Authorize the Department of Children and Family
14 Services to enter into interstate agreements with agencies of
15 other states to protect children for whom adoption assistance
16 is provided by the Department of Children and Family Services.

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

19 ARTICLE III. Definitions

20 As used in this compact, the term:

21 (a) "Agency" means the Agency for Health Care
22 Administration.

23 (b) "Department" means the Florida Department of
24 Children and Family Services.

25 (c) "State" means a state of the United States, the
26 District of Columbia, the Commonwealth of Puerto Rico, the
27 United States Virgin Islands, Guam, the Commonwealth of the
28 Northern Mariana Islands, or a territory or possession of or
29 administered by the United States.

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1 (d) "Adoption assistance state" means the state that
2 is signatory to an adoption assistance agreement in a
3 particular case.

4 (e) "Residence state" means the state where the child
5 resides.

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

8 ARTICLE IV. Compacts Authorized

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

14 ARTICLE V. Contents of Compacts

15 A compact entered into under this act must have the following
16 content:

17 (a) A provision making it available for joinder by all
18 states;

19 (b) A provision for withdrawal from the compact upon
20 written notice to the parties, but with a period of 1 year
21 between the date of the notice and the effective date of the
22 withdrawal;

23 (c) A requirement that the protections afforded under
24 the compact continue in force for the duration of the adoption
25 assistance and are applicable to all children and their
26 adoptive parents who, on the effective date of the withdrawal,
27 are receiving adoption assistance from a party state other
28 than the one in which they are residents and have their
29 principal place of abode;

30 (d) A requirement that each instance of adoption
31 assistance to which the compact applies be covered by an

1 adoption assistance agreement in writing between the adoptive
2 parents and the state child welfare agency of the state which
3 undertakes to provide the adoption assistance, and further,
4 that any such agreement be expressly for the benefit of the
5 adopted child and enforceable by the adoptive parents and the
6 state agency providing the adoption assistance; and

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

9 ARTICLE VI. Optional Contents of Compacts

10 A compact entered into under this section may contain
11 provisions in addition to those required pursuant to Article
12 V, as follows:

13 (a) Provisions establishing procedures and entitlement
14 to medical and other necessary social services for the child
15 in accordance with applicable laws, even though the child and
16 the adoptive parents are in a state other than the one
17 responsible for or providing the services or the funds to
18 defray part or all of the costs thereof; and

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

21 ARTICLE VII. Medical Assistance

22 (a) A child with special needs who is a resident of
23 this state and who is the subject of an adoption assistance
24 agreement with another state is entitled to receive a medical
25 assistance identification from this state upon the filing with
26 the agency of a certified copy of the adoption assistance
27 agreement obtained from the adoption assistance state.

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

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1 (b) The terms of the compact entered into by the
2 department apply to children who are the subject of federal
3 adoption assistance agreements. The state will provide the
4 benefits under this section to children who are the subject of
5 a state adoption assistance agreement, pursuant to the
6 determination by the department and the agency that the
7 adoption assistance state is a party to the compact and has
8 reciprocity in the provision of medical assistance to such
9 children.

10 (c) The agency shall consider the holder of a medical
11 assistance identification pursuant to this section as any
12 other holder of a medical assistance identification under the
13 laws of this state and shall process and make payment on
14 claims on behalf of such holder in the same manner and under
15 the same conditions and procedures established for other
16 recipients of medical assistance.

17 (d) The provisions of this article apply only to
18 medical assistance for children under adoption assistance
19 agreements from states that have entered into a compact with
20 this state under which the other state provided medical
21 assistance to children with special needs under adoption
22 assistance agreements made by this state. All other children
23 entitled to medical assistance pursuant to an adoption
24 assistance agreement entered into by this state are eligible
25 to receive such assistance under the laws and procedures
26 applicable thereto.

27 (e) The department shall adopt administrative rules
28 necessary for administering this section.

29 ARTICLE VIII. Federal Participation
30 Consistent with federal law, the department and the agency, in
31 administering the provisions of this act and any compact

1 pursuant hereto, must include in any state plan made pursuant
2 to the Adoption Assistance and Child Welfare Act of 1980 (Pub.
3 L. No. 96-272), Titles IV(E) and XIX of the Social Security
4 Act, and any other applicable federal laws, the provision of
5 adoption assistance and medical assistance for which the
6 Federal Government pays some or all of the cost. The
7 department and the agency shall apply for and administer all
8 relevant federal aid in accordance with law.

9 Section 12. Effective July 1, 2002, section 409.407,
10 Florida Statutes, is created to read:

11 409.407 Interstate agreements between the Department
12 of Children and Family Services and agencies of other
13 states.--The Department of Children and Family Services, which
14 is authorized to enter into interstate agreements with
15 agencies of other states for the implementation of the
16 purposes of the Interstate Compact on Adoption and Medical
17 Assistance pursuant to s. 409.406, shall not expand the
18 financial commitment of Florida beyond the financial
19 obligation of the adoption assistance agreements and Medicaid.

20 Section 13. Except as otherwise provided herein, this
21 act shall take effect October 1, 2002.