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1 A bill to be entitled

2 An act relating to adoption; amending ss. 63.062, 63.085,
3 63.089, 63.142, and 63.182, F.S.; reducing the time period
4 within which an action must be filed to nullify an
5 adoption or a termination of parental rights on grounds of
6 fraud or providing false information; providing a time
7 limitation for the use of scientific testing to show a
8 probability of paternity; requiring notice to and written
9 consent from a registrant in the paternity registry for a
10 termination of parental rights pending adoption; amending
11 s. 63.088, F.S.; providing court inquiry and diligent
12 search requirements regarding a registrant in the
13 paternity registry to terminate parental rights pending
14 adoption; amending s. 63.165, F.S.; requiring the
15 Department of Children and Family Services to maintain a
16 paternity registry within the state registry of adoption
17 information; providing duties of registrants and the
18 department; providing a penalty; providing use and
19 admissibility of registry information; providing for a
20 fee; providing rulemaking authority; providing
21 applicability of the act; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Paragraph (c) of subsection (1) of section
26 63.062, Florida Statutes, is amended, paragraph (h) is added to
27 said subsection, and subsection (2) of said section is amended,
28 to read:

29 63.062 Persons required to consent to adoption; affidavit
30 of nonpaternity; waiver of venue.--



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

36 (c) If there is no father as set forth in paragraph (b),
 37 any man established to be the father of the child by scientific
 38 tests that are generally acceptable within the scientific
 39 community to show a probability of paternity. The requirements
 40 of this paragraph are only applicable during the time period
 41 specified by s. 63.182. The results of scientific tests that are
 42 generally acceptable within the scientific community to show a
 43 probability of paternity are inadmissible past the 1-year
 44 statute of repose pursuant to s. 63.182.

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

47 (2) Any person whose consent is required under
 48 paragraph(1)(c), ~~or paragraph (1)(d),~~ or (h) may execute an
 49 affidavit of nonpaternity in lieu of a consent under this
 50 section and by doing so waives notice to all court proceedings
 51 after the date of execution. An affidavit of nonpaternity must
 52 be executed as provided in s. 63.082. The person executing the
 53 affidavit must receive disclosure under s. 63.085 prior to
 54 signing the affidavit.

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

57 63.085 Disclosure by adoption entity.--

58 (1) DISCLOSURE REQUIRED TO PARENTS AND PROSPECTIVE
 59 ADOPTIVE PARENTS.--Not later than 7 days after a person seeking
 60 to adopt a minor or a person seeking to place a minor for



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61 adoption contacts an adoption entity in person or provides the
62 adoption entity with a mailing address, the entity must provide
63 a written disclosure statement to that person if the entity
64 agrees or continues to work with such person. If an adoption
65 entity is assisting in the effort to terminate the parental
66 rights of a parent who did not initiate the contact with the
67 adoption entity, the written disclosure must be provided within
68 7 days after that parent is identified and located. For purposes
69 of providing the written disclosure, a person is considered to
70 be seeking to place a minor for adoption when that person has
71 sought information or advice from the adoption entity regarding
72 the option of adoptive placement. The written disclosure
73 statement must be in substantially the following form:

74
75 ADOPTION DISCLOSURE

76
77 THE STATE OF FLORIDA REQUIRES THAT THIS FORM BE PROVIDED TO ALL
78 PERSONS CONSIDERING ADOPTING A MINOR OR SEEKING TO PLACE A MINOR
79 FOR ADOPTION, TO ADVISE THEM OF THE FOLLOWING FACTS REGARDING
80 ADOPTION UNDER FLORIDA LAW:

81
82 1. Under section 63.102, Florida Statutes, the existence
83 of a placement or adoption contract signed by the parent or
84 prospective adoptive parent, prior approval of that contract by
85 the court, or payment of any expenses permitted under Florida
86 law does not obligate anyone to sign a consent or ultimately
87 place a minor for adoption.

88 2. Under sections 63.092 and 63.125, Florida Statutes, a
89 favorable preliminary home study, before the minor may be placed
90 in that home, and a final home investigation, before the



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91 adoption becomes final, must be completed.

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

95 4. Under section 63.082, Florida Statutes, if the minor is
96 to be placed for adoption with identified prospective adoptive
97 parents upon release from a licensed hospital or birth center
98 following birth, the consent to adoption may not be signed until
99 48 hours after birth or until the day the birth mother has been
100 notified in writing, either on her patient chart or in release
101 papers, that she is fit to be released from the licensed
102 hospital or birth center, whichever is sooner. The consent to
103 adoption or affidavit of nonpaternity is valid and binding upon
104 execution unless the court finds it was obtained by fraud or
105 under duress.

106 5. Under section 63.082, Florida Statutes, if the minor is
107 not placed for adoption with the prospective adoptive parent
108 upon release from the hospital or birth center following birth,
109 a 3-day revocation period applies during which consent may be
110 withdrawn for any reason by notifying the adoption entity in
111 writing. In order to withdraw consent, the written withdrawal of
112 consent must be mailed at a United States Post Office no later
113 than 3 business days after execution of the consent or 1
114 business day after the date of the birth mother's discharge from
115 a licensed hospital or birth center, whichever occurs later. For
116 purposes of mailing the withdrawal of consent, the term
117 "business day" means any day on which the United States Postal
118 Service accepts certified mail for delivery. The letter must be
119 sent by certified United States mail, return receipt requested.
120 Postal costs must be paid at the time of mailing and the receipt



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121 should be retained as proof that consent was withdrawn in a
122 timely manner.

123 6. Under section 63.082, Florida Statutes, and
124 notwithstanding the revocation period, the consent may be
125 withdrawn at any time prior to the placement of the child with
126 the prospective adoptive parent, by notifying the adoption
127 entity in writing by certified United States mail, return
128 receipt requested.

129 7. Under section 63.082, Florida Statutes, if an adoption
130 entity timely receives written notice from a person of that
131 person's desire to withdraw consent, the adoption entity must
132 contact the prospective adoptive parent to arrange a time
133 certain to regain physical custody of the child. Absent a court
134 order for continued placement of the child entered under section
135 63.082, Florida Statutes, the adoption entity must return the
136 minor within 3 days after notification of the withdrawal of
137 consent to the physical custody of the person withdrawing
138 consent. After the revocation period for withdrawal of consent
139 ends, or after the placement of the child with the prospective
140 adoptive parent, whichever occurs later, the consent may be
141 withdrawn only if the court finds that the consent was obtained
142 by fraud or under duress.

143 8. Under section 63.082, Florida Statutes, an affidavit of
144 nonpaternity, once executed, may be withdrawn only if the court
145 finds that it was obtained by fraud or under duress.

146 9. Under section 63.082, Florida Statutes, a person who
147 signs a consent to adoption or an affidavit of nonpaternity must
148 be given reasonable notice of his or her right to select a
149 person who does not have an employment, professional, or
150 personal relationship with the adoption entity or the



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151 prospective adoptive parents to be present when the consent or
 152 affidavit is executed and to sign the consent or affidavit as a
 153 witness.

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

160 11. Under Florida law, an intermediary may represent the
 161 legal interests of only the prospective adoptive parents. Each
 162 person whose consent to an adoption is required under section
 163 63.062, Florida Statutes, is entitled to seek independent legal
 164 advice and representation before signing any document or
 165 surrendering parental rights.

166 12. Under section 63.182, Florida Statutes, an action or
 167 proceeding of any kind to vacate, set aside, or otherwise
 168 nullify a judgment of adoption or an underlying judgment
 169 terminating parental rights pending adoption, on any ground,
 170 ~~including duress but excluding fraud,~~ must be filed within 1
 171 year after entry of the judgment terminating parental rights
 172 pending adoption. ~~Such an action or proceeding for fraud must be~~
 173 ~~filed within 2 years after entry of the judgment terminating~~
 174 ~~parental rights.~~

175 13. Under section 63.089, Florida Statutes, a judgment
 176 terminating parental rights pending adoption is voidable and any
 177 later judgment of adoption of that minor is voidable if, upon
 178 the motion of a parent, the court finds that any person
 179 knowingly gave false information that prevented the parent from
 180 timely making known his or her desire to assume parental



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181 responsibilities toward the minor or to exercise his or her
182 parental rights. The motion must be filed with the court that
183 originally entered the judgment. The motion must be filed within
184 a reasonable time, but not later than 1 year ~~2 years~~ after the
185 date the judgment to which the motion is directed was entered.

186 14. Under section 63.165, Florida Statutes, the State of
187 Florida maintains a registry of adoption information which
188 includes a paternity registry. Information about the registry is
189 available from the Department of Children and Family Services.

190 15. Under section 63.032, Florida Statutes, a court may
191 find that a parent has abandoned his or her child based on
192 conduct during the pregnancy or based on conduct after the child
193 is born. In addition, under section 63.089, Florida Statutes,
194 the failure of a parent to respond to notices of proceedings
195 involving his or her child shall result in termination of
196 parental rights of a parent. A lawyer can explain what a parent
197 must do to protect his or her parental rights. Any parent
198 wishing to protect his or her parental rights should act
199 IMMEDIATELY.

200 16. Each parent and prospective adoptive parent is
201 entitled to independent legal advice and representation.
202 Attorney information may be obtained from the yellow pages, The
203 Florida Bar's lawyer referral service, and local legal aid
204 offices and bar associations.

205 17. Counseling services may be helpful while making a
206 parenting decision. Consult the yellow pages of the telephone
207 directory.

208 18. Medical and social services support is available if
209 the parent wishes to retain parental rights and
210 responsibilities. Consult the Department of Children and Family



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211 Services.

212 19. Under section 63.039, Florida Statutes, an adoption
213 entity has certain legal responsibilities and may be liable for
214 damages to persons whose consent to an adoption is required or
215 to prospective adoptive parents for failing to materially meet
216 those responsibilities. Damages may also be recovered from an
217 adoption entity if a consent to adoption or affidavit of
218 nonpaternity is obtained by fraud or under duress attributable
219 to an adoption entity.

220 20. Under section 63.097, Florida Statutes, reasonable
221 living expenses of the birth mother may be paid by the
222 prospective adoptive parents and the adoption entity only if the
223 birth mother is unable to pay due to unemployment,
224 underemployment, or disability. The law also allows payment of
225 reasonable and necessary medical expenses, expenses necessary to
226 comply with the requirements of chapter 63, Florida Statutes,
227 court filing expenses, and costs associated with advertising.
228 Certain documented legal, counseling, and other professional
229 fees may be paid. Prior approval of the court is not required
230 until the cumulative total of amounts permitted exceeds \$2,500
231 in legal or other fees, \$500 in court costs, \$3,000 in expenses,
232 or \$1,500 in cumulative expenses incurred prior to the date the
233 prospective adoptive parent retains the adoption entity. The
234 following fees, costs, and expenses are prohibited:

235 a. Any fee or expense that constitutes payment for
236 locating a minor for adoption.

237 b. Any lump-sum payment to the entity which is
238 nonrefundable directly to the payor or which is not itemized on
239 the affidavit.

240 c. Any fee on the affidavit which does not specify the



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241 service that was provided and for which the fee is being
242 charged, such as a fee for facilitation or acquisition.

243

244 The court may reduce amounts charged or refund amounts that have
245 been paid if it finds that these amounts were more than what was
246 reasonable or allowed under the law.

247 21. Under section 63.132, Florida Statutes, the adoption
248 entity and the prospective adoptive parents must sign and file
249 with the court a written statement under oath listing all the
250 fees, expenses, and costs made, or agreed to be made, by or on
251 behalf of the prospective adoptive parents and any adoption
252 entity in connection with the adoption. The affidavit must state
253 whether any of the expenses were eligible to be paid for by any
254 other source.

255 22. Under section 63.132, Florida Statutes, the court
256 order approving the money spent on the adoption must be separate
257 from the judgment making the adoption final. The court may
258 approve only certain costs and expenses allowed under section
259 63.097, Florida Statutes. The court may approve only fees that
260 are allowed under law and that it finds to be "reasonable." A
261 good idea of what is and is not allowed to be paid for in an
262 adoption can be determined by reading sections 63.097 and
263 63.132, Florida Statutes.

264 Section 3. Paragraphs (f) and (g) of subsection (3) of
265 section 63.088, Florida Statutes, are amended, paragraph (h) is
266 added to said subsection, paragraphs (n) and (o) of subsection
267 (4) are amended, and paragraph (p) is added to subsection (4) of
268 said section, to read:

269 63.088 Proceeding to terminate parental rights pending
270 adoption; notice and service; diligent search.--



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271 (3) REQUIRED INQUIRY.--In proceedings initiated under s.
272 63.087, the court must conduct an inquiry of the person who is
273 placing the minor for adoption and of any relative or person
274 having legal custody of the minor who is present at the hearing
275 and likely to have the following information regarding the
276 identity of:

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

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

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

283

284 The information required under this subsection may be provided
285 to the court in the form of a sworn affidavit by a person having
286 personal knowledge of the facts, addressing each inquiry
287 enumerated in this subsection, except that, if the inquiry
288 identifies a father under paragraph (a) or paragraph (b), the
289 inquiry shall not continue further. The inquiry required under
290 this subsection may be conducted before the birth of the minor.

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

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

299 (o) Information held by all medical providers who rendered
300 medical treatment or care to the birth mother and child,



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301 including the identity and location information of all persons
302 listed by the mother as being financially responsible for the
303 uninsured expenses of treatment or care and all persons who made
304 any such payments; and-

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

306
307 Any person contacted by a petitioner or adoption entity who is
308 requesting information pursuant to this subsection must release
309 the requested information to the petitioner or adoption entity,
310 except when prohibited by law, without the necessity of a
311 subpoena or court order. An affidavit of diligent search
312 executed by the petitioner and the adoption entity must be filed
313 with the court confirming completion of each aspect of the
314 diligent search enumerated in this subsection and specifying the
315 results. The diligent search required under this subsection may
316 be conducted before the birth of the minor.

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

319 63.089 Proceeding to terminate parental rights pending
320 adoption; hearing; grounds; dismissal of petition; judgment.--

321 (7) RELIEF FROM JUDGMENT TERMINATING PARENTAL RIGHTS.--

322 (a) A judgment terminating parental rights pending
323 adoption is voidable and any later judgment of adoption of that
324 minor is voidable if, upon the motion of a parent, the court
325 finds that a person knowingly gave false information that
326 prevented the parent from timely making known his or her desire
327 to assume parental responsibilities toward the minor or meeting
328 the requirements under this chapter to exercise his or her
329 parental rights. A motion under this subsection must be filed
330 with the court originally entering the judgment. The motion must



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331 be filed within a reasonable time, but not later than 1 year ~~2~~
 332 ~~years~~ after the entry of the judgment terminating parental
 333 rights.

334 (c) At the preliminary hearing, the court, upon the motion
 335 of any party or upon its own motion, may order scientific
 336 testing to determine the paternity of the minor if the person
 337 seeking to set aside the judgment is alleging to be the child's
 338 father and that fact has not previously been determined by
 339 legitimacy or scientific testing. The court may not order such
 340 testing, nor are the results of any such test admissible, after
 341 the time period specified by s. 63.182. The court may order
 342 supervised visitation with a person for whom scientific testing
 343 for paternity has been ordered. Such visitation shall be
 344 conditioned upon the filing of those test results with the court
 345 and such results establishing that person's paternity of the
 346 minor.

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

349 63.142 Hearing; judgment of adoption.--

350 (4) JUDGMENT.--At the conclusion of the hearing, after the
 351 court determines that the date for a parent to file an appeal of
 352 a valid judgment terminating that parent's parental rights has
 353 passed and no appeal, pursuant to the Florida Rules of Appellate
 354 Procedure, is pending and that the adoption is in the best
 355 interest of the person to be adopted, a judgment of adoption
 356 shall be entered.

357 (a) A judgment terminating parental rights pending
 358 adoption is voidable and any later judgment of adoption of that
 359 minor is voidable if, upon a motion to set aside of a parent,
 360 the court finds that any person knowingly gave false information



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361 that prevented the parent from timely making known his or her
362 desire to assume parental responsibilities toward the minor or
363 meeting the requirements under this chapter to exercise his or
364 her parental rights. A motion under this paragraph must be filed
365 with the court that entered the original judgment. The motion
366 must be filed within a reasonable time, but not later than 1
367 year ~~2 years~~ after the date the judgment terminating parental
368 rights was entered.

369 (c) At the preliminary hearing, the court, upon the motion
370 of any party or its own motion, may order scientific testing to
371 determine the paternity of the minor if the person seeking to
372 set aside the judgment is alleging to be the child's father and
373 that fact has not previously been determined by legitimacy or
374 scientific testing. The court may not order such testing, nor
375 are the results of any such test admissible, after the time
376 period specified by s. 63.182. The court may order supervised
377 visitation with a person for whom scientific testing for
378 paternity has been ordered. Such visitation shall be conditioned
379 upon the filing of those test results with the court and such
380 results establishing that person's paternity of the minor.

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

383 63.165 State registry of adoption information; duty to
384 inform and explain; paternity registry.--

385 (1) STATE REGISTRY OF ADOPTION
386 INFORMATION.--Notwithstanding any other law to the contrary, the
387 department shall maintain a registry with the last known names
388 and addresses of an adoptee and his or her parents whose consent
389 was required under s. 63.062, and adoptive parents and any other
390 identifying information that the adoptee, parents whose consent



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391 was required under s. 63.062, or adoptive parents desire to
392 include in the registry. The department shall maintain the
393 registry records for the time required by rules adopted by the
394 department in accordance with this chapter or for 99 years,
395 whichever period is greater. The registry shall be open with
396 respect to all adoptions in the state, regardless of when they
397 took place. The registry shall be available for those persons
398 choosing to enter information therein, but no one shall be
399 required to do so.

400 (a)~~(1)~~ Anyone seeking to enter, change, or use information
401 in the registry, or any agent of such person, shall present
402 verification of his or her identity and, if applicable, his or
403 her authority. A person who enters information in the registry
404 shall be required to indicate clearly the persons to whom he or
405 she is consenting to release this information, which persons
406 shall be limited to the adoptee and the birth mother, father
407 whose consent was required under s. 63.062, adoptive mother,
408 adoptive father, birth siblings, and maternal and paternal birth
409 grandparents of the adoptee. Except as provided in this
410 section, information in the registry is confidential and exempt
411 from s. 119.07(1). Consent to the release of this information
412 may be made in the case of a minor adoptee by his or her
413 adoptive parents or by the court after a showing of good cause.

414 At any time, any person may withdraw, limit, or otherwise
415 restrict consent to release information by notifying the
416 department in writing.

417 (b)~~(2)~~ The department may charge a reasonable fee to any
418 person seeking to enter, change, or use information in the
419 registry. The department shall deposit such fees in a trust
420 fund to be used by the department only for the efficient



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421 administration of this section. The department and agencies
422 shall make counseling available for a fee to all persons seeking
423 to use the registry, and the department shall inform all
424 affected persons of the availability of such counseling.

425 ~~(c)(3)~~ The adoption entity must inform the parents before
426 parental rights are terminated, and the adoptive parents before
427 placement, in writing, of the existence and purpose of the
428 registry established under this section, but failure to do so
429 does not affect the validity of any proceeding under this
430 chapter.

431 (2) PATERNITY REGISTRY.--Within the state registry of
432 adoption information, the department shall maintain a paternity
433 registry.

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

436 1. The minor was conceived or born while he was married to
437 the mother;

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

439 3. The minor has been established by court proceeding to
440 be his child.

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

443 (c) A man registering with the paternity registry shall
444 provide the paternity registry with the following information in
445 writing:

446 1. The name and the last known address of the mother of
447 the minor.

448 2. The name of the minor, and the location and date of
449 birth of the minor, if known, or the probable month and year of
450 the expected birth of the minor.



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

452 4. A statement in which the man claims to be the father of
453 the named minor.

454

455 A man who registers with the paternity registry shall promptly
456 notify the department in writing of any change in the required
457 information. A person who knowingly provides false information
458 to the paternity registry commits a misdemeanor of the second
459 degree and is subject to the provisions of s. 63.212(2).

460 (d) Except as provided in paragraph (a), a man who claims
461 to be the father of a minor shall register with the paternity
462 registry. Registration may be accepted by the department before
463 the birth of the child, but may not be accepted by the
464 department after the 30th day after the date of birth of the
465 minor. A man who is required to consent pursuant to s. 63.062
466 and who has registered with the paternity registry is entitled
467 to receive notice of the petition and hearing to terminate
468 parental rights pending adoption, as required by s. 63.088.

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

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

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

480 (f) Upon request, the department shall furnish a



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481 certificate attesting to the results of a search of the
 482 paternity registry to:

- 483 1. A court;
- 484 2. The birth mother; or
- 485 3. An adoption entity.

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

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

491 2. The department may charge a reasonable fee for
 492 processing a search of the paternity registry pursuant to
 493 paragraph (f). The department shall deposit such fees in a trust
 494 fund to be used by the department only for the efficient
 495 administration of this section.

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

499 (j) The department shall:

500 1. Produce and distribute a pamphlet or publication
 501 informing the public about the paternity registry, including the
 502 procedures, the consequences, and the address of the paternity
 503 registry. Such pamphlet or publication shall be made available
 504 for distribution at all offices of the department and the
 505 Department of Health. The department shall also provide such
 506 pamphlets or publications to hospitals, libraries, medical
 507 clinics, schools, universities, and county, state, and federal
 508 jails and prisons, and other providers of child-related
 509 services, upon request.

510 2. Provide information to the public at large through



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511 general public service announcements, or in other ways deliver
 512 information to the public about the paternity registry.

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

515 Section 7. Section 63.182, Florida Statutes, is amended to
 516 read:

517 63.182 Statute of repose.--Notwithstanding s. 95.031 or s.
 518 95.11 or any other statute,⁺

519 ~~(1)~~ an action or proceeding of any kind to vacate, set
 520 aside, or otherwise nullify a judgment of adoption or an
 521 underlying judgment terminating parental rights on any ground,
 522 ~~including duress but excluding fraud,~~ shall in no event be filed
 523 more than 1 year after entry of the judgment terminating
 524 parental rights.

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

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

533 Section 9. This act shall take effect October 1, 2003.