

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 the state adoption registry; creating
19 s. 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 (h) is added to subsection (1)
13 of section 63.062, Florida Statutes, to read:

14 63.062 Persons required to consent to adoption;
15 affidavit of nonpaternity; waiver of venue.--

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

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

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

26 63.085 Disclosure by adoption entity.--

27 (1) DISCLOSURE REQUIRED TO PARENTS AND PROSPECTIVE
28 ADOPTIVE PARENTS.--Not later than 7 days after a person
29 seeking to adopt a minor or a person seeking to place a minor
30 for adoption contacts an adoption entity in person or provides
31 the adoption entity with a mailing address, the entity must

1 provide a written disclosure statement to that person if the
2 entity agrees or continues to work with such person. If an
3 adoption entity is assisting in the effort to terminate the
4 parental rights of a parent who did not initiate the contact
5 with the adoption entity, the written disclosure must be
6 provided within 7 days after that parent is identified and
7 located. For purposes of providing the written disclosure, a
8 person is considered to be seeking to place a minor for
9 adoption when that person has sought information or advice
10 from the adoption entity regarding the option of adoptive
11 placement. The written disclosure statement must be in
12 substantially the following form:

13
14 ADOPTION DISCLOSURE

15
16 THE STATE OF FLORIDA REQUIRES THAT THIS FORM BE
17 PROVIDED TO ALL PERSONS CONSIDERING ADOPTING A
18 MINOR OR SEEKING TO PLACE A MINOR FOR ADOPTION,
19 TO ADVISE THEM OF THE FOLLOWING FACTS REGARDING
20 ADOPTION UNDER FLORIDA LAW:

21
22 1. Under section 63.102, Florida
23 Statutes, the existence of a placement or
24 adoption contract signed by the parent or
25 prospective adoptive parent, prior approval of
26 that contract by the court, or payment of any
27 expenses permitted under Florida law does not
28 obligate anyone to sign a consent or ultimately
29 place a minor for adoption.

30 2. Under sections 63.092 and 63.125,
31 Florida Statutes, a favorable preliminary home

1 study, before the minor may be placed in that
2 home, and a final home investigation, before
3 the adoption becomes final, must be completed.

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

8 4. Under section 63.082, Florida
9 Statutes, if the minor is to be placed for
10 adoption with identified prospective adoptive
11 parents upon release from a licensed hospital
12 or birth center following birth, the consent to
13 adoption may not be signed until 48 hours after
14 birth or until the day the birth mother has
15 been notified in writing, either on her patient
16 chart or in release papers, that she is fit to
17 be released from the licensed hospital or birth
18 center, whichever is sooner. The consent to
19 adoption or affidavit of nonpaternity is valid
20 and binding upon execution unless the court
21 finds it was obtained by fraud or under duress.

22 5. Under section 63.082, Florida
23 Statutes, if the minor is not placed for
24 adoption with the prospective adoptive parent
25 upon release from the hospital or birth center
26 following birth, a 3-day revocation period
27 applies during which consent may be withdrawn
28 for any reason by notifying the adoption entity
29 in writing. In order to withdraw consent, the
30 written withdrawal of consent must be mailed at
31 a United States Post Office no later than 3

1 business days after execution of the consent or
2 1 business day after the date of the birth
3 mother's discharge from a licensed hospital or
4 birth center, whichever occurs later. For
5 purposes of mailing the withdrawal of consent,
6 the term "business day" means any day on which
7 the United States Postal Service accepts
8 certified mail for delivery. The letter must be
9 sent by certified United States mail, return
10 receipt requested. Postal costs must be paid at
11 the time of mailing and the receipt should be
12 retained as proof that consent was withdrawn in
13 a timely manner.

14 6. Under section 63.082, Florida
15 Statutes, and notwithstanding the revocation
16 period, the consent may be withdrawn at any
17 time prior to the placement of the child with
18 the prospective adoptive parent, by notifying
19 the adoption entity in writing by certified
20 United States mail, return receipt requested.

21 7. Under section 63.082, Florida
22 Statutes, if an adoption entity timely receives
23 written notice from a person of that person's
24 desire to withdraw consent, the adoption entity
25 must contact the prospective adoptive parent to
26 arrange a time certain to regain physical
27 custody of the child. Absent a court order for
28 continued placement of the child entered under
29 section 63.082, Florida Statutes, the adoption
30 entity must return the minor within 3 days
31 after notification of the withdrawal of consent

1 to the physical custody of the person
2 withdrawing consent. After the revocation
3 period for withdrawal of consent ends, or after
4 the placement of the child with the prospective
5 adoptive parent, whichever occurs later, the
6 consent may be withdrawn only if the court
7 finds that the consent was obtained by fraud or
8 under duress.

9 8. Under section 63.082, Florida
10 Statutes, an affidavit of nonpaternity, once
11 executed, may be withdrawn only if the court
12 finds that it was obtained by fraud or under
13 duress.

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

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

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

9 12. Under section 63.182, Florida
10 Statutes, an action or proceeding of any kind
11 to vacate, set aside, or otherwise nullify a
12 judgment of adoption or an underlying judgment
13 terminating parental rights pending adoption,
14 on any ground, ~~including duress but excluding~~
15 ~~fraud,~~ must be filed within 1 year after entry
16 of the judgment terminating parental rights
17 pending adoption. ~~Such an action or proceeding~~
18 ~~for fraud must be filed within 2 years after~~
19 ~~entry of the judgment terminating parental~~
20 ~~rights.~~

21 13. Under section 63.089, Florida
22 Statutes, a judgment terminating parental
23 rights pending adoption is voidable and any
24 later judgment of adoption of that minor is
25 voidable if, upon the motion of a parent, the
26 court finds that any person knowingly gave
27 false information that prevented the parent
28 from timely making known his or her desire to
29 assume parental responsibilities toward the
30 minor or to exercise his or her parental
31 rights. The motion must be filed with the court

1 that originally entered the judgment. The
2 motion must be filed within a reasonable time,
3 but not later than 1 year ~~2 years~~ after the
4 date the judgment to which the motion is
5 directed was entered.

6 14. Under section 63.165, Florida
7 Statutes, the State of Florida maintains a
8 registry of adoption reunion information.
9 Information about the registry is available
10 from the Department of Children and Family
11 Services.

12 15. Under section 63.032, Florida
13 Statutes, a court may find that a parent has
14 abandoned his or her child based on conduct
15 during the pregnancy or based on conduct after
16 the child is born. In addition, under section
17 63.089, Florida Statutes, the failure of a
18 parent to respond to notices of proceedings
19 involving his or her child shall result in
20 termination of parental rights of a parent. A
21 lawyer can explain what a parent must do to
22 protect his or her parental rights. Any parent
23 wishing to protect his or her parental rights
24 should act IMMEDIATELY.

25 16. Each parent and prospective adoptive
26 parent is entitled to independent legal advice
27 and representation. Attorney information may be
28 obtained from the yellow pages, The Florida
29 Bar's lawyer referral service, and local legal
30 aid offices and bar associations.

1 17. Counseling services may be helpful
2 while making a parenting decision. Consult the
3 yellow pages of the telephone directory.

4 18. Medical and social services support
5 is available if the parent wishes to retain
6 parental rights and responsibilities. Consult
7 the Department of Children and Family Services.

8 19. Under section 63.039, Florida
9 Statutes, an adoption entity has certain legal
10 responsibilities and may be liable for damages
11 to persons whose consent to an adoption is
12 required or to prospective adoptive parents for
13 failing to materially meet those
14 responsibilities. Damages may also be recovered
15 from an adoption entity if a consent to
16 adoption or affidavit of nonpaternity is
17 obtained by fraud or under duress attributable
18 to an adoption entity.

19 20. Under section 63.097, Florida
20 Statutes, reasonable living expenses of the
21 birth mother may be paid by the prospective
22 adoptive parents and the adoption entity only
23 if the birth mother is unable to pay due to
24 unemployment, underemployment, or disability.
25 The law also allows payment of reasonable and
26 necessary medical expenses, expenses necessary
27 to comply with the requirements of chapter 63,
28 Florida Statutes, court filing expenses, and
29 costs associated with advertising. Certain
30 documented legal, counseling, and other
31 professional fees may be paid. Prior approval

1 of the court is not required until the
2 cumulative total of amounts permitted exceeds
3 \$2,500 in legal or other fees, \$500 in court
4 costs, \$3,000 in expenses, or \$1,500 in
5 cumulative expenses incurred prior to the date
6 the prospective adoptive parent retains the
7 adoption entity. The following fees, costs, and
8 expenses are prohibited:

9 a. Any fee or expense that constitutes
10 payment for locating a minor for adoption.

11 b. Any lump-sum payment to the entity
12 which is nonrefundable directly to the payor or
13 which is not itemized on the affidavit.

14 c. Any fee on the affidavit which does
15 not specify the service that was provided and
16 for which the fee is being charged, such as a
17 fee for facilitation or acquisition.

18
19 The court may reduce amounts charged or refund
20 amounts that have been paid if it finds that
21 these amounts were more than what was
22 reasonable or allowed under the law.

23 21. Under section 63.132, Florida
24 Statutes, the adoption entity and the
25 prospective adoptive parents must sign and file
26 with the court a written statement under oath
27 listing all the fees, expenses, and costs made,
28 or agreed to be made, by or on behalf of the
29 prospective adoptive parents and any adoption
30 entity in connection with the adoption. The
31 affidavit must state whether any of the

1 expenses were eligible to be paid for by any
2 other source.

3 22. Under section 63.132, Florida
4 Statutes, the court order approving the money
5 spent on the adoption must be separate from the
6 judgment making the adoption final. The court
7 may approve only certain costs and expenses
8 allowed under section 63.097, Florida Statutes.
9 The court may approve only fees that are
10 allowed under law and that it finds to be
11 "reasonable." A good idea of what is and is not
12 allowed to be paid for in an adoption can be
13 determined by reading sections 63.097 and
14 63.132, Florida Statutes.

15 Section 3. Paragraphs (f) and (g) of subsection (3) of
16 section 63.088, Florida Statutes, are amended, paragraph (h)
17 is added to said subsection, paragraphs (n) and (o) of
18 subsection (4) are amended, and paragraph (p) is added to
19 subsection (4) of said section, to read:

20 63.088 Proceeding to terminate parental rights pending
21 adoption; notice and service; diligent search.--

22 (3) REQUIRED INQUIRY.--In proceedings initiated under
23 s. 63.087, the court must conduct an inquiry of the person who
24 is placing the minor for adoption and of any relative or
25 person having legal custody of the minor who is present at the
26 hearing and likely to have the following information regarding
27 the identity of:

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

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

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

3
4 The information required under this subsection may be provided
5 to the court in the form of a sworn affidavit by a person
6 having personal knowledge of the facts, addressing each
7 inquiry enumerated in this subsection, except that, if the
8 inquiry identifies a father under paragraph (a) or paragraph
9 (b), the inquiry shall not continue further. The inquiry
10 required under this subsection may be conducted before the
11 birth of the minor.

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

20 (n) Search of one Internet databank locator service;
21 ~~and~~

22 (o) Information held by all medical providers who
23 rendered medical treatment or care to the birth mother and
24 child, including the identity and location information of all
25 persons listed by the mother as being financially responsible
26 for the uninsured expenses of treatment or care and all
27 persons who made any such payments; ~~and-~~

28 (p) The paternity registry pursuant to s. 63.063.

29
30 Any person contacted by a petitioner or adoption entity who is
31 requesting information pursuant to this subsection must

1 release the requested information to the petitioner or
 2 adoption entity, except when prohibited by law, without the
 3 necessity of a subpoena or court order. An affidavit of
 4 diligent search executed by the petitioner and the adoption
 5 entity must be filed with the court confirming completion of
 6 each aspect of the diligent search enumerated in this
 7 subsection and specifying the results. The diligent search
 8 required under this subsection may be conducted before the
 9 birth of the minor.

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

12 63.089 Proceeding to terminate parental rights pending
 13 adoption; hearing; grounds; dismissal of petition; judgment.--

14 (7) RELIEF FROM JUDGMENT TERMINATING PARENTAL
 15 RIGHTS.--

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

28 (c) At the preliminary hearing, the court, upon the
 29 motion of any party or upon its own motion, may order
 30 scientific testing to determine the paternity of the minor if
 31 the person seeking to set aside the judgment is alleging to be

1 the child's father and that fact has not previously been
 2 determined by legitimacy or scientific testing. The court may
 3 not order such testing, nor are the results of any such test
 4 admissible, after the time period specified by s. 63.182.The
 5 court may order supervised visitation with a person for whom
 6 scientific testing for paternity has been ordered. Such
 7 visitation shall be conditioned upon the filing of those test
 8 results with the court and such results establishing that
 9 person's paternity of the minor.

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

12 63.142 Hearing; judgment of adoption.--

13 (4) JUDGMENT.--At the conclusion of the hearing, after
 14 the court determines that the date for a parent to file an
 15 appeal of a valid judgment terminating that parent's parental
 16 rights has passed and no appeal, pursuant to the Florida Rules
 17 of Appellate Procedure, is pending and that the adoption is in
 18 the best interest of the person to be adopted, a judgment of
 19 adoption shall be entered.

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

1 (c) At the preliminary hearing, the court, upon the
2 motion of any party or its own motion, may order scientific
3 testing to determine the paternity of the minor if the person
4 seeking to set aside the judgment is alleging to be the
5 child's father and that fact has not previously been
6 determined by legitimacy or scientific testing. The court may
7 not order such testing, nor are the results of any such test
8 admissible, after the time period specified by s. 63.182.The
9 court may order supervised visitation with a person for whom
10 scientific testing for paternity has been ordered. Such
11 visitation shall be conditioned upon the filing of those test
12 results with the court and such results establishing that
13 person's paternity of the minor.

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

16 63.162 Hearings and records in adoption proceedings;
17 confidential nature.--

18 (7) The court may, upon petition of an adult adoptee,
19 for good cause shown, appoint an intermediary or a licensed
20 child-placing agency to contact a birth parent who has not
21 registered with the adoption reunion registry pursuant to s.
22 63.165 and advise them of the availability of same.

23 Section 7. Section 63.165, Florida Statutes, is
24 amended to read:

25 63.165 State registry of adoption reunion information;
26 duty to inform and explain.--

27 (1) Notwithstanding any other law to the contrary, the
28 department shall maintain an adoption reunion ~~a~~ registry with
29 the last known names and addresses of an adoptee and his or
30 her parents whose consent was required under s. 63.062, and
31 adoptive parents and any other identifying information that

1 the adoptee, parents whose consent was required under s.
2 63.062, or adoptive parents desire to include in the registry.
3 The department shall maintain the registry records for the
4 time required by rules adopted by the department in accordance
5 with this chapter or for 99 years, whichever period is
6 greater. The registry shall be open with respect to all
7 adoptions in the state, regardless of when they took place.
8 The registry shall be available for those persons choosing to
9 enter information therein, but no one shall be required to do
10 so.

11 (2)~~(1)~~ Anyone seeking to enter, change, or use
12 information in the registry, or any agent of such person,
13 shall present verification of his or her identity and, if
14 applicable, his or her authority. A person who enters
15 information in the registry shall be required to indicate
16 clearly the persons to whom he or she is consenting to release
17 this information, which persons shall be limited to the
18 adoptee and the birth mother, father whose consent was
19 required under s. 63.062, adoptive mother, adoptive father,
20 birth siblings, and maternal and paternal birth grandparents
21 of the adoptee. Except as provided in this section,
22 information in the registry is confidential and exempt from s.
23 119.07(1). Consent to the release of this information may be
24 made in the case of a minor adoptee by his or her adoptive
25 parents or by the court after a showing of good cause. At any
26 time, any person may withdraw, limit, or otherwise restrict
27 consent to release information by notifying the department in
28 writing.

29 (3)~~(2)~~ The department may charge a reasonable fee to
30 any person seeking to enter, change, or use information in the
31 registry. The department shall deposit such fees in a trust

1 fund to be used by the department only for the efficient
2 administration of this section. The department and agencies
3 shall make counseling available for a fee to all persons
4 seeking to use the registry, and the department shall inform
5 all affected persons of the availability of such counseling.

6 ~~(4)(3)~~ The adoption entity must inform the parents
7 before parental rights are terminated, and the adoptive
8 parents before placement, in writing, of the existence and
9 purpose of the registry established under this section, but
10 failure to do so does not affect the validity of any
11 proceeding under this chapter.

12 Section 8. Section 63.063, Florida Statutes, is
13 created to read:

14 63.063 Paternity registry.--

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

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

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

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

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

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

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

31

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 of Health in writing of any change in
16 the required information. A person who knowingly provides
17 false information to the paternity registry commits a
18 misdemeanor of the second degree and is subject to the
19 provisions of s. 63.212(2).

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

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

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

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

12 (f) Upon request, the Department of Health shall
13 furnish a certificate attesting to the results of a search of
14 the paternity registry to:

- 15 1. A court;
16 2. The birth mother; or
17 3. An adoption entity.

18 (g) If a court determines that a registrant is not the
19 father of the minor, the court shall order the Department of
20 Health to remove the registrant's name from the paternity
21 registry.

22 (h)1. The Department of Health may not charge a fee
23 for the registration in the paternity registry.

24 2. The Department of Health may charge a reasonable
25 fee for processing a search of the paternity registry pursuant
26 to paragraph (f). The department shall deposit such fees in a
27 trust fund to be used by the department only for the efficient
28 administration of this section.

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

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

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

16 (2) RULES.--The Department of Health has authority to
17 adopt rules to implement this section.

18 Section 9. Section 63.182, Florida Statutes, is
19 amended to read:

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

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

28 ~~(2) An action or proceeding of any kind to vacate, set~~
29 ~~aside, or otherwise nullify a judgment of adoption or an~~
30 ~~underlying judgment terminating parental rights on grounds of~~
31

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

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

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

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

13 INTERSTATE COMPACT ON ADOPTION AND MEDICAL ASSISTANCE

14 ARTICLE I. Findings

15 The Legislature finds that:

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

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

26 ARTICLE II. Purposes

27 The purposes of the act are to:

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

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

3 ARTICLE III. Definitions

4 As used in this compact, the term:

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

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

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

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

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

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

21 ARTICLE IV. Compacts Authorized

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

27 ARTICLE V. Contents of Compacts

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

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

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

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

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

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

22 ARTICLE VI. Optional Contents of Compacts

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

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

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

3 ARTICLE VII. Medical Assistance

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

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

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

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

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

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

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

10 ARTICLE VIII. Federal Participation

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

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

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

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

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