

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.

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

30 (2) Any person whose consent is required under
31 paragraph (1)(c) or paragraph (1)(d) may execute an affidavit

1 of nonpaternity in lieu of a consent under this section and by
2 doing so waives notice to all court proceedings after the date
3 of execution. An affidavit of nonpaternity must be executed as
4 provided in s. 63.082. The person executing the affidavit must
5 receive disclosure under s. 63.085 prior to signing the
6 affidavit.

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

9 63.085 Disclosure by adoption entity.--

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

27
28 ADOPTION DISCLOSURE

29
30 THE STATE OF FLORIDA REQUIRES THAT THIS FORM BE
31 PROVIDED TO ALL PERSONS CONSIDERING ADOPTING A

1 MINOR OR SEEKING TO PLACE A MINOR FOR ADOPTION,
2 TO ADVISE THEM OF THE FOLLOWING FACTS REGARDING
3 ADOPTION UNDER FLORIDA LAW:
4

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

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

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

22 4. Under section 63.082, Florida
23 Statutes, if the minor is to be placed for
24 adoption with identified prospective adoptive
25 parents upon release from a licensed hospital
26 or birth center following birth, the consent to
27 adoption may not be signed until 48 hours after
28 birth or until the day the birth mother has
29 been notified in writing, either on her patient
30 chart or in release papers, that she is fit to
31 be released from the licensed hospital or birth

1 center, whichever is sooner. The consent to
2 adoption or affidavit of nonpaternity is valid
3 and binding upon execution unless the court
4 finds it was obtained by fraud or under duress.

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

28 6. Under section 63.082, Florida
29 Statutes, and notwithstanding the revocation
30 period, the consent may be withdrawn at any
31 time prior to the placement of the child with

1 the prospective adoptive parent, by notifying
2 the adoption entity in writing by certified
3 United States mail, return receipt requested.

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

23 8. Under section 63.082, Florida
24 Statutes, an affidavit of nonpaternity, once
25 executed, may be withdrawn only if the court
26 finds that it was obtained by fraud or under
27 duress.

28 9. Under section 63.082, Florida
29 Statutes, a person who signs a consent to
30 adoption or an affidavit of nonpaternity must
31 be given reasonable notice of his or her right

1 to select a person who does not have an
2 employment, professional, or personal
3 relationship with the adoption entity or the
4 prospective adoptive parents to be present when
5 the consent or affidavit is executed and to
6 sign the consent or affidavit as a witness.

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

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

23 12. Under section 63.182, Florida
24 Statutes, an action or proceeding of any kind
25 to vacate, set aside, or otherwise nullify a
26 judgment of adoption or an underlying judgment
27 terminating parental rights pending adoption,
28 on any ground, ~~including duress but excluding~~
29 ~~fraud~~, must be filed within 1 year after entry
30 of the judgment terminating parental rights
31 pending adoption. ~~Such an action or proceeding~~

1 ~~for fraud must be filed within 2 years after~~
2 ~~entry of the judgment terminating parental~~
3 ~~rights.~~

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

20 14. Under section 63.165, Florida
21 Statutes, the State of Florida maintains a
22 registry of adoption information which includes
23 a paternity registry. Information about the
24 registry is available from the Department of
25 Children and Family Services.

26 15. Under section 63.032, Florida
27 Statutes, a court may find that a parent has
28 abandoned his or her child based on conduct
29 during the pregnancy or based on conduct after
30 the child is born. In addition, under section
31 63.089, Florida Statutes, the failure of a

1 parent to respond to notices of proceedings
2 involving his or her child shall result in
3 termination of parental rights of a parent. A
4 lawyer can explain what a parent must do to
5 protect his or her parental rights. Any parent
6 wishing to protect his or her parental rights
7 should act IMMEDIATELY.

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

14 17. Counseling services may be helpful
15 while making a parenting decision. Consult the
16 yellow pages of the telephone directory.

17 18. Medical and social services support
18 is available if the parent wishes to retain
19 parental rights and responsibilities. Consult
20 the Department of Children and Family Services.

21 19. Under section 63.039, Florida
22 Statutes, an adoption entity has certain legal
23 responsibilities and may be liable for damages
24 to persons whose consent to an adoption is
25 required or to prospective adoptive parents for
26 failing to materially meet those
27 responsibilities. Damages may also be recovered
28 from an adoption entity if a consent to
29 adoption or affidavit of nonpaternity is
30 obtained by fraud or under duress attributable
31 to an adoption entity.

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

22 a. Any fee or expense that constitutes
23 payment for locating a minor for adoption.

24 b. Any lump-sum payment to the entity
25 which is nonrefundable directly to the payor or
26 which is not itemized on the affidavit.

27 c. Any fee on the affidavit which does
28 not specify the service that was provided and
29 for which the fee is being charged, such as a
30 fee for facilitation or acquisition.
31

1 The court may reduce amounts charged or refund
2 amounts that have been paid if it finds that
3 these amounts were more than what was
4 reasonable or allowed under the law.

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

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

28 Section 3. Paragraphs (f) and (g) of subsection (3) of
29 section 63.088, Florida Statutes, are amended, paragraph (h)
30 is added to said subsection, paragraphs (n) and (o) of
31

1 subsection (4) are amended, and paragraph (p) is added to
2 subsection (4) of said section, to read:

3 63.088 Proceeding to terminate parental rights pending
4 adoption; notice and service; diligent search.--

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

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

13 (g) Any person the mother has reason to believe may be
14 the father; ~~and~~;

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

17
18 The information required under this subsection may be provided
19 to the court in the form of a sworn affidavit by a person
20 having personal knowledge of the facts, addressing each
21 inquiry enumerated in this subsection, except that, if the
22 inquiry identifies a father under paragraph (a) or paragraph
23 (b), the inquiry shall not continue further. The inquiry
24 required under this subsection may be conducted before the
25 birth of the minor.

26 (4) LOCATION UNKNOWN; IDENTITY KNOWN.--If the inquiry
27 by the court under subsection (3) identifies any person whose
28 consent to adoption is required under s. 63.062 and who has
29 not executed a consent to adoption or an affidavit of
30 nonpaternity, and the location of the person from whom consent
31 is required is unknown, the adoption entity must conduct a

1 diligent search for that person which must include inquiries
2 concerning:

3 (n) Search of one Internet databank locator service;
4 ~~and~~

5 (o) Information held by all medical providers who
6 rendered medical treatment or care to the birth mother and
7 child, including the identity and location information of all
8 persons listed by the mother as being financially responsible
9 for the uninsured expenses of treatment or care and all
10 persons who made any such payments; ~~and~~

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

12
13 Any person contacted by a petitioner or adoption entity who is
14 requesting information pursuant to this subsection must
15 release the requested information to the petitioner or
16 adoption entity, except when prohibited by law, without the
17 necessity of a subpoena or court order. An affidavit of
18 diligent search executed by the petitioner and the adoption
19 entity must be filed with the court confirming completion of
20 each aspect of the diligent search enumerated in this
21 subsection and specifying the results. The diligent search
22 required under this subsection may be conducted before the
23 birth of the minor.

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

26 63.089 Proceeding to terminate parental rights pending
27 adoption; hearing; grounds; dismissal of petition; judgment.--

28 (7) RELIEF FROM JUDGMENT TERMINATING PARENTAL
29 RIGHTS.--

30 (a) A judgment terminating parental rights pending
31 adoption is voidable and any later judgment of adoption of

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

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

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

26 63.142 Hearing; judgment of adoption.--

27 (4) JUDGMENT.--At the conclusion of the hearing, after
28 the court determines that the date for a parent to file an
29 appeal of a valid judgment terminating that parent's parental
30 rights has passed and no appeal, pursuant to the Florida Rules
31 of Appellate Procedure, is pending and that the adoption is in

1 the best interest of the person to be adopted, a judgment of
2 adoption shall be entered.

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

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

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

30 63.165 State registry of adoption information; duty to
31 inform and explain; paternity registry.--

1 (1) STATE REGISTRY OF ADOPTION

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

16 (a)~~(1)~~ Anyone seeking to enter, change, or use
17 information in the registry, or any agent of such person,
18 shall present verification of his or her identity and, if
19 applicable, his or her authority. A person who enters
20 information in the registry shall be required to indicate
21 clearly the persons to whom he or she is consenting to release
22 this information, which persons shall be limited to the
23 adoptee and the birth mother, father whose consent was
24 required under s. 63.062, adoptive mother, adoptive father,
25 birth siblings, and maternal and paternal birth grandparents
26 of the adoptee. Except as provided in this section,
27 information in the registry is confidential and exempt from s.
28 119.07(1). Consent to the release of this information may be
29 made in the case of a minor adoptee by his or her adoptive
30 parents or by the court after a showing of good cause. At any
31 time, any person may withdraw, limit, or otherwise restrict

1 consent to release information by notifying the department in
2 writing.

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

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

17 (2) PATERNITY REGISTRY.--Within the state registry of
18 adoption information, the department shall maintain a
19 paternity registry.

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

22 1. The minor was conceived or born while he was
23 married to the mother;

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

25 3. The minor has been established by court proceeding
26 to be his child.

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

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

1 (c) A man registering with the paternity registry
2 shall provide the paternity registry with the following
3 information in writing:

4 1. The name and the last known address of the mother
5 of the minor.

6 2. The name of the minor, and the location and date of
7 birth of the minor, if known, or the probable month and year
8 of the expected birth of the minor.

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

11 4. A statement in which the man claims to be the
12 father of the named minor.

13
14 A man who registers with the paternity registry shall promptly
15 notify the department in writing of any change in the required
16 information. A person who knowingly provides false information
17 to the paternity registry commits a misdemeanor of the second
18 degree and is subject to the provisions of s. 63.212(2).

19 (d) Except as provided in paragraph (a), a man who
20 claims to be the father of a minor shall register with the
21 paternity registry. Registration may be accepted by the
22 department before the birth of the child, but may not be
23 accepted by the department after the 30th day after the date
24 of birth of the minor. A man who is required to consent
25 pursuant to s. 63.062 and who has registered with the
26 paternity registry is entitled to receive notice of the
27 petition and hearing to terminate parental rights pending
28 adoption, as required by s. 63.088.

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

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

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

9 (f) Upon request, the department shall furnish a
10 certificate attesting to the results of a search of the
11 paternity registry to:

- 12 1. A court;
- 13 2. The birth mother; or
- 14 3. An adoption entity.

15 (g) If a court determines that a registrant is not the
16 father of the minor, the court shall order the department to
17 remove the registrant's name from the paternity registry.

18 (h)1. The department may not charge a fee for the
19 registration in the paternity registry.

20 2. The department may charge a reasonable fee for
21 processing a search of the paternity registry pursuant to
22 paragraph (f). The department shall deposit such fees in a
23 trust fund to be used by the department only for the efficient
24 administration of this section.

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

28 (j) The department shall:

29 1. Produce and distribute a pamphlet or publication
30 informing the public about the paternity registry, including
31 the procedures, the consequences, and the address of the

1 paternity registry. Such pamphlet or publication shall be
2 made available for distribution at all offices of the
3 department and the Department of Health. The department shall
4 also provide such pamphlets or publications to hospitals,
5 libraries, medical clinics, schools, universities, and county,
6 state, and federal jails and prisons, and other providers of
7 child-related services, upon request.

8 2. Provide information to the public at large through
9 general public service announcements, or in other ways deliver
10 information to the public about the paternity registry.

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

13 Section 7. Section 63.182, Florida Statutes, is
14 amended to read:

15 63.182 Statute of repose.--Notwithstanding s. 95.031
16 or s. 95.11 or any other statute,⁺

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

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

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

31

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

3 409.406 Interstate Compact on Adoption and Medical
4 Assistance.--The Interstate Compact on Adoption and Medical
5 Assistance is enacted into law and entered into with all other
6 jurisdictions legally joining therein in form substantially as
7 follows:

8 INTERSTATE COMPACT ON ADOPTION AND MEDICAL ASSISTANCE

9 ARTICLE I. Findings

10 The Legislature finds that:

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

17 (b) The providers of medical and other necessary
18 services for children, with state assistance, encounter
19 special difficulties when the provision of services takes
20 place in other states.

21 ARTICLE II. Purposes

22 The purposes of the act are to:

23 (a) Authorize the Department of Children and Family
24 Services to enter into interstate agreements with agencies of
25 other states to protect children for whom adoption assistance
26 is provided by the Department of Children and Family Services.

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

29 ARTICLE III. Definitions

30 As used in this compact, the term:

31

1 (a) "Agency" means the Agency for Health Care
2 Administration.

3 (b) "Department" means the Florida Department of
4 Children and Family Services.

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

10 (d) "Adoption assistance state" means the state that
11 is signatory to an adoption assistance agreement in a
12 particular case.

13 (e) "Residence state" means the state where the child
14 resides.

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

17 ARTICLE IV. Compacts Authorized

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

23 ARTICLE V. Contents of Compacts

24 A compact entered into under this act must have the following
25 content:

26 (a) A provision making it available for joinder by all
27 states;

28 (b) A provision for withdrawal from the compact upon
29 written notice to the parties, but with a period of 1 year
30 between the date of the notice and the effective date of the
31 withdrawal;

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

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

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

18 ARTICLE VI. Optional Contents of Compacts

19 A compact entered into under this section may contain
20 provisions in addition to those required pursuant to Article
21 V, as follows:

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

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

30 ARTICLE VII. Medical Assistance

31

1 (a) A child with special needs who is a resident of
2 this state and who is the subject of an adoption assistance
3 agreement with another state is entitled to receive a medical
4 assistance identification from this state upon the filing with
5 the agency of a certified copy of the adoption assistance
6 agreement obtained from the adoption assistance state.

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

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

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

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

1 entitled to medical assistance pursuant to an adoption
2 assistance agreement entered into by this state are eligible
3 to receive such assistance under the laws and procedures
4 applicable thereto.

5 (e) The department shall adopt administrative rules
6 necessary for administering this section.

7 ARTICLE VIII. Federal Participation

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

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

20 409.407 Interstate agreements between the Department
21 of Children and Family Services and agencies of other
22 states.--The Department of Children and Family Services, which
23 is authorized to enter into interstate agreements with
24 agencies of other states for the implementation of the
25 purposes of the Interstate Compact on Adoption and Medical
26 Assistance pursuant to s. 409.406, shall not expand the
27 financial commitment of Florida beyond the financial
28 obligation of the adoption assistance agreements and Medicaid.

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

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