



CHAMBER ACTION

The Committee on Judiciary recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to adoption; amending s. 63.022, F.S.; providing legislative findings and intent with respect to the rights and responsibilities of adoptive children, biological parents, and adoptive parents; providing that certain requirements do not apply to an adoption involving a relative or stepchild; providing legislative intent concerning cooperation between the Department of Children and Family Services and private adoption entities; amending s. 63.032, F.S.; revising definitions; defining the terms "unmarried biological father" and "adoption plan"; amending s. 63.039, F.S.; providing for an award of certain fees and costs in the event of fraud or duress at the discretion of the court; requiring that certain court findings of sanctionable conduct be forwarded to the Office of the Attorney General; amending s. 63.042, F.S.; revising provisions specifying who may adopt; amending s. 63.0423, F.S.; revising references to newborn infants; authorizing a child-placing agency to remove an abandoned



29 infant from a placement under certain circumstances;
30 revising requirements for conducting a diligent search to
31 identify a parent of an abandoned infant; revising certain
32 requirements for the court; revising time periods for
33 providing notice of certain actions; revising the period
34 within which a judgment of termination of parental rights
35 may be voided; amending s. 63.0425, F.S.; revising
36 requirements for notifying a grandparent with whom the
37 child has resided of a hearing on a petition for
38 termination of parental rights; deleting a requirement
39 that the court give first priority for adoption to the
40 grandparent under certain conditions; amending s. 63.0427,
41 F.S.; revising provisions governing a minor's right to
42 communicate with siblings and other relatives; providing
43 for postadoption communication or contact with parents
44 whose parental rights have been terminated; amending s.
45 63.043, F.S.; deleting provisions prohibiting certain
46 screening or testing for purposes of employment or
47 admission into educational institutions; amending s.
48 63.052, F.S.; revising provisions specifying the entity
49 that may be the guardian of a minor placed for an
50 adoption; revising the responsibilities and authority of
51 the guardian; creating s. 63.053, F.S.; providing
52 legislative findings with respect to the rights and
53 responsibilities of an unmarried biological father;
54 creating s. 63.054, F.S.; providing requirements for the
55 unmarried biological father to establish parental rights;
56 creating the Florida Putative Father Registry within the



57 | Office of Vital Statistics of the Department of Health;
58 | providing requirements for registering with the Florida
59 | Putative Father Registry; providing requirements for
60 | searching the registry; directing the Department of Health
61 | to provide for an application and inform the public of the
62 | Florida Putative Father Registry; providing for removal of
63 | the registrant's name from the registry; providing
64 | rulemaking authority; amending s. 63.062, F.S.; revising
65 | provisions specifying the persons from whom a consent for
66 | adoption is required; providing conditions under which the
67 | consent for adoption of an unmarried biological father
68 | must be obtained; authorizing the execution of an
69 | affidavit of nonpaternity prior to the birth of the child;
70 | deleting requirements for a form for the affidavit of
71 | nonpaternity; revising the conditions under which a
72 | petition to adopt an adult may be granted; revising venue
73 | requirements for terminating parental rights; creating s.
74 | 63.063, F.S.; providing for the responsibilities of each
75 | party pertaining to fraudulent actions; providing
76 | requirements for a biological father to contest a
77 | termination of parental rights; creating s. 63.064, F.S.;
78 | authorizing the court to waive the requirement that
79 | consent for adoption be obtained from certain persons;
80 | amending s. 63.082, F.S.; revising requirements for
81 | executing a consent for adoption and obtaining certain
82 | information concerning the child and birth parents;
83 | providing for executing an affidavit of nonpaternity prior
84 | to the birth of the child; authorizing an adoption entity



85 | to intervene as a party in interest under certain
86 | circumstances; providing for placement of a minor when the
87 | minor is in the custody of the Department of Children and
88 | Family Services; revising requirements for withdrawing a
89 | consent for adoption; amending s. 63.085, F.S.; revising
90 | the requirements for required disclosures by an adoption
91 | entity; amending s. 63.087, F.S.; revising provisions
92 | governing the proceedings for terminating parental rights
93 | pending adoption; revising the venue requirements for
94 | filing a petition to terminate parental rights; revising
95 | requirements for a petition for terminating parental
96 | rights pending adoption; amending s. 63.088, F.S.;
97 | providing for limited notice requirements for an unmarried
98 | biological father; revising the period within which an
99 | inquiry and diligent search must be initiated; revising
100 | requirements for notice concerning the termination of
101 | parental rights; revising the individuals for whom
102 | information regarding identity is required; revising the
103 | inquiries required for diligent search; revising
104 | requirements for constructive service; amending s. 63.089,
105 | F.S.; revising hearing requirements for terminating
106 | parental rights; revising conditions under which the court
107 | may enter a judgment terminating parental rights; revising
108 | conditions for making a finding of abandonment; revising
109 | requirements for issuing and voiding a judgment
110 | terminating parental rights; amending s. 63.092, F.S.;
111 | revising requirements for placing of a minor by an
112 | adoption entity; revising requirements for a preliminary



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113 | home study; amending s. 63.097, F.S.; revising the fees,
114 | costs, and expenses that may be assessed by an adoption
115 | entity; revising the total of the fees, costs, and
116 | expenses for which court approval is required; prohibiting
117 | certain fees, costs, and expenses; amending s. 63.102,
118 | F.S.; revising the period within which a petition for
119 | adoption may be filed; providing for exceptions for
120 | adoptions of adults and adoptions by stepparents and
121 | relatives; revising requirements pertaining to prior
122 | approval of fees and costs; providing for the clerk of the
123 | court to charge one filing fee for certain adoption-
124 | related actions; amending s. 63.112, F.S.; revising
125 | requirements for the petition documents for an adoption;
126 | amending s. 63.122, F.S.; providing requirements for the
127 | notice of the hearing on the petition for adoption;
128 | amending s. 63.125, F.S.; revising the period within which
129 | a home investigation report must be filed; amending s.
130 | 63.132, F.S.; revising the period within which an
131 | affidavit of expenses and receipts must be filed; revising
132 | requirements for the affidavit of expenses and receipts;
133 | providing an exception for the adoption of a relative or
134 | an adult; amending s. 63.135, F.S.; requiring that certain
135 | information be provided to the court for all adoption
136 | proceedings; amending s. 63.142, F.S.; allowing persons to
137 | appear before the court telephonically; revising
138 | conditions under which a judgment terminating parental
139 | rights is voidable; revising requirements pertaining to
140 | the court's consideration of setting aside a judgment



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141 terminating parental rights; amending s. 63.152, F.S.;
142 revising the entities responsible for preparing a
143 statement of the adoption for the state registrar of vital
144 statistics; requiring the clerk of the court to transmit
145 the statement of the adoption to the state registrar;
146 amending s. 63.162, F.S.; revising certain notice
147 requirements concerning the disclosure of information
148 pertaining to an adoption; amending s. 63.167, F.S.;
149 authorizing the department to contract with more than one
150 child-placing agency for the operation of a state adoption
151 information center; amending s. 63.182, F.S.; revising the
152 statute of repose to conform to changes made by the act;
153 repealing s. 63.185, F.S., relating to the residency
154 requirement for adoptions; amending s. 63.207, F.S.;
155 providing for the court's jurisdiction with respect to
156 out-of-state placements; amending s. 63.212, F.S.;
157 requiring an out-of-state adoption to be in compliance
158 with the Interstate Compact for the Placement of Children
159 when applicable; deleting certain provisions concerning
160 preplanned adoption agreements; revising acts that are
161 unlawful pertaining to adoptions; creating s. 63.213,
162 F.S.; providing requirements for a preplanned adoption
163 arrangement; providing definitions; amending s. 63.219,
164 F.S.; revising conditions under which the court may
165 sanction an adoption entity; amending s. 63.235, F.S.;
166 providing application; providing an effective date.

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168 Be It Enacted by the Legislature of the State of Florida:



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Section 1. Section 63.022, Florida Statutes, is amended to read:

63.022 Legislative intent.--

(1) The Legislature finds that:

(a) The state has a compelling interest in providing stable and permanent homes for adoptive children in a prompt manner, in preventing the disruption of adoptive placements, and in holding parents accountable for meeting the needs of children.

(b) An unmarried mother faced with the responsibility of making crucial decisions about the future of a newborn child is entitled to privacy, has the right to make timely and appropriate decisions regarding her future and the future of the child, and is entitled to assurance regarding an adoptive placement.

(c) Adoptive children have the right to permanence and stability in adoptive placements.

(d) Adoptive parents have a constitutional privacy interest in retaining custody of a legally adopted child.

(e) An unmarried biological father has an inchoate interest that acquires constitutional protection only when he demonstrates a timely and full commitment to the responsibilities of parenthood, both during the pregnancy and after the child's birth. The state has a compelling interest in requiring an unmarried biological father to demonstrate that commitment by providing appropriate medical care and financial



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196 support and by establishing legal paternity rights in accordance
197 with the requirements of this chapter.

198 (2) It is the intent of the Legislature that in every
199 adoption, the best interest of the child should govern and be of
200 foremost concern in the court's determination. The court shall
201 make a specific finding as to the best interest of the child in
202 accordance with the provisions of this chapter.

203 (3)(1) It is the intent of the Legislature to protect and
204 promote the well-being of persons being adopted and their birth
205 and adoptive parents and to provide to all children who can
206 benefit by it a permanent family life, and, whenever appropriate
207 possible, to maintain sibling groups.

208 (4)(2) The basic safeguards intended to be provided by
209 this chapter are that:

210 (a) The minor is legally free for adoption and that all
211 adoptions are handled in accordance with the requirements of
212 law.

213 (b) The required persons consent to the adoption or the
214 parent-child relationship is terminated by judgment of the
215 court.

216 (c) The required social studies are completed and the
217 court considers the reports of these studies prior to judgment
218 on adoption petitions.

219 (d) All placements of minors for adoption are reported to
220 the Department of Children and Family Services, except relative,
221 adult, and stepparent adoptions.

222 (e) A sufficient period of time elapses during which the
223 minor has lived within the proposed adoptive home under the



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224 | guidance of an adoption entity, except stepparent adoptions or
225 | adoptions of a relative ~~the department, a child-caring agency~~
226 | ~~registered under s. 409.176, or a licensed child-placing agency.~~

227 | (f) All expenditures by adoption entities or adoptive
228 | parents relative to the adoption of ~~placing, and persons~~
229 | ~~independently adopting,~~ a minor are reported to the court and
230 | become a permanent record in the file of the adoption
231 | proceedings, including, but not limited to, all legal fees and
232 | costs, all payments to or on behalf of a birth parent, and all
233 | payments to or on behalf of the minor.

234 | (g) Social and medical information concerning the minor
235 | and the parents is furnished by the parent when available and
236 | filed with the court before a final hearing on a petition to
237 | terminate parental rights pending adoption, unless the
238 | petitioner is a stepparent or a relative.

239 | (h) A new birth certificate is issued after entry of the
240 | adoption judgment.

241 | (i) At the time of the hearing, the court may order
242 | temporary substitute care when it determines that the minor is
243 | in an unsuitable home.

244 | (j) The records of all proceedings concerning custody and
245 | adoption of a minor are confidential and exempt from s.
246 | 119.07(1), except as provided in s. 63.162.

247 | (k) The birth parent, the prospective adoptive parent, and
248 | the minor receive, at a minimum, the safeguards, guidance,
249 | counseling, and supervision required in this chapter.

250 | (l) In all matters coming before the court under this
251 | chapter, the court shall enter such orders as it deems necessary



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252 and suitable to promote and protect the best interests of the
253 person to be adopted.

254 (m) In dependency cases initiated by the department, where
255 termination of parental rights occurs, and siblings are
256 separated despite diligent efforts of the department, continuing
257 postadoption communication or contact among the siblings may be
258 ordered by the court if found to be in the best interests of the
259 children.

260 (5) It is the intent of the Legislature to provide for
261 cooperation between private adoption entities and the Department
262 of Children and Family Services in matters relating to permanent
263 placement options for children in the care of the department
264 whose birth parents wish to participate in a private adoption
265 plan with a qualified family.

266 Section 2. Section 63.032, Florida Statutes, is amended to
267 read:

268 63.032 Definitions.--As used in this chapter, the term:

269 (1) "Abandoned" means a situation in which the parent or
270 person having legal custody of a child, while being able, makes
271 no provision for the child's support and makes little or no
272 effort to communicate with the child, which situation is
273 sufficient to evince an intent to reject ~~a willful rejection of~~
274 parental responsibilities ~~obligations~~. If, in the opinion of the
275 court, the efforts of such parent or person having legal custody
276 of the child to support and communicate with the child are only
277 marginal efforts that do not evince a settled purpose to assume
278 all parental duties, the court may declare the child to be
279 abandoned. In making this decision, the court may consider the



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280 | conduct of a father towards the child's mother during her
281 | pregnancy.

282 | (2) "Adoption" means the act of creating the legal
283 | relationship between parent and child where it did not exist,
284 | thereby declaring the child to be legally the child of the
285 | adoptive parents and their heir at law and entitled to all the
286 | rights and privileges and subject to all the obligations of a
287 | child born to such adoptive parents in lawful wedlock.

288 | (3) "Adoption entity" means the department, an agency, a
289 | child-caring agency registered under s. 409.176, ~~or~~ an
290 | intermediary, or a child-placing agency licensed in another
291 | state which is qualified by the department to place children in
292 | the State of Florida.

293 | (4) "Adult" means a person who is not a minor.

294 | (5) "Agency" means any child-placing agency licensed by
295 | the department pursuant to s. 63.202 to place minors for
296 | adoption.

297 | (6) "Child" means a son or daughter, whether by birth or
298 | adoption.

299 | (7) "Court" means any circuit court of this state and,
300 | when the context requires, the court of any state that is
301 | empowered to grant petitions for adoption.

302 | (8) "Department" means the Department of Children and
303 | Family Services.

304 | (9) "Intermediary" means an attorney who is licensed or
305 | authorized to practice in this state and who is placing or
306 | intends to place a child for adoption, including placing ~~or, for~~
307 | ~~the purpose of adoptive placements of~~ children born in another



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308 ~~from out of~~ state with citizens of this state or country or
 309 placing children born in this state with citizens of another
 310 state or country, a child placing agency licensed in another
 311 state that is qualified by the department.

312 (10) "Legal custody" has the meaning ascribed in s. 39.01.

313 (11) "Minor" means a person under the age of 18 years.

314 (12) "Parent" has the same meaning ascribed in s. 39.01.

315 (13) "Person" includes a natural person, corporation,
 316 government or governmental subdivision or agency, business
 317 trust, estate, trust, partnership, or association, and any other
 318 legal entity.

319 (14) "Relative" means a person related by blood to the
 320 person being adopted within the third degree of consanguinity
 321 ~~has the same meaning ascribed in s. 39.01.~~

322 (15) "To place" ~~or "placement"~~ means the process of a
 323 parent or legal guardian surrendering ~~person giving~~ a child ~~up~~
 324 for adoption and the prospective adoptive parents receiving and
 325 adopting the child, and includes all actions by any person or
 326 adoption entity participating in the process.

327 (16) "Placement" means the process of a parent or legal
 328 guardian surrendering a child for adoption and the prospective
 329 adoptive parents receiving and adopting the child and all
 330 actions by any adoption entity participating in placing the
 331 child.

332 (17)~~(16)~~ "Primarily lives and works outside Florida" means
 333 ~~anyone who does not meet the definition of "primary residence~~
 334 ~~and place of employment in Florida."~~



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335 ~~(17) "Primary residence and place of employment in~~
336 ~~Florida" means~~ a person who lives and works outside in this
337 state at least 6 months of the year, ~~and intends to do so for~~
338 ~~the foreseeable future or~~ military personnel who designate
339 Florida as their place of residence in accordance with the
340 Soldiers' and Sailors' Civil Relief Act of 1940, or employees of
341 the United States Department of State living in a foreign
342 country who designate a state other than Florida as their place
343 of residence.

344 (18) "Suitability of the intended placement" includes the
345 fitness of the intended placement, with primary consideration
346 being given to the best interest ~~welfare~~ of the child; ~~the~~
347 ~~fitness and capabilities of the adoptive parent or parents to~~
348 ~~function as parent or parents for a particular child; any~~
349 ~~familial relationship between the child and the prospective~~
350 ~~placement; and the compatibility of the child with the home in~~
351 ~~which the child is intended to be placed.~~

352 (19) "Unmarried biological father" means the child's
353 biological father who is not married to the child's mother at
354 the time of conception or birth of the child and who has not
355 been declared by a court of competent jurisdiction to be the
356 legal father of the child.

357 (20) "Adoption plan" means arrangements made by a birth
358 parent or other individual having a legal right to custody of a
359 minor child, born or to be born, with an adoption entity in
360 furtherance of the placement of the minor for adoption.

361 Section 3. Section 63.039, Florida Statutes, is amended to
362 read:



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363 63.039 Duty of adoption entity to prospective adoptive
364 parents; sanctions.--

365 (1) An adoption entity placing a minor for adoption has an
366 affirmative duty to follow the requirements of this chapter and
367 specifically the following provisions, which protect and promote
368 the well-being of persons being adopted and their parents and
369 prospective adoptive parents by promoting certainty, finality,
370 and permanency for such persons. The adoption entity must:

371 (a) Provide written initial disclosure to the prospective
372 adoptive parent at the time and in the manner required under s.
373 63.085.

374 (b) Provide written ~~initial and postbirth~~ disclosure to
375 the parent at the time and in the manner required under s.
376 63.085.

377 (c) When a written consent for adoption is obtained,
378 obtain the consent at the time and in the manner required under
379 s. 63.082.

380 (d) When a written consent or affidavit of nonpaternity
381 for adoption is obtained, obtain a consent to adoption or
382 affidavit of nonpaternity that contains the language required
383 under s. 63.062 or s. 63.082.

384 (e) Include in the petition to terminate parental rights
385 pending adoption all information required under s. 63.087~~(6)~~~~(e)~~
386 and ~~(f)~~.

387 (f) Obtain and file the affidavit of inquiry pursuant to
388 s. 63.088~~(4)~~~~(3)~~, if the required inquiry is not conducted orally
389 in the presence of the court.



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390 (g) When the identity of a person whose consent to
391 adoption is necessary under this chapter is known but the
392 location of such a person is unknown, conduct the diligent
393 search and file the affidavit required under s. 63.088(5)~~(4)~~.

394 (h) Serve a ~~the~~ petition and notice of hearing to
395 terminate parental rights pending adoption at the time and in
396 the manner prescribed by law ~~required by s. 63.088~~.

397 (i) Obtain the written waiver of venue required under s.
398 63.062 in cases ~~involving a child younger than 6 months of age~~
399 in which venue for the termination of parental rights will be
400 located in a county other than the county where a ~~the~~ parent
401 whose rights are to be terminated resides.

402 (2) If a court finds that a consent to adoption or an
403 affidavit of nonpaternity taken under this chapter was obtained
404 by fraud or ~~under~~ duress attributable to the adoption entity,
405 the court may ~~must~~ award all sums paid by the prospective
406 adoptive parents or on their behalf in anticipation of or in
407 connection with the adoption. The court may also award
408 reasonable attorney's fees and costs incurred by the prospective
409 adoptive parents in connection with the adoption and any
410 litigation related to placement or adoption of a minor. The
411 court may ~~must~~ award reasonable attorney's fees and costs, if
412 any, incurred by the person whose consent or affidavit was
413 obtained by fraud or ~~under~~ duress. Any award under this
414 subsection to the prospective adoptive parents or to the person
415 whose consent or affidavit was obtained by fraud or ~~under~~ duress
416 must be paid directly to them by the adoption entity or by any
417 applicable insurance carrier on behalf of the adoption entity if



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418 the court determines, after an evidentiary hearing held
419 subsequent to the entry of a final order in the underlying
420 termination of parental rights or adoption action, that the
421 actions or failures of the adoption entity directly contributed
422 to the finding of fraud or duress.

423 (3) The prevailing party ~~If a person whose consent to an~~
424 ~~adoption is required under s. 63.062 prevails in an action to~~
425 ~~set aside a judgment terminating parental rights pending~~
426 ~~adoption, or a judgment of adoption may be awarded, the court~~
427 ~~must award reasonable attorney's fees and costs to the~~
428 ~~prevailing party.~~ An award under this subsection must be paid by
429 the adoption entity or by any applicable insurance carrier on
430 behalf of the adoption entity if the court finds that the acts
431 or omissions of the entity were the basis for the court's order
432 granting relief to the prevailing party.

433 (4) Within 30 days after the entry of an order of the
434 court finding sanctionable conduct on the part of an adoption
435 entity ~~the date that the order was issued,~~ the clerk of the
436 court must forward to:

437 (a) The Florida Bar any order that imposes sanctions under
438 this section against an attorney acting as an adoption entity.

439 (b) The Department of Children and Family Services any
440 order that imposes sanctions under this section against a
441 licensed child-placing agency or a child-placing agency licensed
442 in another state that is qualified by the department.

443 (c) The entity under s. 409.176 that certifies child-
444 caring agencies any order that imposes sanctions under this



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445 section against a child-caring agency registered under s.
446 409.176.

447 (d) The Office of Attorney General any order that imposes
448 sanctions under this section against the department.

449 Section 4. Section 63.042, Florida Statutes, is amended to
450 read:

451 63.042 Who may be adopted; who may adopt.--

452 (1) Any person, a minor or an adult, may be adopted.

453 (2) The following persons may adopt:

454 (a) A husband and wife jointly;

455 (b) An unmarried adult, ~~including the birth parent of the~~
456 ~~person to be adopted;~~

457 ~~(c) The unmarried minor birth parent of the person to be~~
458 ~~adopted; or~~

459 (c)(d) A married person without the other spouse joining
460 as a petitioner, if the person to be adopted is not his or her
461 spouse, and if:

462 1. The other spouse is a parent of the person to be
463 adopted and consents to the adoption; or

464 2. The failure of the other spouse to join in the petition
465 or to consent to the adoption is excused by the court for good
466 cause shown or in the best interest of the child ~~for reason of~~
467 ~~prolonged unexplained absence, unavailability, incapacity, or~~
468 ~~circumstances constituting an unreasonable withholding of~~
469 ~~consent.~~

470 (3) No person eligible to adopt under this statute may
471 adopt if that person is a homosexual.



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472 (4) No person eligible under this section shall be
 473 prohibited from adopting solely because such person possesses a
 474 physical disability or handicap, unless it is determined by the
 475 court or adoption entity ~~department or the licensed child-~~
 476 ~~placing agency~~ that such disability or handicap renders such
 477 person incapable of serving as an effective parent.

478 Section 5. Section 63.0423, Florida Statutes, is amended
 479 to read:

480 63.0423 Procedures with respect to abandoned infants
 481 ~~newborns~~.--

482 (1) A licensed child-placing agency that takes physical
 483 custody of an ~~a newborn~~ infant abandoned ~~left~~ at a hospital,
 484 emergency medical services station, or fire station pursuant to
 485 s. 383.50, shall assume responsibility for all medical costs and
 486 all other costs associated with the emergency services and care
 487 of the abandoned ~~newborn~~ infant from the time the licensed
 488 child-placing agency takes physical custody of the abandoned
 489 ~~newborn~~ infant.

490 (2) The licensed child-placing agency shall immediately
 491 seek an order from the circuit court for emergency custody of
 492 the abandoned ~~newborn~~ infant. The emergency custody order shall
 493 remain in effect until the court orders preliminary approval of
 494 placement of the abandoned ~~newborn~~ infant in the prospective
 495 home, at which time the prospective adoptive parents become
 496 guardians pending termination of parental rights and
 497 finalization of adoption or until the court orders otherwise.
 498 The guardianship of the prospective adoptive parents shall
 499 remain subject to the right of the licensed child-placing agency



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500 to remove the abandoned infant from the placement during the
501 pendency of the proceedings if such removal is deemed by the
502 licensed child-placing agency to be in the best interest of the
503 child. The licensed child-placing agency may immediately seek to
504 ~~temporarily~~ place the abandoned newborn infant in a prospective
505 adoptive home ~~as soon as possible~~.

506 (3) The licensed child-placing agency that takes physical
507 custody of the abandoned newborn infant shall, within 24 hours
508 thereafter, ~~immediately~~ request assistance from law enforcement
509 officials to investigate and determine, through the Missing
510 Children Information Clearinghouse, the National Center for
511 Missing and Exploited Children, and any other national and state
512 resources, whether or not the abandoned newborn infant is a
513 missing child.

514 (4) Within 7 days after accepting physical custody of the
515 abandoned newborn infant, the licensed child-placing agency
516 shall initiate a diligent search to notify and to obtain consent
517 from a parent whose identity is known but whose location is
518 unknown ~~or location is unknown, other than the parent who has~~
519 ~~left a newborn infant at a hospital, emergency medical services~~
520 ~~station, or fire station in accordance with s. 383.50.~~ The
521 diligent search must include, at a minimum, inquiries as
522 provided for in s. 63.088 ~~of all known relatives of the parent,~~
523 ~~inquiries of all offices or program areas of the department~~
524 ~~likely to have information about the parent, inquiries of other~~
525 ~~state and federal agencies likely to have information about the~~
526 ~~parent, inquiries of appropriate utility and postal providers,~~
527 ~~and inquiries of appropriate law enforcement agencies.~~



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528 Constructive notice must also be provided pursuant to chapter 49
529 in the county where the ~~newborn~~ infant was abandoned ~~left and in~~
530 ~~the county where the petition to terminate parental rights will~~
531 ~~be filed. The constructive notice must include at a minimum,~~
532 ~~available identifying information, and information on whom a~~
533 ~~parent must contact in order to assert a claim of parental~~
534 ~~rights of the newborn infant and how to assert that claim. If a~~
535 ~~parent is identified and located, notice of the adjudicatory~~
536 ~~hearing on the petition for termination of parental rights shall~~
537 ~~be provided. If a parent cannot be identified or located~~
538 ~~subsequent to the diligent search and constructive notice, the~~
539 ~~licensed child placing agency shall file an affidavit of~~
540 ~~diligent search at the same time that the petition to terminate~~
541 ~~parental rights is filed.~~

542 (5) A petition for termination of parental rights under
543 this section may not be filed until 30 days after the date the
544 ~~newborn~~ infant was abandoned ~~left~~ in accordance with s. 383.50.
545 A petition for termination of parental rights may not be granted
546 until consent to adoption or an affidavit of nonpaternity has
547 been executed by a parent of the abandoned ~~newborn~~ infant as set
548 forth in s. 63.062, a parent has failed to reclaim or claim the
549 abandoned ~~newborn~~ infant within the ~~specified~~ time period
550 specified in s. 383.50, or the consent of a parent is otherwise
551 waived by the court.

552 (6) A claim of parental rights of the abandoned ~~newborn~~
553 infant must be made to the entity having ~~physical or~~ legal
554 custody of the abandoned ~~newborn~~ infant or to the circuit court
555 before whom proceedings involving the abandoned ~~newborn~~ infant



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556 are pending. A claim of parental rights of the abandoned ~~newborn~~
557 infant may not be made after the judgment to terminate parental
558 rights is entered, except as otherwise provided by subsection
559 (9) ~~(10)~~.

560 (7) If a claim of parental rights of an abandoned a
561 ~~newborn~~ infant is made before the judgment to terminate parental
562 rights is entered, the circuit court may ~~shall~~ hold the action
563 for termination of parental rights pending subsequent adoption
564 in abeyance for a period of time not to exceed 60 days.

565 (a) The court may ~~shall~~ order scientific testing to
566 determine maternity or paternity at the expense of the parent
567 claiming parental rights ~~unless maternity or paternity has been~~
568 ~~previously established legally or by scientific testing.~~

569 (b) The court shall ~~may~~ appoint a guardian ad litem for
570 the abandoned ~~newborn~~ infant and order whatever investigation,
571 home evaluation, and psychological evaluation are necessary to
572 determine what is in the best interest of the abandoned ~~newborn~~
573 infant.

574 (c) The court may not terminate parental rights solely on
575 the basis that the parent left the a ~~newborn~~ infant at a
576 hospital, emergency medical services station, or fire station in
577 accordance with s. 383.50.

578 (d) The court shall enter a judgment with written findings
579 of fact and conclusions of law.

580 (8) Within 7 business days ~~24 hours~~ after recording ~~filing~~
581 the judgment, the clerk of the court shall mail a copy of the
582 judgment to the department, the petitioner, and the persons



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583 | whose consent were required, if known. The clerk shall execute a
584 | certificate of each mailing.

585 | (9)(a) A judgment terminating parental rights pending
586 | adoption is voidable, and any later judgment of adoption of that
587 | minor is voidable, if, upon the motion of a birth parent, the
588 | court finds that a person knowingly gave false information that
589 | prevented the birth parent from timely making known his or her
590 | desire to assume parental responsibilities toward the minor or
591 | from exercising his or her parental rights. A motion under this
592 | subsection must be filed with the court originally entering the
593 | judgment. The motion must be filed within a reasonable time, but
594 | not later than 1 year ~~2 years~~ after the entry of the judgment
595 | terminating parental rights.

596 | (b) No later than 30 days after the filing of a motion
597 | under this subsection, the court shall ~~must~~ conduct a
598 | preliminary hearing to determine what contact, if any, will be
599 | permitted between a birth parent and the child pending
600 | resolution of the motion. Such contact may be allowed only if it
601 | is requested by a parent who has appeared at the hearing and the
602 | court determines that it is in the best interest of the child.

603 | If the court orders contact between a birth parent and child,
604 | the order must be issued in writing as expeditiously as possible
605 | and must state with specificity any provisions regarding contact
606 | with persons other than those with whom the child resides.

607 | (c) At the preliminary hearing, the court, upon the motion
608 | of any party or upon its own motion, may order scientific
609 | testing to determine the paternity or maternity of the minor if
610 | the person seeking to set aside the judgment is alleging to be



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611 the child's birth parent ~~but and that fact~~ has not previously
 612 been determined by legal proceedings or scientific testing to be
 613 the birth parent. Upon the filing of test results establishing
 614 that person's maternity or paternity of the abandoned infant,
 615 the court may order ~~supervised~~ visitation as it deems
 616 appropriate and in the best interest of the child ~~with a person~~
 617 ~~for whom scientific testing for paternity or maternity has been~~
 618 ~~ordered. Such visitation shall be conditioned upon the filing of~~
 619 ~~test results with the court and those results establishing that~~
 620 ~~person's paternity or maternity of the minor.~~

621 (d) Within ~~No later than~~ 45 days after the preliminary
 622 hearing, the court shall ~~must~~ conduct a final hearing on the
 623 motion to set aside the judgment and shall enter its written
 624 order as expeditiously as possible thereafter.

625 (10) Except to the extent expressly provided in this
 626 section, proceedings initiated by a licensed child-placing
 627 agency for the termination of parental rights and subsequent
 628 adoption of a newborn left at a hospital, emergency medical
 629 services station, or fire station in accordance with s. 383.50
 630 shall be conducted pursuant to this chapter.

631 Section 6. Subsection (1) of section 63.0425, Florida
 632 Statutes, is amended to read:

633 63.0425 Grandparent's right to adopt.--

634 (1) When a child ~~who~~ has lived with a grandparent for at
 635 least 6 months within the 24-month period immediately preceding
 636 the filing of a petition for termination of parental rights
 637 pending adoption ~~is placed for adoption~~, the adoption entity
 638 ~~handling the adoption~~ shall provide notice to notify that



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639 grandparent of the hearing on the petition for termination of
640 parental rights pending adoption ~~impending adoption before the~~
641 ~~petition for adoption is filed. If the grandparent petitions the~~
642 ~~court to adopt the child, the court shall give first priority~~
643 ~~for adoption to that grandparent.~~

644 Section 7. Section 63.0427, Florida Statutes, is amended
645 to read:

646 63.0427 Adopted minor's right to continued communication
647 or contact with siblings and other relatives.--

648 (1) A child whose parents have had their parental rights
649 terminated and whose custody has been awarded to the department
650 pursuant to s. 39.811, and who is the subject of a petition for
651 adoption under this chapter, shall have the right to have the
652 court consider the appropriateness of postadoption communication
653 or contact, including, but not limited to, visits, written
654 correspondence ~~letters and cards~~, or telephone calls, with his
655 or her siblings or, upon agreement of the adoptive parents, with
656 the parents who have had their parental rights terminated or
657 other specified biological relatives ~~who are not included in the~~
658 ~~petition for adoption. The court shall determine if the best~~
659 ~~interests of the child support such continued communication or~~
660 ~~contact and shall~~ consider the following in making such
661 determination:

662 (a) Any orders of the court pursuant to s. 39.811(7).

663 (b) Recommendations of the department, the foster parents
664 if other than the adoptive parents, and the guardian ad litem.

665 (c) Statements of the prospective adoptive parents.



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666 (d) Any other information deemed relevant and material by
667 the court.

668
669 If the court determines that the child's best interests will be
670 served by postadoption communication or contact ~~with any sibling~~
671 ~~or, upon agreement of the adoptive parents, other specified~~
672 ~~biological relatives~~, the court shall so order, stating the
673 nature and frequency for the communication or contact. This
674 order shall be made a part of the final adoption order, but in
675 no event shall the continuing validity of the adoption be
676 contingent upon such postadoption communication or contact, nor
677 shall the ability of the adoptive parents and child to change
678 residence within or outside the State of Florida be impaired by
679 such communication or contact.

680 (2) Notwithstanding the provisions of s. 63.162, the
681 adoptive parent may, at any time, petition for review ~~at any~~
682 ~~time of a sibling's or other specified biological relatives'~~
683 communication or contact order entered ~~ordered~~ pursuant to
684 subsection (1), if the adoptive parent believes that the best
685 interests of the adopted child are being compromised, and the
686 court shall have authority to order the communication or contact
687 to be terminated or modified, ~~or to order such conditions in~~
688 ~~regard to communication or contact~~ as the court deems to be in
689 the best interests of the adopted child. As part of the review
690 process, the court may order the parties to engage in mediation.
691 The department shall not be required to be a party to such
692 review.



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693 Section 8. Section 63.043, Florida Statutes, is amended to
694 read:

695 63.043 Mandatory screening or testing for sickle-cell
696 trait prohibited.--No person, firm, corporation, unincorporated
697 association, state agency, unit of local government, or any
698 public or private entity shall require screening or testing for
699 the sickle-cell trait as a condition ~~for employment, for~~
700 ~~admission into any state educational institution or state-~~
701 ~~chartered private educational institution, or~~ for becoming
702 eligible for adoption if otherwise eligible for adoption under
703 the laws of this state.

704 Section 9. Section 63.052, Florida Statutes, is amended to
705 read:

706 63.052 Guardians designated; proof of commitment.--

707 (1) For minors who have been placed for adoption with and
708 permanently committed to an adoption entity, other than an
709 intermediary, such adoption entity agency as defined in s.
710 ~~63.032 or a child-caring agency registered under s. 409.176,~~
711 ~~such agency~~ shall be the guardian of the person of the minor and
712 has the responsibility and authority to provide for the needs
713 and welfare of the minor; ~~for those who have been placed for~~
714 ~~adoption with and permanently committed to the department, the~~
715 ~~department shall be the guardian of the person of the minor.~~

716 (2) For minors who have been voluntarily surrendered to an
717 intermediary through an execution of a consent to adoption, the
718 intermediary shall be responsible for the minor until the time a
719 court orders preliminary approval of placement of the minor in
720 the prospective adoptive home, after ~~at~~ which time the



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721 prospective adoptive parents shall become guardians pending
722 finalization of adoption, subject to the intermediary's right
723 and responsibility to remove the child from the prospective
724 adoptive home if the removal is deemed by the intermediary to be
725 in the best interest of the child. Prior to the court's entry of
726 an order granting preliminary approval of the placement, the
727 intermediary shall have the responsibility and authority to
728 provide for the needs and welfare of the minor. ~~Until a court~~
729 ~~has terminated parental rights pending adoption and has ordered~~
730 ~~preliminary approval of placement of the minor in the adoptive~~
731 ~~home, the minor must be placed in the care of a relative as~~
732 ~~defined in s. 39.01, in foster care as defined in s. 39.01, or~~
733 ~~in the care of a prospective adoptive home. No minor shall be~~
734 placed in a prospective adoptive home until that home has
735 received a favorable preliminary home study ~~by a licensed child-~~
736 ~~placing agency, a licensed professional, or an agency, as~~
737 provided in s. 63.092, within 1 year before such placement in
738 the prospective home. ~~Temporary placement in the prospective~~
739 ~~home with the prospective adoptive parents does not give rise to~~
740 ~~a presumption that the parental rights of the parents will~~
741 ~~subsequently be terminated. For minors who have been placed for~~
742 ~~adoption with or voluntarily surrendered to an agency, but have~~
743 ~~not been permanently committed to the agency, the agency shall~~
744 ~~have the responsibility and authority to provide for the needs~~
745 ~~and welfare for such minors. For those minors placed for~~
746 ~~adoption with or voluntarily surrendered to the department, but~~
747 ~~not permanently committed to the department, the department~~
748 ~~shall have the responsibility and authority to provide for the~~



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749 ~~needs and welfare for such minors. The adoption entity may~~
750 ~~authorize all appropriate medical care for a minor who has been~~
751 ~~placed for adoption with or voluntarily surrendered to the~~
752 ~~adoption entity.~~ The provisions of s. 627.6578 shall remain in
753 effect notwithstanding the guardianship provisions in this
754 section.

755 (3) If a minor is surrendered to an adoption entity
756 ~~intermediary~~ for subsequent adoption and a suitable prospective
757 adoptive home is not available pursuant to s. 63.092 at the time
758 the minor is surrendered to the adoption entity intermediary ~~or,~~
759 ~~if the minor is a newborn admitted to a licensed hospital or~~
760 ~~birth center, at the time the minor is discharged from the~~
761 ~~hospital or birth center,~~ the minor must be placed in foster
762 care or with a relative until such a suitable prospective
763 adoptive home is available.

764 (4) If a minor is voluntarily surrendered to an adoption
765 entity for subsequent adoption and the adoption does not become
766 final within 180 days after termination of parental rights, the
767 adoption entity must report to the court on the status of the
768 minor and the court may at that time proceed under s. 39.701 or
769 take action reasonably necessary to protect the best interest of
770 the minor.

771 (5) The recital in a the written consent, answer, or
772 recommendation filed by an adoption entity ~~given by the~~
773 ~~department~~ that the minor ~~sought to be adopted~~ has been
774 permanently committed to the adoption entity or that the
775 adoption entity is duly licensed ~~department~~ shall be prima facie
776 proof of such commitment. A consent for adoption signed by an



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777 ~~adoption entity need not comply with s. 63.082. The recital in~~
778 ~~the written consent given by a licensed child placing agency or~~
779 ~~the declaration in an answer or recommendation filed by a~~
780 ~~licensed child placing agency that the minor has been~~
781 ~~permanently committed and the child placing agency is duly~~
782 ~~licensed by the department shall be prima facie proof of such~~
783 ~~commitment and of such license.~~

784 (6) Unless otherwise authorized by law or ordered by the
785 court, the department is not responsible for expenses incurred
786 by other adoption entities participating in placement of a minor
787 ~~for the purposes of adoption.~~

788 (7) The court retains jurisdiction of a minor who has been
789 placed for adoption until the adoption is final. After a minor
790 is placed with an adoption entity or prospective adoptive
791 parent, the court may review the status of the minor and the
792 progress toward permanent adoptive placement. ~~As part of this~~
793 ~~continuing jurisdiction, for good cause shown by a person whose~~
794 ~~consent to an adoption is required under s. 63.062, the adoption~~
795 ~~entity, the parents, persons having legal custody of the minor,~~
796 ~~persons with custodial or visitation rights to the minor,~~
797 ~~persons entitled to notice pursuant to the Uniform Child Custody~~
798 ~~Jurisdiction Act or the Indian Child Welfare Act, or upon the~~
799 ~~court's own motion, the court may review the appropriateness of~~
800 ~~the adoptive placement of the minor.~~

801 Section 10. Section 63.053, Florida Statutes, is created
802 to read:

803 63.053 Rights and responsibilities of an unmarried
804 biological father; legislative findings.--



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805 (1) In enacting the provisions contained in this chapter,
806 the Legislature prescribes the conditions for determining
807 whether an unmarried biological father's actions are
808 sufficiently prompt and substantial so as to require protection
809 of a constitutional right. If an unmarried biological father
810 fails to take the actions that are available to him to establish
811 a relationship with his child, his parental interest may be lost
812 entirely, or greatly diminished, by his failure to timely comply
813 with the available legal steps to substantiate a parental
814 interest.

815 (2) The Legislature finds that the interests of the state,
816 the mother, the child, and the adoptive parents described in
817 this chapter outweigh the interest of an unmarried biological
818 father who does not take action in a timely manner to establish
819 and demonstrate a relationship with his child in accordance with
820 the requirements of this chapter. An unmarried biological father
821 has the primary responsibility to protect his rights and is
822 presumed to know that his child may be adopted without his
823 consent unless he complies with the provisions of this chapter
824 and demonstrates a prompt and full commitment to his parental
825 responsibilities.

826 (3) The Legislature finds that an unmarried mother has a
827 right of privacy with regard to her pregnancy and the adoption
828 plan.

829 Section 11. Section 63.054, Florida Statutes, is created
830 to read:



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831 63.054 Actions required by an unmarried biological father
832 to establish parental rights; Florida Putative Father
833 Registry.--

834 (1) In order to preserve the right to notice and consent
835 to an adoption under this chapter, an unmarried biological
836 father must, as the "registrant," file a notarized claim of
837 paternity form with the Florida Putative Father Registry
838 maintained by the Office of Vital Statistics of the Department
839 of Health and shall include therein confirmation of his
840 willingness and intent to support the child for whom paternity
841 is claimed in accordance with state law. The claim of paternity
842 may be filed at any time prior to the child's birth, but a claim
843 of paternity may not be filed after the date a petition is filed
844 for termination of parental rights.

845 (2) By filing a claim of paternity form with the Office of
846 Vital Statistics, the registrant expressly consents to submit to
847 DNA testing upon the request of any party, the registrant, or
848 the adoption entity with respect to the child referenced in the
849 claim of paternity.

850 (3) The Office of Vital Statistics of the Department of
851 Health shall adopt by rule the appropriate claim of paternity
852 form in English, Spanish, and Creole in order to facilitate the
853 registration of an unmarried biological father with the Florida
854 Putative Father Registry and shall, within existing resources,
855 make these forms available through local offices of the
856 Department of Health and the Department of Children and Family
857 Services, the Internet websites of those agencies, and the
858 offices of the clerks of the circuit court. The claim of



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859 paternity form shall be signed by the unmarried biological
860 father and must include his name, address, date of birth, and
861 physical description. In addition, the registrant shall provide,
862 if known, the name, address, date of birth, and physical
863 description of the mother; the date, place, and location of
864 conception of the child; and the name, date, and place of birth
865 of the child or estimated date of birth of the expected minor
866 child, if known. The claim of paternity form shall be signed
867 under oath by the registrant.

868 (4) Upon initial registration, or at any time thereafter,
869 the registrant may designate an address other than his
870 residential address for sending any communication regarding his
871 registration. Similarly, upon initial registration, or at any
872 time thereafter, the registrant may designate, in writing, an
873 agent or representative to receive any communication on his
874 behalf and receive service of process. The agent or
875 representative must file an acceptance of the designation, in
876 writing, in order to receive notice or service of process. The
877 failure of the designated representative or agent of the
878 registrant to deliver or otherwise notify the registrant of
879 receipt of correspondence from the Florida Putative Father
880 Registry is at the registrant's own risk and shall not serve as
881 a valid defense based upon lack of notice.

882 (5) The registrant may, at any time prior to the birth of
883 the child for whom paternity is claimed, execute a notarized
884 written revocation of the claim of paternity previously filed
885 with the Florida Putative Father Registry, and upon receipt of
886 such revocation, the claim of paternity shall be deemed null and



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887 void. If a court determines that a registrant is not the father
888 of the minor, the court shall order the department to remove the
889 registrant's name from the registry.

890 (6) It is the obligation of the registrant or, if
891 designated under subsection (4), his designated agent or
892 representative to notify and update the Office of Vital
893 Statistics of any change of address or change in the designation
894 of an agent or representative. The failure of a registrant, or
895 designated agent or representative, to report any such change is
896 at the registrant's own risk and shall not serve as a valid
897 defense based upon lack of notice, unless the person petitioning
898 for termination of parental rights or adoption has actual or
899 constructive notice of the registrant's address and whereabouts
900 from another source.

901 (7) In each proceeding for termination of parental rights
902 or each adoption proceeding filed under this chapter, the
903 petitioner must contact the Office of Vital Statistics of the
904 Department of Health by submitting an application for a search
905 of the Florida Putative Father Registry. The petitioner shall
906 provide the same information, if known, on the search
907 application form which the registrant is required to furnish
908 under subsection (3). Thereafter, the Office of Vital Statistics
909 must issue a certificate signed by the State Registrar
910 certifying:

911 (a) The identity and contact information, if any, for each
912 registered unmarried biological father whose information matches
913 the search request sufficiently so that such person may be
914 considered a possible father of the subject child; or



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915 (b) That a diligent search has been made of the registry
916 of registrants who may be the unmarried biological father of the
917 subject child and that no matching registration has been located
918 in the registry.

919

920 This certificate must be filed with the court in the proceeding
921 to terminate parental rights or the adoption proceeding. If a
922 termination of parental rights and an adoption proceeding are
923 being adjudicated simultaneously, the Florida Putative Father
924 Registry need only be searched once.

925 (8) If an unmarried biological father does not know the
926 county in which the birth mother resides, gave birth, or intends
927 to give birth, he may initiate an action in any county in the
928 state, subject to the birth mother's right to change venue to
929 the county where she resides.

930 (9) The Department of Health shall establish and maintain
931 a Florida Putative Father Registry through its Office of Vital
932 Statistics, in accordance with the requirements of this section.
933 The Department of Health may charge a nominal fee to cover the
934 costs of filing and indexing the Florida Putative Father
935 Registry and the costs of searching the registry.

936 (10) The Department of Health shall, within existing
937 resources, prepare and adopt by rule application forms for
938 initiating a search of the Florida Putative Father Registry and
939 shall make those forms available through the local offices of
940 the Department of Health and the Department of Children and
941 Family Services and the offices of the clerks of the circuit
942 court.



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943 (11) The Department of Health shall produce and
944 distribute, within existing resources, a pamphlet or publication
945 informing the public about the Florida Putative Father Registry
946 and which is printed in English, Spanish, and Creole. The
947 pamphlet shall indicate the procedures for voluntary
948 acknowledgment of paternity, the consequences of acknowledgment
949 of paternity, the consequences of failure to acknowledge
950 paternity, and the address of the Florida Putative Father
951 Registry. Such pamphlets or publications shall be made available
952 for distribution at all offices of the Department of Health and
953 the Department of Children and Family Services and shall be
954 included in health class curriculums taught in public and
955 charter schools in this state. The Department of Health shall
956 also provide such pamphlets or publications to hospitals,
957 adoption entities, libraries, medical clinics, schools,
958 universities, and providers of child-related services, upon
959 request. In cooperation with the Department of Highway Safety
960 and Motor Vehicles, each person applying for a Florida driver's
961 license, or renewal thereof, and each person applying for a
962 Florida identification card shall be offered the pamphlet or
963 publication informing the public about the Florida Putative
964 Father Registry.

965 (12) The Department of Health shall, within existing
966 resources, provide additional information about the Florida
967 Putative Father Registry and its services to the public in
968 English, Spanish, and Creole using public service announcements,
969 Internet websites, and such other means as it deems appropriate.



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970 (13) Access to records of the Florida Putative Father
971 Registry shall be limited to:

972 (a) An adoption entity, upon the filing of a request for a
973 diligent search of the Florida Putative Father Registry in
974 connection with the planned adoption of a child.

975 (b) The registrant unmarried biological father, upon
976 receipt of notarized request for a copy of his registry entry
977 only.

978 (c) The court, upon issuance of a court order concerning a
979 petitioner acting pro se in an action under this chapter.

980 (14) Except as set forth in subsection (13), the database
981 comprising the Florida Putative Father Registry shall remain
982 confidential and separate from all others in this state,
983 including any local or federal database, and may not be accessed
984 by any other state or federal agency or entity.

985 (15) The filing of a claim of paternity with the Florida
986 Putative Father Registry does not excuse or waive the obligation
987 of a petitioner to comply with the requirements for conducting a
988 diligent search and inquiry with respect to the identity of an
989 unmarried biological father or legal father which are set forth
990 in this chapter.

991 (16) The Office of Vital Statistics of the Department of
992 Health is authorized to adopt rules to implement this section.

993 Section 12. Section 63.062, Florida Statutes, is amended
994 to read:

995 63.062 Persons required to consent to adoption; affidavit
996 of nonpaternity; waiver of venue.--



997 (1) Unless supported by one or more of the grounds
 998 enumerated under s. 63.089(3), a petition to terminate parental
 999 rights pending adoption may be granted only if written consent
 1000 has been executed as provided in s. 63.082 after the birth of
 1001 the minor or notice has been served under s. 63.088 to:

1002 (a) The mother of the minor.

1003 (b) The father of the minor, if:

1004 1. The minor was conceived or born while the father was
 1005 married to the mother;

1006 2. The minor is his child by adoption; ~~or~~

1007 3. The minor has been established by court proceeding to
 1008 be his child; or

1009 4. In the case of an unmarried biological father, he has
 1010 acknowledged in writing, signed in the presence of a competent
 1011 witness, that he is the father of the minor, has filed such
 1012 acknowledgement with the Office of Vital Statistics of the
 1013 Department of Health within the required timeframes, and has
 1014 complied with the requirements of subsection (2).

1015 ~~(c) If there is no father as set forth in paragraph (b),~~
 1016 ~~any man established to be the father of the child by scientific~~
 1017 ~~tests that are generally acceptable within the scientific~~
 1018 ~~community to show a probability of paternity.~~

1019 ~~(d) If there is no father as set forth in paragraph (b) or~~
 1020 ~~paragraph(c), any man who the mother has reason to believe may~~
 1021 ~~be the father of the minor and who:~~

1022 ~~1. Has acknowledged in writing, signed in the presence of~~
 1023 ~~a competent witness, that he is the father of the minor and has~~



1024 ~~filed such acknowledgment with the Office of Vital Statistics of~~
1025 ~~the Department of Health;~~

1026 ~~2. Has provided, or has attempted to provide, the child or~~
1027 ~~the mother during her pregnancy with support in a repetitive,~~
1028 ~~customary manner; or~~

1029 ~~3. Has been identified by the birth mother as a person she~~
1030 ~~has reason to believe may be the father of the minor in an~~
1031 ~~action to terminate parental rights pending adoption pursuant to~~
1032 ~~this chapter.~~

1033 ~~(c) Any person who is a party in any pending proceeding in~~
1034 ~~which paternity, custody, or termination of parental rights~~
1035 ~~regarding the minor is at issue.~~

1036 ~~(f) Any father who has provided, or has attempted to~~
1037 ~~provide, the child or the mother during her pregnancy with~~
1038 ~~support in a repetitive, customary manner, if consent has been~~
1039 ~~obtained under paragraph (a) and subparagraph (b)1.~~

1040 ~~(c)(g)~~ The minor, if more than 12 years of age or older,
1041 unless the court in the best interest of the minor dispenses
1042 with the minor's consent.

1043 (d) Any person lawfully entitled to custody of the minor
1044 if required by the court.

1045 (e) The court having jurisdiction to determine custody of
1046 the minor, if the person having physical custody of the minor
1047 does not have authority to consent to the adoption.

1048 (2) In accordance with subsection (1), the consent of an
1049 unmarried biological father shall be necessary only if the
1050 unmarried biological father has complied with the requirements
1051 of this subsection.



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1052 (a)1. With regard to a child who is placed with adoptive
1053 parents more than 6 months after the child's birth, an unmarried
1054 biological father must have developed a substantial relationship
1055 with the child, taken some measure of responsibility for the
1056 child and the child's future, and demonstrated a full commitment
1057 to the responsibilities of parenthood by providing financial
1058 support to the child in accordance with the unmarried biological
1059 father's ability, if not prevented from doing so by the person
1060 or authorized agency having lawful custody of the child, and
1061 either:

1062 a. Regularly visited the child at least monthly, when
1063 physically and financially able to do so and when not prevented
1064 from doing so by the birth mother or the person or authorized
1065 agency having lawful custody of the child; or

1066 b. Maintained regular communication with the child or with
1067 the person or agency having the care or custody of the child,
1068 when physically or financially unable to visit the child or when
1069 not prevented from doing so by the birth mother or person or
1070 authorized agency having lawful custody of the child.

1071 2. The mere fact that an unmarried biological father
1072 expresses a desire to fulfill his responsibilities towards his
1073 child which is unsupported by acts evidencing this intent does
1074 not preclude a finding by the court that the unmarried
1075 biological father failed to comply with the requirements of this
1076 subsection.

1077 3. An unmarried biological father who openly lived with
1078 the child for at least 6 months within the 1-year period
1079 following the birth of the child and immediately preceding



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1080 placement of the child with adoptive parents and who openly held
1081 himself out to be the father of the child during that period
1082 shall be deemed to have developed a substantial relationship
1083 with the child and to have otherwise met the requirements of
1084 this paragraph.

1085 (b) With regard to a child who is younger than 6 months of
1086 age at the time the child is placed with the adoptive parents,
1087 an unmarried biological father must have demonstrated a full
1088 commitment to his parental responsibility by having performed
1089 all of the following acts prior to the time the mother executes
1090 her consent for adoption:

1091 1. Filed a notarized claim of paternity form with the
1092 Florida Putative Father Registry within the Office of Vital
1093 Statistics of the Department of Health, which form shall be
1094 maintained in the confidential registry established for that
1095 purpose and shall be considered filed when the notice is entered
1096 in the registry of notices from unmarried biological fathers.

1097 2. Upon service of a notice of an intended adoption plan
1098 or a petition for termination of parental rights pending
1099 adoption, executed and filed an affidavit in that proceeding
1100 stating that he is personally fully able and willing to take
1101 responsibility for the child, setting forth his plans for care
1102 of the child, and agreeing to a court order of child support and
1103 a contribution to the payment of living and medical expenses
1104 incurred for the mother's pregnancy and the child's birth in
1105 accordance with his ability to pay.

1106 3. If he had knowledge of the pregnancy, paid a fair and
1107 reasonable amount of the expenses incurred in connection with



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1108 the mother's pregnancy and the child's birth, in accordance with
1109 his financial ability and when not prevented from doing so by
1110 the birth mother or person or authorized agency having lawful
1111 custody of the child.

1112 (c) The petitioner shall file with the court a certificate
1113 from the Office of Vital Statistics stating that a diligent
1114 search has been made of the Florida Putative Father Registry of
1115 notices from unmarried biological fathers described in
1116 subparagraph (b)1. and that no filing has been found pertaining
1117 to the father of the child in question or, if a filing is found,
1118 stating the name of the putative father and the time and date of
1119 filing. That certificate shall be filed with the court prior to
1120 the entry of a final judgment of termination of parental rights.

1121 (d) An unmarried biological father who does not comply
1122 with each of the conditions provided in this subsection is
1123 deemed to have waived and surrendered any rights in relation to
1124 the child, including the right to notice of any judicial
1125 proceeding in connection with the adoption of the child, and his
1126 consent to the adoption of the child is not required.

1127 (3)(a) Pursuant to chapter 48, an adoption entity may
1128 serve upon any unmarried biological father identified by the
1129 mother or identified by a diligent search of the Florida
1130 Putative Father Registry, or upon an entity whose consent is
1131 required, a notice of intended adoption plan at any time prior
1132 to the placement of the child in the adoptive home, including
1133 prior to the birth of the child. The notice of intended adoption
1134 plan must specifically state that if the unmarried biological
1135 father desires to contest the adoption plan, he must file with



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1136 the court, within 30 days after service, a verified response
1137 that contains a pledge of commitment to the child in substantial
1138 compliance with subparagraph (2)(b)2. The notice of intended
1139 adoption plan shall notify the unmarried biological father that
1140 he must file a claim of paternity form with the Office of Vital
1141 Statistics within 30 days after service upon him and must
1142 provide the adoption entity with a copy of the verified response
1143 filed with the court and the claim of paternity form filed with
1144 the Office of Vital Statistics. If the party served with the
1145 notice of intended adoption plan is an entity, the entity must
1146 file, within 30 days after service, a verified response setting
1147 forth a legal basis for contesting the intended adoption plan,
1148 specifically addressing the best interest of the child. If the
1149 unmarried biological father or entity whose consent is required
1150 fails to properly file a verified response with the court and,
1151 in the case of an unmarried biological father, a claim of
1152 paternity form with the Office of Vital Statistics within 30
1153 days after service upon that unmarried biological father or
1154 entity whose consent is required, the consent of that unmarried
1155 biological father or entity shall no longer be required under
1156 this chapter and that party shall be deemed to have waived any
1157 claim of rights to the child. Each notice of intended adoption
1158 plan served upon an unmarried biological father must include
1159 instructions as to the procedure the unmarried biological father
1160 must follow to submit a claim of paternity form to the Office of
1161 Vital Statistics and the address to which the registration must
1162 be directed.



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1163 (b) If the birth mother identifies a man who she believes
1164 is the unmarried biological father of her child, the adoption
1165 entity may provide a notice of intended adoption plan pursuant
1166 to paragraph (a). If the mother identifies a potential unmarried
1167 biological father whose location is unknown, the adoption entity
1168 shall conduct a diligent search pursuant to s. 63.088. If, upon
1169 completion of a diligent search, the potential unmarried
1170 biological father's location remains unknown and a search of the
1171 Florida Putative Father Registry fails to reveal a match, the
1172 adoption entity shall request in the petition for termination of
1173 parental rights pending adoption that the court declare the
1174 diligent search to be in compliance with s. 63.088 and to
1175 further declare that the adoption entity shall have no further
1176 obligation to provide notice to the potential unmarried
1177 biological father and that the potential unmarried biological
1178 father's consent to the adoption shall not be required.

1179 (4)(2) Any person whose consent is required under
1180 paragraphs (1)(c)-(e) ~~paragraph (1)(c) or paragraph (1)(d)~~ may
1181 execute an irrevocable affidavit of nonpaternity in lieu of a
1182 consent under this section and by doing so waives notice to all
1183 court proceedings after the date of execution. An affidavit of
1184 nonpaternity must be executed as provided in s. 63.082. The
1185 affidavit of nonpaternity may be executed prior to the birth of
1186 the child. The person executing the affidavit must receive
1187 disclosure under s. 63.085 prior to signing the affidavit.

1188 (5)(3) A person who signs a consent to adoption or an
1189 affidavit of nonpaternity must be given reasonable notice of his
1190 or her right to select a person who does not have an employment,



1191 professional, or personal relationship with the adoption entity
 1192 or the prospective adoptive parents to be present when the
 1193 consent to adoption or affidavit of nonpaternity is executed and
 1194 to sign the consent or affidavit as a witness.

1195 ~~(4) An affidavit of nonpaternity must be in substantially~~
 1196 ~~the following form:~~

1198 ~~AFFIDAVIT OF NONPATERNITY~~

1200 ~~1. I have personal knowledge of the facts stated in this~~
 1201 ~~affidavit.~~

1202 ~~2. I have been told that _____ has a child. I shall not~~
 1203 ~~establish or claim paternity for this child, whose name is _____~~
 1204 ~~and whose date of birth is _____.~~

1205 ~~3. The child referenced in this affidavit was not~~
 1206 ~~conceived or born while the birth mother was married to me. I AM~~
 1207 ~~NOT MARRIED TO THE BIRTH MOTHER, nor do I intend to marry the~~
 1208 ~~birth mother.~~

1209 ~~4. With respect to the child referenced in this~~
 1210 ~~affidavit, I have not provided the birth mother with child~~
 1211 ~~support or prebirth support; I have not provided her with~~
 1212 ~~prenatal care or assisted her with medical expenses; I have not~~
 1213 ~~provided the birth mother or her child or unborn child with~~
 1214 ~~support of any kind, nor do I intend to do so.~~

1215 ~~5. I have no interest in assuming the responsibilities of~~
 1216 ~~parenthood for this child. I will not acknowledge in writing~~
 1217 ~~that I am the father of this child or institute court~~
 1218 ~~proceedings to establish the child as mine.~~



1219 ~~6. I do not object to any decision or arrangements~~
 1220 ~~makes regarding this child, including adoption.~~

1221 ~~7. I have been told of my right to choose a person who~~
 1222 ~~does not have an employment, professional, or personal~~
 1223 ~~relationship with the adoption entity or the prospective~~
 1224 ~~adoptive parents to be present when this affidavit is executed~~
 1225 ~~and to sign it as a witness.~~

1226
 1227 ~~I WAIVE NOTICE OF ANY AND ALL PROCEEDINGS TO TERMINATE PARENTAL~~
 1228 ~~RIGHTS OR FINALIZE AN ADOPTION UNDER CHAPTER 63, FLORIDA~~
 1229 ~~STATUTES.~~

1230
 1231 ~~(5) The court may require that consent be executed by:~~
 1232 ~~(a) Any person lawfully entitled to custody of the minor;~~
 1233 ~~or~~

1234 ~~(b) The court having jurisdiction to determine custody of~~
 1235 ~~the minor, if the person having physical custody of the minor~~
 1236 ~~has no authority to consent to the adoption.~~

1237 (6) The petitioner must make good faith and diligent
 1238 efforts as provided under s. 63.088 to notify, and obtain
 1239 written consent from, the persons required to consent to
 1240 adoption under this section.

1241 (7) If parental rights to the minor have previously been
 1242 terminated, the adoption entity ~~a licensed child placing agency,~~
 1243 ~~a child caring agency registered under s. 409.176, or the~~
 1244 ~~department~~ with which the minor has been placed for subsequent
 1245 adoption may provide consent to the adoption. In such case, no
 1246 other consent is required.



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1247 (8) A petition to adopt an adult may be granted if:
 1248 (a) Written consent to adoption has been executed by the
 1249 adult and the adult's spouse, if any.
 1250 (b) Written notice of the final hearing on the ~~consent to~~
 1251 adoption has been provided to ~~executed by~~ the parents, if any,
 1252 or proof of service of process has been filed, showing notice
 1253 has been served on the parents as provided in this chapter.
 1254 (9)(a) A petition for termination of parental rights shall
 1255 be filed in the appropriate county as determined under s.
 1256 63.087(2). If the parent or parents whose rights are to be
 1257 terminated object to venue in the county where the action was
 1258 filed, the court may transfer the action to the county where the
 1259 objecting parent or parents reside, unless the objecting parent
 1260 has previously executed a waiver of venue. ~~In cases involving a~~
 1261 ~~child younger than 6 months of age in which venue for the~~
 1262 ~~termination of parental rights may be located in a county other~~
 1263 ~~than where the parent whose rights are to be terminated resides,~~
 1264 ~~the adoption entity must obtain, from any party executing an~~
 1265 ~~affidavit of nonpaternity or consent, a waiver of venue, which~~
 1266 ~~must be filed with the petition and must be in substantially the~~
 1267 ~~following form:~~

1268
 1269 WAIVER OF VENUE

1270
 1271 ~~I understand that I have the right to require that the Petition~~
 1272 ~~to terminate my parental rights be filed in the county where I~~
 1273 ~~reside. I waive such right so that the Petition to Terminate~~



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1274 ~~Parental Rights may be filed by . . . (adoption entity) . . .~~
 1275 ~~in . . . (county name) . . . County, Florida.~~

1276
 1277 ~~I understand that, after signing this waiver, I may object to~~
 1278 ~~the county where the proceedings to terminate my parental rights~~
 1279 ~~will be held by appearing at the hearing or by filing a written~~
 1280 ~~objection, on the attached form, with the Clerk of the Court who~~
 1281 ~~is located at . . . (address of court) If I later~~
 1282 ~~object to this transfer of venue, the case will be transferred~~
 1283 ~~to a county in Florida in which I reside if I intend to assert~~
 1284 ~~legally recognized grounds to contest a termination of parental~~
 1285 ~~rights. If I have no such residence, the case will be~~
 1286 ~~transferred to a county where another parent resides or where at~~
 1287 ~~least one parent resided at the time of signing a consent or~~
 1288 ~~affidavit of nonpaternity.~~

1289
 1290 (10)(b)1. ~~The waiver of venue must be a separate document~~
 1291 ~~containing no consents, disclosures, or other information~~
 1292 ~~unrelated to venue.~~

1293 ~~2. Adoption entities must attach to the waiver of venue a~~
 1294 ~~form that the parent whose rights are to be terminated may use~~
 1295 ~~to request a transfer of venue for the proceeding. This form~~
 1296 ~~must contain the intended caption of the action for termination~~
 1297 ~~of parental rights and information identifying the child which~~
 1298 ~~will be sufficient for the clerk to properly file the form upon~~
 1299 ~~receipt.~~

1300 ~~3. This form must include a notice that if an adoption~~
 1301 ~~entity knows that a parent whose rights will be terminated~~



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1302 ~~intends to object to the termination but intentionally files the~~
1303 ~~petition for termination of parental rights in a county which is~~
1304 ~~not consistent with the required venue under such circumstances,~~
1305 ~~the adoption entity shall be responsible for the attorney's fees~~
1306 ~~of the parent contesting the transfer of venue.~~

1307 Section 13. Section 63.063, Florida Statutes, is created
1308 to read:

1309 63.063 Responsibility of each party for their own actions;
1310 fraud or misrepresentation; statutory compliance.--

1311 (1) Each parent of a child conceived or born outside of
1312 marriage is responsible for his or her own actions and is not
1313 excused from compliance with the provisions of this chapter
1314 based upon any action, statement, or omission of the other
1315 parent or a third party, except as provided in s. 63.062(2)(a).

1316 (2) Any person injured by a fraudulent representation or
1317 action in connection with an adoption is entitled to pursue
1318 civil or criminal penalties as provided by law. A fraudulent
1319 representation is not a defense to compliance with the
1320 requirements of this chapter and is not a basis for dismissing a
1321 petition for termination of parental rights or a petition for
1322 adoption, for vacating an adoption decree, or for granting
1323 custody to the offended party. Custody and adoption
1324 determinations shall be based on the best interest of the child
1325 in accordance with s. 61.13.

1326 (3) The Legislature finds no way to remove all risk of
1327 fraud or misrepresentation in adoption proceedings and has
1328 provided a method for absolute protection of an unmarried
1329 biological father's rights by compliance with the provisions of



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1330 this chapter. In balancing the rights and interests of the state
1331 and of all parties affected by fraud, including the child, the
1332 adoptive parents, and the unmarried biological father, the
1333 Legislature has determined that the unmarried biological father
1334 is in the best position to prevent or ameliorate the effects of
1335 fraud and, therefore, has the burden of preventing fraud.

1336 (4) The Legislature finds that an unmarried biological
1337 father who resides in another state may not, in every
1338 circumstance, be reasonably presumed to know of and comply with
1339 the requirements of this chapter. Therefore, if all of the
1340 following requirements have been met, an unmarried biological
1341 father may contest a termination of parental rights or
1342 subsequent adoption and, prior to entry of the final judgment of
1343 adoption, assert his interest in the child. Following such
1344 assertion, the court may, in its discretion, proceed with an
1345 evidentiary hearing if:

1346 (a) The unmarried biological father resides and has
1347 resided in another state where the unmarried mother was also
1348 located or resided.

1349 (b) The unmarried mother left that state without notifying
1350 or informing the unmarried biological father that she could be
1351 located in the State of Florida.

1352 (c) The unmarried biological father has, through every
1353 reasonable means, attempted to locate the mother but does not
1354 know or have reason to know that the mother is residing in the
1355 State of Florida.

1356 (d) The unmarried biological father has substantially
1357 complied with the requirements of the state where the mother



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1358 previously resided or was located in order to protect and
1359 preserve his parental interest and rights with regard to the
1360 child.

1361 Section 14. Section 63.064, Florida Statutes, is created
1362 to read:

1363 63.064 Persons whose consent to an adoption may be
1364 waived.--The court may waive the consent of the following
1365 individuals to an adoption:

1366 (1) A parent who has deserted a child without means of
1367 identification or who has abandoned a child.

1368 (2) A parent whose parental rights have been terminated by
1369 order of a court of competent jurisdiction.

1370 (3) A parent who has been judicially declared incompetent
1371 and for whom restoration of competency is medically improbable.

1372 (4) A legal guardian or lawful custodian of the person to
1373 be adopted, other than a parent, who has failed to respond in
1374 writing to a request for consent for a period of 60 days or who,
1375 after examination of his or her written reasons for withholding
1376 consent, is found by the court to be withholding his or her
1377 consent unreasonably.

1378 (5) The spouse of the person to be adopted, if the failure
1379 of the spouse to consent to the adoption is excused by reason of
1380 prolonged and unexplained absence, unavailability, incapacity,
1381 or circumstances that are found by the court to constitute
1382 unreasonable withholding of consent.

1383 Section 15. Section 63.082, Florida Statutes, is amended
1384 to read:



1385 63.082 Execution of consent to adoption or affidavit of
1386 nonpaternity; family social and medical history; withdrawal of
1387 consent.--

1388 (1)(a) Consent to an adoption or an affidavit of
1389 nonpaternity shall be executed as follows:

1390 1.(a) If by the person to be adopted, by oral or written
1391 statement in the presence of the court or by being acknowledged
1392 before a notary public and in the presence of two witnesses.

1393 ~~2.(b)~~ If by an agency, by affidavit from its authorized
1394 representative.

1395 ~~3.(c)~~ If by any other person, in the presence of the court
1396 or by affidavit acknowledged before a notary public and in the
1397 presence of two witnesses.

1398 ~~4.(d)~~ If by a court, by an appropriate order or
1399 certificate of the court.

1400 (b) A minor parent has the power to consent to the
1401 adoption of his or her child and has the power to relinquish his
1402 or her control or custody of the child to an adoption entity.
1403 Such consent or relinquishment is valid and has the same force
1404 and effect as a consent or relinquishment executed by an adult
1405 parent. A minor parent, having executed a consent or
1406 relinquishment, may not revoke that consent upon reaching the
1407 age of majority or otherwise becoming emancipated.

1408 (c) A consent or an affidavit of nonpaternity executed by
1409 a minor parent who is 14 years of age or younger must be
1410 witnessed by a parent, legal guardian, or court-appointed
1411 guardian ad litem.



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1412 (d) The notice and consent provisions of this chapter as
1413 they relate to the birth of a child or to legal fathers do not
1414 apply in cases in which the child is conceived as a result of a
1415 violation of the criminal laws of this state, including, but not
1416 limited to, sexual battery, lewd acts perpetrated upon a minor,
1417 or incest.

1418 (2) A consent that does not name or otherwise identify the
1419 adopting parent is valid if the consent contains a statement by
1420 the person consenting that the consent was voluntarily executed
1421 and that identification of the adopting parent is not required
1422 for granting the consent.

1423 (3)(a) The department must provide ~~a consent form and a~~
1424 family social and medical history form to an adoption entity
1425 that intends to place a child for adoption. Forms containing, at
1426 a minimum, the same information as the forms promulgated by the
1427 department must be attached to the petition to terminate
1428 parental rights pending adoption and must contain ~~such~~
1429 biological and sociological information or ~~such~~ information as
1430 to the family medical history, regarding the minor and the
1431 parents, ~~as is required by the department.~~ This form is not
1432 required for adoptions of relatives, adult adoptions, or
1433 adoptions of stepchildren, unless parental rights are being or
1434 were terminated pursuant to chapter 39. The information must be
1435 filed with the court in the termination of parental rights
1436 proceeding ~~incorporated into the final home investigation report~~
1437 ~~specified in s. 63.125.~~

1438 (b) A good faith and diligent effort must be made to have
1439 each parent whose identity is known and whose consent is



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1440 required ~~Each parent must be~~ interviewed by a representative of
1441 the adoption entity department, ~~a licensed child placing agency,~~
1442 ~~or a licensed professional, pursuant to s. 63.092,~~ before the
1443 consent is executed, ~~unless the parent cannot be located or~~
1444 ~~identified.~~ A summary of each interview, or a statement that the
1445 parent is unidentified, unlocated, or unwilling or unavailable
1446 to be interviewed ~~unlocated or unidentified~~, must be filed with
1447 the petition to terminate parental rights pending adoption ~~and~~
1448 ~~included in the final home investigation report filed under s.~~
1449 ~~63.125.~~ The interview may be excused by the court for good
1450 cause. This interview is not required for adoptions of
1451 relatives, adult adoptions, or adoptions of stepchildren, unless
1452 parental rights are being or were terminated pursuant to chapter
1453 39.

1454 ~~(b) Consent executed by an appropriate order or~~
1455 ~~certificate of the court if executed under s. 63.062(5)(b) must~~
1456 ~~be attached to the petition to terminate parental rights pending~~
1457 ~~adoption.~~

1458 (c) If any person who is required to consent ~~or social and~~
1459 ~~medical history~~ is unavailable because the person ~~whose consent~~
1460 ~~is required~~ cannot be located ~~or identified~~, the petition to
1461 terminate parental rights pending adoption must be accompanied
1462 by the affidavit of diligent search required under s. 63.088.

1463 (d) If any person who is required to consent is
1464 unavailable because the person is deceased, the petition to
1465 terminate parental rights pending adoption must be accompanied
1466 by a certified copy of the death certificate. In an adoption of
1467 a stepchild or a relative, the certified copy of the death



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1468 certificate of the person whose consent is required must be
1469 attached to the petition for adoption.

1470 (4)(a) An affidavit of nonpaternity may be executed before
1471 the birth of the minor; however, the consent to an adoption ~~or~~
1472 ~~affidavit of nonpaternity~~ shall not be executed before the birth
1473 of the minor.

1474 (b) A consent to the adoption of a minor who is to be
1475 placed for adoption ~~with identified prospective adoptive parents~~
1476 ~~under s. 63.052, upon the minor's release from a licensed~~
1477 ~~hospital or birth center following birth, shall not be executed~~
1478 by the birth mother sooner than 48 hours after the minor's birth
1479 or the day the birth mother has been notified in writing, either
1480 on her patient chart or in release paperwork, that she is fit to
1481 be released from the a licensed hospital or birth center,
1482 whichever is earlier. A consent by a biological father or legal
1483 father may be executed at any time after the birth of the child.

1484 A consent executed under this paragraph is valid upon execution
1485 and may be withdrawn only if the court finds that it was
1486 obtained by fraud or ~~under~~ duress. ~~The waiting period provided~~
1487 ~~in this paragraph does not apply in any case in which the~~
1488 ~~revocation period in paragraph (c) applies.~~

1489 (c) When the minor to be adopted is older than 6 months of
1490 age at the time of the execution of the consent ~~not placed~~
1491 ~~pursuant to s. 63.052 upon the minor's release from a licensed~~
1492 ~~hospital or birth center following birth, the consent to~~
1493 ~~adoption may be executed at any time after the birth of the~~
1494 ~~minor. While such consent is valid upon execution; however, it~~
1495 is subject to a ~~the~~ 3-day revocation period ~~under subsection (7)~~



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1496 or may be revoked at any time prior to the placement of the
1497 minor with the prospective adoptive parents, whichever is later.
1498 If a consent has been executed, this subsection may not be
1499 construed to provide a birth parent with more than 3 days to
1500 revoke the ~~that~~ consent once the child has been placed with the
1501 prospective adoptive parents. ~~The revocation period provided in~~
1502 ~~this paragraph does not apply in any case in which the waiting~~
1503 ~~period in paragraph(b) applies.~~

1504 (d) The consent to adoption or the affidavit of
1505 nonpaternity must be signed in the presence of two witnesses and
1506 be acknowledged before a notary public who is not signing as one
1507 of the witnesses. The notary public must legibly note on the
1508 consent or the affidavit the date and time of execution. The
1509 witnesses' names must be typed or printed underneath their
1510 signatures. The witnesses' home or business addresses ~~and social~~
1511 ~~security numbers, driver's license numbers, or state~~
1512 ~~identification card numbers~~ must be included. ~~The absence of a~~
1513 ~~social security number, driver's license number, or state~~
1514 ~~identification card number shall not invalidate the consent.~~ The
1515 person who signs the consent or the affidavit has the right to
1516 have at least one of the witnesses be an individual who does not
1517 have an employment, professional, or personal relationship with
1518 the adoption entity or the prospective adoptive parents. The
1519 adoption entity must give reasonable notice to the person
1520 signing the consent or affidavit of the right to select a
1521 witness of his or her own choosing. The person who signs the
1522 consent or affidavit must acknowledge in writing on the consent
1523 or affidavit that such notice was given and indicate the



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1524 witness, if any, who was selected by the person signing the
 1525 consent or affidavit. The adoption entity must include its name,
 1526 address, and telephone number on the consent to adoption or
 1527 affidavit of nonpaternity.

1528 (e) A consent to adoption being executed by the birth
 1529 parent must be contain, in at least 12-point ~~16-point~~ boldfaced
 1530 type, ~~an acknowledgment of the parent's rights~~ in substantially
 1531 the following form:

1532
 1533 CONSENT TO ADOPTION
 1534

1535 YOU HAVE THE RIGHT TO SELECT AT LEAST ONE PERSON WHO DOES NOT
 1536 HAVE AN EMPLOYMENT, PROFESSIONAL, OR PERSONAL RELATIONSHIP WITH
 1537 THE ADOPTION ENTITY OR THE PROSPECTIVE ADOPTIVE PARENTS TO BE
 1538 PRESENT WHEN THIS AFFIDAVIT IS EXECUTED AND TO SIGN IT AS A
 1539 WITNESS. YOU MUST ACKNOWLEDGE ON THIS FORM THAT YOU WERE
 1540 NOTIFIED OF THIS RIGHT AND YOU MUST INDICATE THE WITNESS OR
 1541 WITNESSES YOU SELECTED, IF ANY.

1542
 1543 YOU DO NOT HAVE TO SIGN THIS CONSENT FORM. YOU MAY DO ANY OF THE
 1544 FOLLOWING INSTEAD OF SIGNING THIS CONSENT OR BEFORE SIGNING THIS
 1545 CONSENT:

- 1546
- 1547 1. CONSULT WITH AN ATTORNEY;
 - 1548 2. HOLD, CARE FOR, AND FEED THE CHILD UNLESS OTHERWISE
 1549 LEGALLY PROHIBITED;
 - 1550 3. PLACE THE CHILD IN FOSTER CARE OR WITH ANY FRIEND OR
 1551 FAMILY MEMBER YOU CHOOSE WHO IS WILLING TO CARE FOR THE CHILD;



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1552 4. TAKE THE CHILD HOME UNLESS OTHERWISE LEGALLY
 1553 PROHIBITED; AND
 1554 5. FIND OUT ABOUT THE COMMUNITY RESOURCES THAT ARE
 1555 AVAILABLE TO YOU IF YOU DO NOT GO THROUGH WITH THE ADOPTION.
 1556
 1557 IF YOU DO SIGN THIS CONSENT, YOU ARE GIVING UP ALL RIGHTS TO
 1558 YOUR CHILD. YOUR CONSENT IS VALID, ~~AND~~ BINDING, AND IRREVOCABLE
 1559 EXCEPT UNDER SPECIFIC LEGAL CIRCUMSTANCES ~~UNLESS WITHDRAWN AS~~
 1560 ~~PERMITTED BY LAW.~~ IF YOU ARE GIVING UP YOUR RIGHTS TO A NEWBORN
 1561 CHILD WHO IS TO BE IMMEDIATELY PLACED FOR ADOPTION ~~WITH~~
 1562 ~~IDENTIFIED PROSPECTIVE ADOPTIVE PARENTS~~ UPON THE CHILD'S RELEASE
 1563 FROM A LICENSED HOSPITAL OR BIRTH CENTER FOLLOWING BIRTH, A
 1564 WAITING PERIOD WILL BE IMPOSED UPON THE BIRTH MOTHER BEFORE SHE
 1565 ~~YOU~~ MAY SIGN THE CONSENT FOR ADOPTION. A BIRTH MOTHER ~~YOU~~ MUST
 1566 WAIT 48 HOURS FROM THE TIME OF BIRTH, OR UNTIL THE DAY THE BIRTH
 1567 MOTHER HAS BEEN NOTIFIED IN WRITING, EITHER ON HER PATIENT CHART
 1568 OR IN RELEASE PAPERS, THAT SHE IS FIT TO BE RELEASED FROM A
 1569 LICENSED HOSPITAL OR BIRTH CENTER, WHICHEVER IS SOONER, BEFORE
 1570 ~~YOU MAY SIGN~~ THE CONSENT FOR ADOPTION MAY BE EXECUTED. A
 1571 BIOLOGICAL FATHER MAY EXECUTE A CONSENT AT ANY TIME AFTER THE
 1572 BIRTH OF THE CHILD. ONCE YOU HAVE SIGNED THE CONSENT, IT IS
 1573 VALID, ~~AND~~ BINDING, AND IRREVOCABLE AND CANNOT BE WITHDRAWN
 1574 UNLESS A COURT FINDS THAT IT WAS OBTAINED BY FRAUD OR ~~UNDER~~
 1575 DURESS.
 1576
 1577 IF YOU BELIEVE THAT YOUR CONSENT WAS OBTAINED BY FRAUD OR DURESS
 1578 AND YOU WISH TO REVOKE THAT CONSENT ~~IF YOU ARE GIVING UP YOUR~~
 1579 ~~RIGHTS TO A CHILD WHO IS NOT PLACED FOR ADOPTION UPON THE~~



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1580 ~~CHILD'S RELEASE FROM A LICENSED HOSPITAL OR BIRTH CENTER~~
1581 ~~FOLLOWING BIRTH, YOU MAY SIGN THE CONSENT AT ANY TIME AFTER THE~~
1582 ~~BIRTH OF THE CHILD. WHILE THE CONSENT IS VALID AND BINDING WHEN~~
1583 ~~SIGNED, YOU HAVE TIME TO CHANGE YOUR MIND. THIS TIME IS CALLED~~
1584 ~~THE REVOCATION PERIOD. WHEN THE REVOCATION PERIOD APPLIES, YOU~~
1585 ~~MAY WITHDRAW YOUR CONSENT FOR ANY REASON AT ANY TIME PRIOR TO~~
1586 ~~THE PLACEMENT OF THE CHILD WITH THE PROSPECTIVE ADOPTIVE~~
1587 ~~PARENTS, OR IF YOU DO IT WITHIN 3 BUSINESS DAYS AFTER THE DATE~~
1588 ~~YOU SIGNED THE CONSENT OR 1 BUSINESS DAY AFTER THE DATE OF THE~~
1589 ~~BIRTH MOTHER'S DISCHARGE FROM A LICENSED HOSPITAL OR BIRTH~~
1590 ~~CENTER, WHICHEVER IS LATER.~~

1591

1592 ~~TO WITHDRAW YOUR CONSENT DURING THE REVOCATION PERIOD, YOU MUST:~~

1593 1. ~~NOTIFY THE ADOPTION ENTITY, BY WRITING A LETTER, THAT~~
1594 ~~YOU WISH TO WITHDRAW ARE WITHDRAWING YOUR CONSENT; AND.~~

1595 2. ~~PROVE IN COURT THAT THE CONSENT WAS OBTAINED BY FRAUD~~
1596 ~~OR DURESS. MAIL THE LETTER AT A UNITED STATES POST OFFICE WITHIN~~
1597 ~~3 BUSINESS DAYS AFTER THE DATE YOU SIGNED THE CONSENT OR 1~~
1598 ~~BUSINESS DAY AFTER THE DATE OF THE BIRTH MOTHER'S DISCHARGE FROM~~
1599 ~~A LICENSED HOSPITAL OR BIRTH CENTER, WHICHEVER IS LATER. THE~~
1600 ~~TERM "BUSINESS DAY" MEANS ANY DAY ON WHICH THE UNITED STATES~~
1601 ~~POSTAL SERVICE ACCEPTS CERTIFIED MAIL FOR DELIVERY.~~

1602 3. ~~SEND THE LETTER BY CERTIFIED UNITED STATES MAIL WITH~~
1603 ~~RETURN RECEIPT REQUESTED.~~

1604 4. ~~PAY POSTAL COSTS AT THE TIME YOU MAIL THE LETTER.~~

1605 5. ~~KEEP THE CERTIFIED MAIL RECEIPT AS PROOF THAT CONSENT~~
1606 ~~WAS WITHDRAWN IN A TIMELY MANNER.~~

1607



1608 ~~TO WITHDRAW YOUR CONSENT PRIOR TO THE PLACEMENT OF THE CHILD~~
 1609 ~~WITH THE PROSPECTIVE ADOPTIVE PARENTS, YOU MUST NOTIFY THE~~
 1610 ~~ADOPTION ENTITY, IN WRITING BY CERTIFIED UNITED STATES MAIL,~~
 1611 ~~RETURN RECEIPT REQUESTED. THE ADOPTION ENTITY YOU SHOULD NOTIFY~~
 1612 ~~IS: . . . (name of adoption entity) . . . , . . . (address of~~
 1613 ~~adoption entity) . . . , . . . (phone number of adoption~~
 1614 ~~entity)~~

1615
 1616 ~~ONCE THE REVOCATION PERIOD IS OVER, OR THE CHILD HAS BEEN PLACED~~
 1617 ~~WITH THE PROSPECTIVE ADOPTIVE PARENTS, WHICHEVER OCCURS LATER,~~
 1618 ~~YOU MAY NOT WITHDRAW YOUR CONSENT UNLESS YOU CAN PROVE IN COURT~~
 1619 ~~THAT CONSENT WAS OBTAINED BY FRAUD OR UNDER DURESS.~~

1620
 1621 This statement of rights is not required for the adoption of a
 1622 relative, an adult, a stepchild, or a child older than 6 months
 1623 of age. A consent form for the adoption of a child older than 6
 1624 months of age at the time of execution of consent must contain a
 1625 statement outlining the revocation rights provided in paragraph
 1626 (c).

1627 ~~(5) Before any consent to adoption or affidavit of~~
 1628 ~~nonpaternity is executed by a parent, but after the birth of the~~
 1629 ~~minor, all requirements of disclosure under s. 63.085 must be~~
 1630 ~~met.~~

1631 (5)(6) A copy or duplicate original of each consent signed
 1632 in an action for termination of parental rights pending adoption
 1633 must be provided to the person who executed the consent to
 1634 adoption. The copy must be hand delivered, with a written
 1635 acknowledgment of receipt signed by the person whose consent is



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1636 required at the time of execution, ~~or mailed by first class~~
1637 ~~United States mail to the address of record in the court file.~~
1638 If a copy of a consent cannot be provided as required in this
1639 subsection, the adoption entity must execute an affidavit
1640 stating why the copy of the consent was not delivered ~~is~~
1641 ~~undeliverable~~. The original consent and acknowledgment of
1642 receipt, ~~an acknowledgment of mailing by the adoption entity,~~ or
1643 an affidavit stating why the copy of the consent was not
1644 delivered, ~~is undeliverable~~ must be filed with the petition for
1645 termination of parental rights pending adoption.

1646 (6)(a) If a birth parent executes a consent for placement
1647 of a minor with an adoption entity or qualified prospective
1648 adoptive parents and the minor child is in the custody of the
1649 department, but parental rights have not yet been terminated,
1650 the adoption consent shall be valid, binding, and enforceable by
1651 the court.

1652 (b) Upon execution of the consent of the birth parent, the
1653 adoption entity shall be permitted to intervene in the
1654 dependency case as a party in interest and shall provide the
1655 court having jurisdiction over the minor pursuant to the shelter
1656 or dependency petition filed by the department with a copy of
1657 the preliminary home study of the prospective adoptive parents
1658 and any other evidence of the suitability of the placement. The
1659 preliminary home study shall be maintained with strictest
1660 confidentiality within the dependency court file and the
1661 department's file. A preliminary home study must be provided to
1662 the court in all cases in which an adoption entity has
1663 intervened pursuant to this section.



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1664 (c) Upon a determination by the court that the prospective
1665 adoptive parents are properly qualified to adopt the minor child
1666 and that the adoption appears to be in the best interest of the
1667 minor child, the court shall immediately order the transfer of
1668 custody of the minor child to the prospective adoptive parents,
1669 under the supervision of the adoption entity. The adoption
1670 entity shall thereafter provide monthly supervision reports to
1671 the department until finalization of the adoption.

1672 (d) In determining whether the best interest of the child
1673 will be served by transferring the custody of the minor child to
1674 the prospective adoptive parent selected by the birth parent,
1675 the court shall give consideration to the rights of the birth
1676 parent to determine an appropriate placement for the child, the
1677 permanency offered, the child's bonding with any potential
1678 adoptive home that the child has been residing in, and the
1679 importance of maintaining sibling relationships, if possible.

1680 (7)(a) A consent that is being withdrawn under paragraph
1681 (4)(c) may be withdrawn at any time prior to the minor's
1682 placement with the prospective adoptive parents or by notifying
1683 the adoption entity in writing by certified United States mail,
1684 return receipt requested, not later than 3 business days after
1685 execution of the consent ~~or 1 business day after the date of the~~
1686 ~~birth mother's discharge from a licensed hospital or birth~~
1687 ~~center, whichever occurs later.~~ As used in this subsection, the
1688 term "business day" means any day on which the United States
1689 Postal Service accepts certified mail for delivery.

1690 (b) Upon receiving written notice from a person of that
1691 person's desire to withdraw consent to adoption, the adoption



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1692 entity must contact the prospective adoptive parent to arrange a
1693 time certain for the adoption entity to regain physical custody
1694 of the minor, unless, upon a motion for emergency hearing by the
1695 adoption entity, the court determines in written findings that
1696 placement of the minor with the person withdrawing consent may
1697 endanger the minor, or the person who desires to withdraw
1698 consent to the adoption would not be required to consent to the
1699 adoption or has been determined to have abandoned the child.

1700 (c) If the court finds that such placement may endanger
1701 the minor, the court must enter an order regarding continued
1702 placement of the minor. The order shall include, but not be
1703 limited to, whether temporary placement in foster care is
1704 appropriate, whether an investigation by the department is
1705 recommended, and whether a relative ~~within the third degree~~ is
1706 available for the temporary placement.

1707 (d) If the person withdrawing consent claims to be the
1708 father of the minor but has not been established to be the
1709 father by marriage, court order, or scientific testing, the
1710 court may order scientific paternity testing and reserve ruling
1711 on removal of the minor until the results of such testing have
1712 been filed with the court.

1713 (e) The adoption entity must return the minor within 3
1714 business days after timely and proper notification of the
1715 withdrawal of consent or after the court determines that
1716 withdrawal is valid and binding upon consideration of an
1717 emergency motion, as filed pursuant to paragraph (b), to the
1718 physical custody of the person withdrawing consent or the person
1719 directed by the court. If the person seeking to validly withdraw



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1720 consent claims to be the father of the minor but has not been
1721 established to be the father by marriage, court order, or
1722 scientific testing, the adoption entity may return the minor to
1723 the care and custody of the mother, if she desires such
1724 placement, and the mother is not otherwise prohibited by law
1725 from having custody of the child.

1726 (f) Following the revocation period for withdrawal of
1727 consent described in paragraph (a), or the placement of the
1728 child with the prospective adoptive parents, whichever occurs
1729 later, consent may be withdrawn only when the court finds that
1730 the consent was obtained by fraud or ~~under~~ duress.

1731 (g) An affidavit of nonpaternity may be withdrawn only if
1732 the court finds that the affidavit was obtained by fraud or
1733 ~~under~~ duress.

1734 Section 16. Section 63.085, Florida Statutes, is amended
1735 to read:

1736 63.085 Disclosure by adoption entity.--

1737 (1) DISCLOSURE REQUIRED TO PARENTS AND PROSPECTIVE
1738 ADOPTIVE PARENTS.--Not later than 14 7 days after a person
1739 seeking to adopt a minor or a person seeking to place a minor
1740 for adoption contacts an adoption entity in person or provides
1741 the adoption entity with a mailing address, the entity must
1742 provide a written disclosure statement to that person if the
1743 entity agrees or continues to work with such person. If an
1744 adoption entity is assisting in the effort to terminate the
1745 parental rights of a parent who did not initiate the contact
1746 with the adoption entity, the written disclosure must be
1747 provided within 14 7 days after that parent is identified and



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1748 located. For purposes of providing the written disclosure, a
 1749 person is considered to be seeking to place a minor for adoption
 1750 when that person has sought information or advice from the
 1751 adoption entity regarding the option of adoptive placement. The
 1752 written disclosure statement must be in substantially the
 1753 following form:

1754
 1755 ADOPTION DISCLOSURE

1756
 1757 THE STATE OF FLORIDA REQUIRES THAT THIS FORM BE PROVIDED TO ALL
 1758 PERSONS CONSIDERING ADOPTING A MINOR OR SEEKING TO PLACE A MINOR
 1759 FOR ADOPTION, TO ADVISE THEM OF THE FOLLOWING FACTS REGARDING
 1760 ADOPTION UNDER FLORIDA LAW:

1761
 1762 1. The name, address, and telephone number of the
 1763 adoption entity providing this disclosure is:

1764 Name: _____

1765 Address: _____

1766 Telephone Number: _____

1767 2. The adoption entity does not provide legal
 1768 representation or advice to birth parents, and birth parents
 1769 have the right to consult with an attorney of their own choosing
 1770 to advise them.

1771 3. With the exception of an adoption by a stepparent or
 1772 relative, a child cannot be placed into a prospective adoptive
 1773 home unless the prospective adoptive parents have received a
 1774 favorable preliminary home study, including criminal and child
 1775 abuse clearances.



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1776 4. A valid consent for adoption may not be signed by the
1777 birth mother until 48 hours after the birth of the child, or the
1778 day the birth mother is notified, in writing, that she is fit
1779 for discharge from the licensed hospital or birth center. A
1780 putative father may sign a valid consent for adoption at any
1781 time after the birth of the child.

1782 5. A consent for adoption signed before the child attains
1783 the age of 6 months is binding and irrevocable from the moment
1784 it is signed unless it can be proven in court that the consent
1785 was obtained by fraud or duress. A consent for adoption signed
1786 after the child attains the age of 6 months is valid from the
1787 moment it is signed; however, it may be revoked until the child
1788 is placed in an adoptive home, or up to 3 days after it was
1789 signed, whichever period is longer.

1790 6. A consent for adoption is not valid if the signature
1791 of the person who signed the consent was obtained by fraud or
1792 duress.

1793 7. There are alternatives to adoption, including foster
1794 care, relative care, and parenting the child. There may be
1795 services and sources of financial assistance in the community
1796 available to birth parents if they choose to parent the child.

1797 8. A birth parent has the right to have a witness of his
1798 or her choice, who is unconnected with the adoption entity or
1799 the adoptive parents, to be present and witness the signing of
1800 the consent or affidavit of nonpaternity.

1801 9. A birth parent 14 years of age or younger must have a
1802 parent, legal guardian, or court-appointed guardian ad litem to
1803 assist and advise the birth parent as to the adoption plan.



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1804 10. A birth parent has a right to receive supportive
1805 counseling from a counselor, social worker, physician, clergy,
1806 or attorney, and such counseling would be beneficial to the
1807 birth parent.

1808 11. The payment of living or medical expenses by the
1809 prospective adoptive parents prior to the birth of the child
1810 does not, in any way, obligate the birth parent to sign the
1811 consent for adoption.

1812 ~~1. Under section 63.102, Florida Statutes, the existence~~
1813 ~~of a placement or adoption contract signed by the parent or~~
1814 ~~prospective adoptive parent, prior approval of that contract by~~
1815 ~~the court, or payment of any expenses permitted under Florida~~
1816 ~~law does not obligate anyone to sign a consent or ultimately~~
1817 ~~place a minor for adoption.~~

1818 ~~2. Under sections 63.092 and 63.125, Florida Statutes, a~~
1819 ~~favorable preliminary home study, before the minor may be placed~~
1820 ~~in that home, and a final home investigation, before the~~
1821 ~~adoption becomes final, must be completed.~~

1822 ~~3. Under section 63.082, Florida Statutes, a consent to~~
1823 ~~adoption or affidavit of nonpaternity may not be signed until~~
1824 ~~after the birth of the minor.~~

1825 ~~4. Under section 63.082, Florida Statutes, if the minor~~
1826 ~~is to be placed for adoption with identified prospective~~
1827 ~~adoptive parents upon release from a licensed hospital or birth~~
1828 ~~center following birth, the consent to adoption may not be~~
1829 ~~signed until 48 hours after birth or until the day the birth~~
1830 ~~mother has been notified in writing, either on her patient chart~~
1831 ~~or in release papers, that she is fit to be released from the~~



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1832 ~~licensed hospital or birth center, whichever is sooner. The~~
1833 ~~consent to adoption or affidavit of nonpaternity is valid and~~
1834 ~~binding upon execution unless the court finds it was obtained by~~
1835 ~~fraud or under duress.~~

1836 ~~5. Under section 63.082, Florida Statutes, if the minor~~
1837 ~~is not placed for adoption with the prospective adoptive parent~~
1838 ~~upon release from the hospital or birth center following birth,~~
1839 ~~a 3-day revocation period applies during which consent may be~~
1840 ~~withdrawn for any reason by notifying the adoption entity in~~
1841 ~~writing. In order to withdraw consent, the written withdrawal of~~
1842 ~~consent must be mailed at a United States Post Office no later~~
1843 ~~than 3 business days after execution of the consent or 1~~
1844 ~~business day after the date of the birth mother's discharge from~~
1845 ~~a licensed hospital or birth center, whichever occurs later. For~~
1846 ~~purposes of mailing the withdrawal of consent, the term~~
1847 ~~"business day" means any day on which the United States Postal~~
1848 ~~Service accepts certified mail for delivery. The letter must be~~
1849 ~~sent by certified United States mail, return receipt requested.~~
1850 ~~Postal costs must be paid at the time of mailing and the receipt~~
1851 ~~should be retained as proof that consent was withdrawn in a~~
1852 ~~timely manner.~~

1853 ~~6. Under section 63.082, Florida Statutes, and~~
1854 ~~notwithstanding the revocation period, the consent may be~~
1855 ~~withdrawn at any time prior to the placement of the child with~~
1856 ~~the prospective adoptive parent, by notifying the adoption~~
1857 ~~entity in writing by certified United States mail, return~~
1858 ~~receipt requested.~~



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1859 7. ~~Under section 63.082, Florida Statutes, if an adoption~~
1860 ~~entity timely receives written notice from a person of that~~
1861 ~~person's desire to withdraw consent, the adoption entity must~~
1862 ~~contact the prospective adoptive parent to arrange a time~~
1863 ~~certain to regain physical custody of the child. Absent a court~~
1864 ~~order for continued placement of the child entered under section~~
1865 ~~63.082, Florida Statutes, the adoption entity must return the~~
1866 ~~minor within 3 days after notification of the withdrawal of~~
1867 ~~consent to the physical custody of the person withdrawing~~
1868 ~~consent. After the revocation period for withdrawal of consent~~
1869 ~~ends, or after the placement of the child with the prospective~~
1870 ~~adoptive parent, whichever occurs later, the consent may be~~
1871 ~~withdrawn only if the court finds that the consent was obtained~~
1872 ~~by fraud or under duress.~~

1873 8. ~~Under section 63.082, Florida Statutes, an affidavit~~
1874 ~~of nonpaternity, once executed, may be withdrawn only if the~~
1875 ~~court finds that it was obtained by fraud or under duress.~~

1876 9. ~~Under section 63.082, Florida Statutes, a person who~~
1877 ~~signs a consent to adoption or an affidavit of nonpaternity must~~
1878 ~~be given reasonable notice of his or her right to select a~~
1879 ~~person who does not have an employment, professional, or~~
1880 ~~personal relationship with the adoption entity or the~~
1881 ~~prospective adoptive parents to be present when the consent or~~
1882 ~~affidavit is executed and to sign the consent or affidavit as a~~
1883 ~~witness.~~

1884 10. ~~Under section 63.088, Florida Statutes, specific and~~
1885 ~~extensive efforts are required by law to attempt to obtain the~~
1886 ~~consents required under section 63.062, Florida Statutes. If~~



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1887 ~~these efforts are unsuccessful, the court may not enter a~~
1888 ~~judgment terminating parental rights pending adoption until~~
1889 ~~certain requirements have been met.~~

1890 ~~11. Under Florida law, an intermediary may represent the~~
1891 ~~legal interests of only the prospective adoptive parents. Each~~
1892 ~~person whose consent to an adoption is required under section~~
1893 ~~63.062, Florida Statutes, is entitled to seek independent legal~~
1894 ~~advice and representation before signing any document or~~
1895 ~~surrendering parental rights.~~

1896 ~~12. Under section 63.182, Florida Statutes, an action or~~
1897 ~~proceeding of any kind to vacate, set aside, or otherwise~~
1898 ~~nullify a judgment of adoption or an underlying judgment~~
1899 ~~terminating parental rights pending adoption, on any ground,~~
1900 ~~including duress but excluding fraud, must be filed within 1~~
1901 ~~year after entry of the judgment terminating parental rights~~
1902 ~~pending adoption. Such an action or proceeding for fraud must be~~
1903 ~~filed within 2 years after entry of the judgment terminating~~
1904 ~~parental rights.~~

1905 ~~13. Under section 63.089, Florida Statutes, a judgment~~
1906 ~~terminating parental rights pending adoption is voidable and any~~
1907 ~~later judgment of adoption of that minor is voidable if, upon~~
1908 ~~the motion of a parent, the court finds that any person~~
1909 ~~knowingly gave false information that prevented the parent from~~
1910 ~~timely making known his or her desire to assume parental~~
1911 ~~responsibilities toward the minor or to exercise his or her~~
1912 ~~parental rights. The motion must be filed with the court that~~
1913 ~~originally entered the judgment. The motion must be filed within~~



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1914 ~~a reasonable time, but not later than 2 years after the date the~~
1915 ~~judgment to which the motion is directed was entered.~~

1916 ~~14. Under section 63.165, Florida Statutes, the State of~~
1917 ~~Florida maintains a registry of adoption information.~~
1918 ~~Information about the registry is available from the Department~~
1919 ~~of Children and Family Services.~~

1920 ~~15. Under section 63.032, Florida Statutes, a court may~~
1921 ~~find that a parent has abandoned his or her child based on~~
1922 ~~conduct during the pregnancy or based on conduct after the child~~
1923 ~~is born. In addition, under section 63.089, Florida Statutes,~~
1924 ~~the failure of a parent to respond to notices of proceedings~~
1925 ~~involving his or her child shall result in termination of~~
1926 ~~parental rights of a parent. A lawyer can explain what a parent~~
1927 ~~must do to protect his or her parental rights. Any parent~~
1928 ~~wishing to protect his or her parental rights should act~~
1929 ~~IMMEDIATELY.~~

1930 ~~16. Each parent and prospective adoptive parent is~~
1931 ~~entitled to independent legal advice and representation.~~
1932 ~~Attorney information may be obtained from the yellow pages, The~~
1933 ~~Florida Bar's lawyer referral service, and local legal aid~~
1934 ~~offices and bar associations.~~

1935 ~~17. Counseling services may be helpful while making a~~
1936 ~~parenting decision. Consult the yellow pages of the telephone~~
1937 ~~directory.~~

1938 ~~18. Medical and social services support is available if~~
1939 ~~the parent wishes to retain parental rights and~~
1940 ~~responsibilities. Consult the Department of Children and Family~~
1941 ~~Services.~~



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1942 ~~19. Under section 63.039, Florida Statutes, an adoption~~
1943 ~~entity has certain legal responsibilities and may be liable for~~
1944 ~~damages to persons whose consent to an adoption is required or~~
1945 ~~to prospective adoptive parents for failing to materially meet~~
1946 ~~those responsibilities. Damages may also be recovered from an~~
1947 ~~adoption entity if a consent to adoption or affidavit of~~
1948 ~~nonpaternity is obtained by fraud or under duress attributable~~
1949 ~~to an adoption entity.~~

1950 ~~20. Under section 63.097, Florida Statutes, reasonable~~
1951 ~~living expenses of the birth mother may be paid by the~~
1952 ~~prospective adoptive parents and the adoption entity only if the~~
1953 ~~birth mother is unable to pay due to unemployment,~~
1954 ~~underemployment, or disability. The law also allows payment of~~
1955 ~~reasonable and necessary medical expenses, expenses necessary to~~
1956 ~~comply with the requirements of chapter 63, Florida Statutes,~~
1957 ~~court filing expenses, and costs associated with advertising.~~
1958 ~~Certain documented legal, counseling, and other professional~~
1959 ~~fees may be paid. Prior approval of the court is not required~~
1960 ~~until the cumulative total of amounts permitted exceeds \$2,500~~
1961 ~~in legal or other fees, \$500 in court costs, \$3,000 in expenses,~~
1962 ~~or \$1,500 in cumulative expenses incurred prior to the date the~~
1963 ~~prospective adoptive parent retains the adoption entity. The~~
1964 ~~following fees, costs, and expenses are prohibited:~~

1965 ~~a. Any fee or expense that constitutes payment for~~
1966 ~~locating a minor for adoption.~~

1967 ~~b. Any lump-sum payment to the entity which is~~
1968 ~~nonrefundable directly to the payor or which is not itemized on~~
1969 ~~the affidavit.~~



1970 ~~e. Any fee on the affidavit which does not specify the~~
 1971 ~~service that was provided and for which the fee is being~~
 1972 ~~charged, such as a fee for facilitation or acquisition.~~

1973
 1974 ~~The court may reduce amounts charged or refund amounts that have~~
 1975 ~~been paid if it finds that these amounts were more than what was~~
 1976 ~~reasonable or allowed under the law.~~

1977 ~~21. Under section 63.132, Florida Statutes, the adoption~~
 1978 ~~entity and the prospective adoptive parents must sign and file~~
 1979 ~~with the court a written statement under oath listing all the~~
 1980 ~~fees, expenses, and costs made, or agreed to be made, by or on~~
 1981 ~~behalf of the prospective adoptive parents and any adoption~~
 1982 ~~entity in connection with the adoption. The affidavit must state~~
 1983 ~~whether any of the expenses were eligible to be paid for by any~~
 1984 ~~other source.~~

1985 ~~22. Under section 63.132, Florida Statutes, the court~~
 1986 ~~order approving the money spent on the adoption must be separate~~
 1987 ~~from the judgment making the adoption final. The court may~~
 1988 ~~approve only certain costs and expenses allowed under section~~
 1989 ~~63.097, Florida Statutes. The court may approve only fees that~~
 1990 ~~are allowed under law and that it finds to be "reasonable." A~~
 1991 ~~good idea of what is and is not allowed to be paid for in an~~
 1992 ~~adoption can be determined by reading sections 63.097 and~~
 1993 ~~63.132, Florida Statutes.~~

1994
 1995 (2) ACKNOWLEDGMENT OF DISCLOSURE.--The adoption entity
 1996 must obtain a written statement acknowledging receipt of the
 1997 disclosure required under subsection (1) and signed by the



1998 persons receiving the disclosure or, if it is not possible to
 1999 obtain such an acknowledgment, the adoption entity must execute
 2000 an affidavit stating why an acknowledgment could not be
 2001 obtained. If the disclosure was delivered by certified United
 2002 States mail, return receipt requested, a return receipt signed
 2003 by the person from whom acknowledgment is required is sufficient
 2004 to meet the requirements of this subsection. A copy of the
 2005 acknowledgment of receipt of the disclosure must be provided to
 2006 the person signing it. A copy of the acknowledgment or
 2007 affidavit executed by the adoption entity in lieu of the
 2008 acknowledgment must be maintained in the file of the adoption
 2009 entity. The original acknowledgment or affidavit must be filed
 2010 with the court. ~~In the case of a disclosure provided under~~
 2011 ~~subsection(1), the original acknowledgment or affidavit must be~~
 2012 ~~included in the preliminary home study required in s. 63.092.~~

2013 ~~(3) POSTBIRTH DISCLOSURE TO PARENTS.-- Before execution of~~
 2014 ~~any consent to adoption by a parent, but after the birth of the~~
 2015 ~~minor, all requirements of subsections (1) and (2) for making~~
 2016 ~~certain disclosures to a parent and obtaining a written~~
 2017 ~~acknowledgment of receipt must be repeated.~~

2018 (3)(4) REVOCATION OF CONSENT.--Failure to meet the
 2019 requirements of subsection (1) or subsection (2) ~~subsections~~
 2020 ~~(1)-(3)~~ does not constitute grounds for revocation of a consent
 2021 to adoption or withdrawal of an affidavit of nonpaternity unless
 2022 the extent and circumstances of such a failure result in a
 2023 material failure of fundamental fairness in the administration
 2024 of due process, or the failure constitutes or contributes



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2025 | materially to fraud or duress in obtaining a consent to adoption
2026 | or affidavit of nonpaternity.

2027 | Section 17. Section 63.087, Florida Statutes, is amended
2028 | to read:

2029 | 63.087 Proceeding to terminate parental rights pending
2030 | adoption; general provisions.--

2031 | ~~(1) INTENT.--It is the intent of the Legislature that a~~
2032 | ~~court determine whether a minor is legally available for~~
2033 | ~~adoption through a separate proceeding terminating parental~~
2034 | ~~rights prior to the filing of a petition for adoption.~~

2035 | ~~(2) GOVERNING RULES.--The Florida Family Law Rules of~~
2036 | ~~Procedure govern a proceeding to terminate parental rights~~
2037 | ~~pending adoption unless otherwise provided by law.~~

2038 | (1)~~(3)~~ JURISDICTION.--A court of this state which is
2039 | competent to decide child welfare or custody matters has
2040 | jurisdiction to hear all matters arising from a proceeding to
2041 | terminate parental rights pending adoption. ~~All subsequent~~
2042 | ~~proceedings for the adoption of the minor, if the petition for~~
2043 | ~~termination is granted, must be conducted by the same judge who~~
2044 | ~~conducted the termination proceedings, if that judge is still~~
2045 | ~~available within the division of the court which conducts~~
2046 | ~~termination or adoption cases or, if that judge is unavailable,~~
2047 | ~~by another judge within the division.~~

2048 | (2)~~(4)~~ VENUE.--

2049 | (a) A petition to terminate parental rights pending
2050 | adoption must be filed:

2051 | 1. In the county where the child resides ~~resided for the~~
2052 | ~~previous 6 months;~~



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2053 2. If the child does not reside in the State of Florida,
2054 in the county where the adoption entity is located ~~is younger~~
2055 ~~than 6 months of age or has not continuously resided in one~~
2056 ~~county for the previous 6 months, in the county where the parent~~
2057 ~~resided at the time of the execution of the consent to adoption~~
2058 ~~or the affidavit of nonpaternity;~~

2059 3. ~~If the child is younger than 6 months of age and a~~
2060 ~~waiver of venue has been obtained pursuant to s. 63.062~~ In the
2061 county where the adoption entity is located ~~or, if the adoption~~
2062 ~~entity has more than one place of business, in the county which~~
2063 ~~is located in closest proximity to the county in which the~~
2064 ~~parent whose rights are to be terminated resided at the time of~~
2065 ~~execution of the consent or affidavit of nonpaternity;~~

2066 4. ~~If there is no consent or affidavit of nonpaternity~~
2067 ~~executed by a parent, in the county where the birth mother~~
2068 ~~resides; or~~

2069 ~~4.5.~~ If neither parent resides in the state, in the county
2070 where the adoption entity is located. The fact of the minor's
2071 presence within the state confers jurisdiction on the court in
2072 proceedings in the minor's case under this chapter, or to a
2073 parent or guardian if due notice has been given.

2074 (b) If a petition for termination of parental rights has
2075 been filed and a parent whose rights are to be terminated
2076 objects to venue, there must be a hearing in which the court
2077 shall determine whether that parent intends to assert legally
2078 recognized grounds to contest a termination of parental rights
2079 and, if so, the court shall immediately transfer venue to the
2080 county where that parent resides or resided at the time of the



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2081 ~~execution of the consent, if there is such a county, or, if not,~~
2082 ~~a county where:~~

2083 ~~1. At least one parent whose rights are to be terminated~~
2084 ~~resides;~~

2085 ~~2. At least one parent resided at the time of execution of~~
2086 ~~a consent or affidavit of nonpaternity; or~~

2087 ~~3. The adoption entity is located, if neither subparagraph~~
2088 ~~1. nor subparagraph 2. applies.~~

2089
2090 For purposes of selecting venue, the court shall consider the
2091 ease of access to the court for the parent who intends to
2092 contest a termination of parental rights.

2093 (c) If there is a transfer of venue, the court may
2094 determine which party shall ~~the adoption entity or the~~
2095 ~~petitioner must~~ bear the cost of venue transfer.

2096
2097 For purposes of the hearing under this subsection, witnesses
2098 located in another jurisdiction may testify by deposition or
2099 testify by telephone, audiovisual means, or other electronic
2100 means before a designated court or at another location.

2101 Documentary evidence transmitted from another location by
2102 technological means that do not produce an original writing may
2103 not be excluded from evidence on an objection based on the means
2104 of transmission. The court on its own motion may otherwise
2105 prescribe the manner in which and the terms upon which the
2106 testimony is taken.

2107 ~~(3)(5)~~ PREREQUISITE FOR ADOPTION.--A petition for adoption
2108 may not be filed until ~~30 days~~ after the date the court enters



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2109 ~~judge signed~~ the judgment terminating parental rights pending
2110 adoption under this chapter ~~or, unless the adoptee is an adult~~
2111 ~~or the minor has been the subject of a judgment terminating~~
2112 ~~parental rights~~ under chapter 39. Adoptions of relatives, adult
2113 adoptions, or adoptions of stepchildren shall not be required to
2114 file a separate termination of parental rights proceeding
2115 pending adoption. In such cases, all required consents,
2116 affidavits, notices, and acknowledgements shall be attached to
2117 the petition for adoption or filed separately in the adoption
2118 proceeding.

2119 ~~(4)(6)~~ PETITION.--

2120 (a) A proceeding seeking to terminate parental rights
2121 pending adoption pursuant to this chapter must be initiated by
2122 the filing of an original petition after the birth of the minor.

2123 (b) The petition may be filed by a parent or person having
2124 physical legal custody of the minor. The petition may be filed
2125 by an adoption entity only if a parent or person having physical
2126 or legal custody who has executed a consent to adoption pursuant
2127 to s. 63.082 also consents in writing to the adoption entity
2128 filing the petition. The original of such consent must be filed
2129 with the petition.

2130 (c) The petition must be entitled: "In the Matter of the
2131 Termination of Parental Rights for the Proposed Adoption of a
2132 Minor Child."

2133 ~~(d) A petition to terminate parental rights must be~~
2134 ~~consolidated with a previously filed petition for a declaratory~~
2135 ~~statement filed under s. 63.102. Only one filing fee may be~~



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2136 ~~assessed for both the termination of parental rights and~~
2137 ~~declaratory statement petitions.~~

2138 (d)~~(e)~~ The petition to terminate parental rights pending
2139 adoption must be in writing and signed by the petitioner under
2140 oath stating the petitioner's good faith in filing the petition.
2141 A written consent to adoption, affidavit of nonpaternity, or
2142 affidavit of diligent search under s. 63.088, for each person
2143 whose consent to adoption is required under s. 63.062, must be
2144 executed and attached.

2145 (e)~~(f)~~ The petition must include:

2146 1. The minor's name, gender, date of birth, and place of
2147 birth. The petition must contain all names by which the minor is
2148 or has been known, excluding the minor's prospective adoptive
2149 name but including the minor's legal name at the time of the
2150 filing of the petition, ~~to allow interested parties to the~~
2151 ~~action, including parents, persons having legal custody of the~~
2152 ~~minor, persons with custodial or visitation rights to the minor,~~
2153 ~~and persons entitled to notice pursuant to the Uniform Child~~
2154 ~~Custody Jurisdiction Act or the Indian Child Welfare Act, to~~
2155 ~~identify their own interest in the action. In the case of an~~
2156 infant child whose adoptive name appears on the original birth
2157 certificate, the adoptive name shall not be included in the
2158 petition, nor shall it be included elsewhere in the termination
2159 of parental rights proceeding.

2160 ~~2. If the petition is filed before the day the minor is 6~~
2161 ~~months old and if the identity or location of the father is~~
2162 ~~unknown, each city in which the mother resided or traveled, in~~
2163 ~~which conception may have occurred, during the 12 months before~~



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2164 ~~the minor's birth, including the county and state in which that~~
2165 ~~city is located.~~

2166 ~~3. Unless a consent to adoption or affidavit of~~
2167 ~~nonpaternity executed by each person whose consent is required~~
2168 ~~under s. 63.062 is attached to the petition, the name and the~~
2169 ~~city of residence, including the county and state in which that~~
2170 ~~city is located, of:~~

2171 ~~a. The minor's mother;~~

2172 ~~b. Any man who the mother reasonably believes may be the~~
2173 ~~minor's father; and~~

2174 ~~c. Any person who has legal custody, as defined in s.~~
2175 ~~39.01, of the minor.~~

2176
2177 ~~If a required name or address is not known, the petition must so~~
2178 ~~state.~~

2179 2.4. All information required by the Uniform Child Custody
2180 Jurisdiction Act and the Indian Child Welfare Act.

2181 3.5. A statement of the grounds under s. 63.089 upon which
2182 the petition is based.

2183 4.6. The name, address, and telephone number of any
2184 adoption entity seeking to place the minor for adoption.

2185 5.7. The name, address, and telephone number of the
2186 division of the circuit court in which the petition is to be
2187 filed.

2188 6.8. A certification of compliance with the requirements
2189 of s. 63.0425 regarding notice to grandparents of an impending
2190 adoption.



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2191 (5) SUMMONS TO BE ISSUED.--The petitioner shall cause a
 2192 summons to be issued substantially in the form provided in Form
 2193 1.902, Florida Rules of Civil Procedure. Petition and summons
 2194 shall be served upon any person whose consent has been provided
 2195 but who has not waived service of the pleadings and notice of
 2196 the hearing thereon and also upon any person whose consent is
 2197 required but who has not provided that consent.

2198 ~~(6)(7)~~ ANSWER NOT REQUIRED.--An answer to the petition or
 2199 any pleading requiring an answer shall need not be filed in
 2200 accordance with the Florida Rules of Civil Procedure by any
 2201 ~~minor, parent, or person having legal custody of the minor, but~~
 2202 ~~any matter that might be set forth in an answer or other~~
 2203 ~~pleading may be pleaded orally before the court or filed in~~
 2204 ~~writing. However,~~ Failure to file a written response or to
 2205 appear at the hearing on the petition constitutes grounds upon
 2206 which the court may terminate parental rights. The petitioner
 2207 shall provide notice of the final hearing by United States mail
 2208 to any person who has been served with the summons and petition
 2209 for termination of parental rights within the specified time
 2210 periods. Notwithstanding the filing of any answer or any
 2211 pleading, any person present at the hearing to terminate
 2212 parental rights pending adoption whose consent to adoption is
 2213 required under s. 63.062 must:

2214 (a) Be advised by the court that he or she has a right to
 2215 ask that the hearing be reset for a later date so that the
 2216 person may consult with an attorney; and

2217 (b) Be given an opportunity to deny the allegations in the
 2218 petition; ~~and~~



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2219 ~~(c) Be given the opportunity to challenge the validity of~~
 2220 ~~any consent or affidavit of nonpaternity signed by any person.~~

2221 Section 18. Section 63.088, Florida Statutes, is amended
 2222 to read:

2223 63.088 Proceeding to terminate parental rights pending
 2224 adoption; notice and service; diligent search.--

2225 (1) NOTICE REQUIRED.--An unmarried biological father, by
 2226 virtue of the fact that he has engaged in a sexual relationship
 2227 with a woman, is deemed to be on notice that a pregnancy and an
 2228 adoption proceeding regarding that child may occur and that he
 2229 has a duty to protect his own rights and interest. He is,
 2230 therefore, entitled to notice of a birth or adoption proceeding
 2231 with regard to that child only as provided in this chapter.

2232 (2)(1) INITIATE LOCATION AND IDENTIFICATION
 2233 PROCEDURES.--When the location or identity of a person whose
 2234 consent to an adoption is required but is not known, the
 2235 adoption entity must begin the inquiry and diligent search
 2236 process required by this section within a reasonable time period
 2237 not later than 7 days after the date on which the person seeking
 2238 to place a minor for adoption has evidenced in writing to the
 2239 adoption entity a desire to place the minor for adoption with
 2240 that entity, or not later than 30 7 days after the date any
 2241 money is provided as permitted under this chapter by the
 2242 adoption entity for the benefit of the person seeking to place a
 2243 minor for adoption.

2244 (3)(2) LOCATION AND IDENTITY KNOWN.--Before the court may
 2245 determine that a minor is available for adoption, and in
 2246 addition to the other requirements set forth in this chapter,



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2247 each person whose consent is required under s. 63.062, who has
 2248 not executed an affidavit of nonpaternity, and whose location
 2249 and identity have been determined by compliance with the
 2250 procedures in this section must be personally served, pursuant
 2251 to chapter 48, at least 20 ~~30~~ days before the hearing with a
 2252 copy of the petition to terminate parental rights pending
 2253 adoption and with notice in substantially the following form:

2254
 2255 NOTICE OF PETITION AND HEARING
 2256 TO TERMINATE PARENTAL RIGHTS
 2257 PENDING ADOPTION
 2258

2259 A petition to terminate parental rights pending adoption has
 2260 been filed. A copy of the petition is being served with this
 2261 notice. There will be a hearing on the petition to terminate
 2262 parental rights pending adoption on . . . (date) . . . at .
 2263 . . (time) . . . before . . . (judge) . . . at . . .
 2264 (location, including complete name and street address of the
 2265 courthouse) The court has set aside . . . (amount of
 2266 time) . . . for this hearing. ~~If you executed a consent to~~
 2267 ~~adoption or an affidavit of nonpaternity and a waiver of venue,~~
 2268 ~~you have the right to request that the hearing on the petition~~
 2269 ~~to terminate parental rights be transferred to the county in~~
 2270 ~~which you reside. You may object by appearing at the hearing or~~
 2271 ~~filing a written objection with the court.~~

2272
 2273 UNDER SECTION 63.089, FLORIDA STATUTES, FAILURE TO FILE A
 2274 WRITTEN RESPONSE TO THIS NOTICE WITH THE COURT OR TO APPEAR AT



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2275 THIS HEARING CONSTITUTES GROUNDS UPON WHICH THE COURT SHALL END
2276 ANY PARENTAL RIGHTS YOU MAY HAVE REGARDING THE MINOR CHILD.

2277
2278 (4)~~(3)~~ REQUIRED INQUIRY.--In proceedings initiated under
2279 s. 63.087, the court must conduct an inquiry of the person who
2280 is placing the minor for adoption and of any relative or person
2281 having legal custody of the minor who is present at the hearing
2282 and likely to have the following information regarding the
2283 identity of:

2284 (a) Any person to whom the mother of the minor was married
2285 at any time when conception of the minor may have occurred or at
2286 the time of the birth of the minor;

2287 (b) Any person who has been declared by a court to be the
2288 father of the minor;

2289 (c) Any man who has adopted the minor;

2290 (d)~~(e)~~ Any man with whom the mother was cohabiting at any
2291 time when conception of the minor may have occurred; and

2292 ~~(d) Any person the mother has reason to believe may be the~~
2293 ~~father and from whom she has received payments or promises of~~
2294 ~~support with respect to the minor or because of her pregnancy;~~

2295 ~~(e) Any person the mother has named as the father on the~~
2296 ~~birth certificate of the minor or in connection with applying~~
2297 ~~for or receiving public assistance;~~

2298 (e)~~(f)~~ Any person who has acknowledged or claimed
2299 paternity of the minor; ~~and~~

2300 ~~(g) Any person the mother has reason to believe may be the~~
2301 ~~father.~~

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2303 The information required under this subsection may be provided
 2304 to the court in the form of a sworn affidavit by a person having
 2305 personal knowledge of the facts, addressing each inquiry
 2306 enumerated in this subsection, except that, if the inquiry
 2307 identifies a father under paragraph (a), ~~or~~ paragraph (b), or
 2308 paragraph (c), the inquiry shall not continue further. The
 2309 inquiry required under this subsection may be conducted before
 2310 the birth of the minor.

2311 (5)~~(4)~~ LOCATION UNKNOWN; IDENTITY KNOWN.--If the inquiry
 2312 by the court under subsection (4) ~~(3)~~ identifies any person
 2313 whose consent to adoption is required under s. 63.062 and who
 2314 has not executed a consent to adoption or an affidavit of
 2315 nonpaternity, and the location of the person from whom consent
 2316 is required is unknown, the adoption entity must conduct a
 2317 diligent search for that person which must include inquiries
 2318 concerning:

2319 (a) The person's current address, or any previous address,
 2320 through an inquiry of the United States Postal Service through
 2321 the Freedom of Information Act;

2322 (b) The last known employment of the person, including the
 2323 name and address of the person's employer. ~~Inquiry should be
 2324 made of the last known employer as to any address to which wage
 2325 and earnings statements (W-2 forms) of the person have been
 2326 mailed. Inquiry should be made of the last known employer as to
 2327 whether the person is eligible for a pension or profit-sharing
 2328 plan and any address to which pension or other funds have been
 2329 mailed;~~



- 2330 (c) Regulatory agencies, including those regulating
- 2331 licensing in the area where the person last resided;
- 2332 (d) Names and addresses of relatives to the extent such
- 2333 can be reasonably obtained from the petitioner or other sources,
- 2334 contacts with those relatives, and inquiry as to the person's
- 2335 last known address. The petitioner shall pursue any leads of any
- 2336 addresses to which the person may have moved. ~~Relatives include,~~
- 2337 ~~but are not limited to, parents, brothers, sisters, aunts,~~
- 2338 ~~uncles, cousins, nieces, nephews, grandparents, great-~~
- 2339 ~~grandparents, former or current in-laws, stepparents, and~~
- 2340 ~~stepchildren;~~
- 2341 (e) Information as to whether or not the person may have
- 2342 died and, if so, the date and location;
- 2343 (f) Telephone listings in the area where the person last
- 2344 resided;
- 2345 (g) Inquiries of law enforcement agencies in the area
- 2346 where the person last resided;
- 2347 (h) Highway patrol records in the state where the person
- 2348 last resided;
- 2349 (i) Department of Corrections records in the state where
- 2350 the person last resided;
- 2351 (j) Hospitals in the area where the person last resided;
- 2352 (k) Records of utility companies, including water, sewer,
- 2353 cable television, and electric companies, in the area where the
- 2354 person last resided;
- 2355 (l) Records of the Armed Forces of the United States as to
- 2356 whether there is any information as to the person;



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2357 (m) Records of the tax assessor and tax collector in the
2358 area where the person last resided; and

2359 (n) Search of one Internet databank locator service; ~~and~~

2360 ~~(o) Information held by all medical providers who rendered~~
2361 ~~medical treatment or care to the birth mother and child,~~
2362 ~~including the identity and location information of all persons~~
2363 ~~listed by the mother as being financially responsible for the~~
2364 ~~uninsured expenses of treatment or care and all persons who made~~
2365 ~~any such payments.~~

2366
2367 ~~Any person contacted by a petitioner or adoption entity who is~~
2368 ~~requesting information pursuant to this subsection must release~~
2369 ~~the requested information to the petitioner or adoption entity,~~
2370 ~~except when prohibited by law, without the necessity of a~~
2371 ~~subpoena or court order.~~

2372
2373 An affidavit of diligent search executed by the petitioner and
2374 the adoption entity must be filed with the court confirming
2375 completion of each aspect of the diligent search enumerated in
2376 this subsection and specifying the results. The diligent search
2377 required under this subsection may be conducted before the birth
2378 of the minor.

2379 (6)(5) CONSTRUCTIVE SERVICE LOCATION UNKNOWN OR IDENTITY
2380 UNKNOWN.--This subsection only applies if, as to any person
2381 whose consent is required under s. 63.062 and who has not
2382 executed a consent to adoption or an affidavit of nonpaternity,
2383 the location ~~or identity~~ of the person is unknown and the
2384 inquiry under ~~subsection (3)~~ fails to identify the person or the



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2385 ~~diligent search under~~ subsection (4) fails to locate the person.
 2386 The unlocated ~~or unidentified~~ person must be served notice under
 2387 subsection (3) ~~(2)~~ by constructive service in the manner
 2388 provided in chapter 49 ~~in each county identified in the~~
 2389 ~~petition, as provided in s. 63.087(6).~~ The notice shall be
 2390 published in the county where the person was last known to have
 2391 resided. The notice, in addition to all information required
 2392 under in the petition under s. 63.087(6) and chapter 49, must
 2393 include ~~contain~~ a physical description, including, but not
 2394 limited to, age, race, hair and eye color, and approximate
 2395 height and weight of the person, ~~minor's mother and of any~~
 2396 ~~person the mother reasonably believes may be the father;~~ the
 2397 minor's date of birth, and the place of birth of the minor.
 2398 Constructive service by publication shall not be required to
 2399 provide notice to an identified birth father whose consent is
 2400 not required pursuant to ss. 63.062 and 63.064; ~~and any date and~~
 2401 ~~city, including the county and state in which the city is~~
 2402 ~~located, in which conception may have occurred. If any of the~~
 2403 ~~facts that must be included in the notice under this subsection~~
 2404 ~~are unknown and cannot be reasonably ascertained, the notice~~
 2405 ~~must so state.~~

2406 Section 19. Section 63.089, Florida Statutes, is amended
 2407 to read:

2408 63.089 Proceeding to terminate parental rights pending
 2409 adoption; hearing; grounds; dismissal of petition; judgment.--

2410 (1) HEARING.--The court may terminate parental rights
 2411 pending adoption only after a ~~full evidentiary~~ hearing.



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2412 (2) HEARING PREREQUISITES.--The court may hold the hearing
2413 only when:

2414 (a) For each person whose consent to adoption is required
2415 under s. 63.062:

2416 1. A consent under s. 63.082 has been executed and filed
2417 with the court;

2418 2. An affidavit of nonpaternity under s. 63.082 has been
2419 executed and filed with the court; ~~or~~

2420 3. Notice has been provided under ss. 63.087 and 63.088;
2421 or

2422 4. The certificate from the Office of Vital Statistics has
2423 been provided to the court stating that a diligent search has
2424 been made of the Florida Putative Father Registry created in s.
2425 63.054 and that no filing has been found pertaining to the
2426 father of the child in question or, if a filing is found,
2427 stating the name of the putative father and the time and date of
2428 the filing.

2429 (b) For each notice and petition that must be served under
2430 ss. 63.087 and 63.088:

2431 1. At least 20 ~~30~~ days have elapsed since the date of
2432 personal service and an affidavit of service has been filed with
2433 the court;

2434 2. At least 30 ~~60~~ days have elapsed since the first date
2435 of publication of constructive service and an affidavit of
2436 service has been filed with the court; or

2437 3. An affidavit of nonpaternity which affirmatively waives
2438 service has been executed and filed with the court;

2439 (c) The minor named in the petition has been born; and



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2440 (d) The petition contains all information required under
 2441 s. 63.087 and all affidavits of inquiry, diligent search, and
 2442 service required under s. 63.088 have been obtained and filed
 2443 with the court.

2444 (3) GROUNDS FOR TERMINATING PARENTAL RIGHTS PENDING
 2445 ADOPTION.--The court may enter a judgment terminating parental
 2446 rights pending adoption if the court determines by clear and
 2447 convincing evidence, supported by written findings of fact, that
 2448 each person whose consent to adoption is required under s.
 2449 63.062:

2450 (a) Has executed a valid consent ~~that has not been~~
 2451 ~~withdrawn~~ under s. 63.082 and the consent was obtained according
 2452 to the requirements of this chapter;

2453 (b) Has executed an affidavit of nonpaternity and the
 2454 affidavit was obtained according to the requirements of this
 2455 chapter;

2456 (c) Has been served with a notice of the intended adoption
 2457 plan in accordance with the provisions of s. 63.062(3) and has
 2458 failed to respond within the designated time period;

2459 (d)~~(e)~~ Has been properly served notice of the proceeding
 2460 in accordance with the requirements of this chapter and has
 2461 failed to file a written answer or appear at the evidentiary
 2462 hearing resulting in the judgment terminating parental rights
 2463 pending adoption;

2464 (e)~~(d)~~ Has been properly served notice of the proceeding
 2465 in accordance with the requirements of this chapter and has been
 2466 determined under subsection (4) to have abandoned the minor as
 2467 defined in s. 63.032;



2468 (f)~~(e)~~ Is a parent of the person to be adopted, which
 2469 parent has been judicially declared incapacitated with
 2470 restoration of competency found to be medically improbable;

2471 (g)~~(f)~~ Is a person who has legal custody of the person to
 2472 be adopted, other than a parent, who has failed to respond in
 2473 writing to a request for consent for a period of 60 days or,
 2474 after examination of his or her written reasons for withholding
 2475 consent, is found by the court to be withholding his or her
 2476 consent unreasonably;

2477 (h)~~(g)~~ Has been properly served notice of the proceeding
 2478 in accordance with the requirements of this chapter, but has
 2479 been found by the court, after examining written reasons for the
 2480 withholding of consent, to be unreasonably withholding his or
 2481 her consent; or

2482 (i)~~(h)~~ Is the spouse of the person to be adopted who has
 2483 failed to consent, and the failure of the spouse to consent to
 2484 the adoption is excused by reason of prolonged and unexplained
 2485 absence, unavailability, incapacity, or circumstances that are
 2486 found by the court to constitute unreasonable withholding of
 2487 consent.

2488 (4) FINDING OF ABANDONMENT.--A finding of abandonment
 2489 resulting in a termination of parental rights must be based upon
 2490 clear and convincing evidence that a parent or person having
 2491 legal custody has abandoned the child in accordance with the
 2492 definition contained in s. 63.032(1). A finding of abandonment
 2493 may ~~not~~ be based upon ~~a lack of emotional support to a birth~~
 2494 ~~mother during her pregnancy, but may be based upon~~ emotional
 2495 abuse or a refusal to provide reasonable financial support, when



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2496 able, to a birth mother during her pregnancy. If, in the opinion
2497 of the court, the efforts of a parent or person having legal
2498 custody of the child to support and communicate with the child
2499 are only marginal efforts that do not evince a settled purpose
2500 to assume all parental duties, the court may declare the child
2501 to be abandoned. In making this decision, the court may consider
2502 the conduct of a father toward the child's mother during her
2503 pregnancy.

2504 (a) In making a determination of abandonment at a hearing
2505 for termination of parental rights pursuant to this chapter, the
2506 court must consider, among other relevant factors not
2507 inconsistent with this section:

2508 1. Whether the actions alleged to constitute abandonment
2509 demonstrate a willful disregard for the safety or welfare of the
2510 child or unborn child;

2511 ~~2. Whether other persons prevented the person alleged to~~
2512 ~~have abandoned the child from making the efforts referenced in~~
2513 ~~this subsection;~~

2514 ~~2.3.~~ Whether the person alleged to have abandoned the
2515 child, while being able, failed ~~refused~~ to provide financial
2516 support ~~after such person was informed he may be the father of~~
2517 ~~the child;~~

2518 ~~3.4.~~ Whether the person alleged to have abandoned the
2519 child, while being able, failed ~~refused~~ to pay for medical
2520 treatment ~~when such payment was requested by the person having~~
2521 ~~legal custody of the child and those expenses were not covered~~
2522 ~~by insurance or other available sources; and~~



2523 ~~4.5.~~ Whether the amount of support provided or medical
 2524 expenses paid was appropriate, taking into consideration the
 2525 needs of the child and relative means and resources available to
 2526 the person alleged to have abandoned the child ~~and available to~~
 2527 ~~the person having legal custody of the child during the period~~
 2528 ~~the child allegedly was abandoned; and~~

2529 ~~6.~~ ~~Whether the person having legal custody of the child~~
 2530 ~~made the child's whereabouts known to the person alleged to have~~
 2531 ~~abandoned the child, advised that person of the needs of the~~
 2532 ~~child or the needs of the mother of an unborn child with regard~~
 2533 ~~to the pregnancy, or informed that person of events such as~~
 2534 ~~medical appointments and tests relating to the child or, if~~
 2535 ~~unborn, the pregnancy.~~

2536 (b) The child has been abandoned when the parent of a
 2537 child is incarcerated on or after October 1, 2001, in a state or
 2538 federal correctional institution and:

2539 1. The period of time for which the parent is expected to
 2540 be incarcerated will constitute a substantial portion of the
 2541 period of time before the child will attain the age of 18 years;

2542 2. The incarcerated parent has been determined by the
 2543 court to be a violent career criminal as defined in s. 775.084,
 2544 a habitual violent felony offender as defined in s. 775.084,
 2545 convicted of child abuse as defined in s. 827.03, or a sexual
 2546 predator as defined in s. 775.21; has been convicted of first
 2547 degree or second degree murder in violation of s. 782.04 or a
 2548 sexual battery that constitutes a capital, life, or first degree
 2549 felony violation of s. 794.011; or has been convicted of an
 2550 offense in another jurisdiction which is substantially similar



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2551 to one of the offenses listed in this subparagraph. As used in
2552 this section, the term "substantially similar offense" means any
2553 offense that is substantially similar in elements and penalties
2554 to one of those listed in this subparagraph, and that is in
2555 violation of a law of any other jurisdiction, whether that of
2556 another state, the District of Columbia, the United States or
2557 any possession or territory thereof, or any foreign
2558 jurisdiction; or

2559 3. The court determines by clear and convincing evidence
2560 that continuing the parental relationship with the incarcerated
2561 parent would be harmful to the child and, for this reason, that
2562 termination of the parental rights of the incarcerated parent is
2563 in the best interest of the child.

2564 ~~(c) The only conduct of a father toward a mother during~~
2565 ~~pregnancy that the court may consider in determining whether the~~
2566 ~~child has been abandoned is conduct that occurred after the~~
2567 ~~father was informed he may be the father of the child or after~~
2568 ~~diligent search and notice as provided in s. 63.088 have been~~
2569 ~~made to inform the father that he is, or may be, the father of~~
2570 ~~the child.~~

2571 (5) DISMISSAL OF PETITION ~~WITH PREJUDICE~~.--If the court
2572 does not find by clear and convincing evidence that parental
2573 rights of a parent should be terminated pending adoption, the
2574 court must dismiss the petition ~~with prejudice~~ and that parent's
2575 parental rights that were the subject of such petition shall
2576 remain in full force under the law. The order must include
2577 written findings in support of the dismissal, including findings
2578 as to the criteria in subsection (4) if rejecting a claim of



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2579 abandonment. Parental rights may not be terminated based upon a
 2580 consent that the court finds has been timely withdrawn under s.
 2581 63.082 or a consent to adoption or affidavit of nonpaternity
 2582 that the court finds was obtained by fraud or ~~under~~ duress. The
 2583 court must enter an order based upon written findings providing
 2584 for the placement of the minor. The court may order scientific
 2585 testing to determine the paternity of the minor at any time
 2586 during which the court has jurisdiction over the minor. Further
 2587 proceedings, if any, regarding the minor must be brought in a
 2588 separate custody action under chapter 61, a dependency action
 2589 under chapter 39, or a paternity action under chapter 742.

2590 (6) JUDGMENT TERMINATING PARENTAL RIGHTS PENDING
 2591 ADOPTION.--

2592 (a) The judgment terminating parental rights pending
 2593 adoption must be in writing and contain findings of fact as to
 2594 the grounds for terminating parental rights pending adoption.

2595 (b) Within 7 days ~~24 hours~~ after filing, the court shall
 2596 mail a copy of the judgment to the department, ~~the petitioner,~~
 2597 ~~those persons required to give consent under s. 63.062, and the~~
 2598 ~~respondent~~. The clerk shall execute a certificate of such each
 2599 mailing.

2600 (7) RELIEF FROM JUDGMENT TERMINATING PARENTAL RIGHTS.--

2601 (a) ~~A judgment terminating parental rights pending~~
 2602 ~~adoption is voidable and any later judgment of adoption of that~~
 2603 ~~minor is voidable if, upon the motion of a parent, the court~~
 2604 ~~finds that a person knowingly gave false information that~~
 2605 ~~prevented the parent from timely making known his or her desire~~
 2606 ~~to assume parental responsibilities toward the minor or meeting~~



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2607 ~~the requirements under this chapter to exercise his or her~~
2608 ~~parental rights.~~ A motion for relief from a judgment terminating
2609 parental rights ~~under this subsection~~ must be filed with the
2610 court originally entering the judgment. The motion must be filed
2611 within a reasonable time, but not later than 1 year ~~2 years~~
2612 after the entry of the judgment terminating parental rights.

2613 (b) No later than 30 days after the filing of a motion
2614 under this subsection, the court must conduct a preliminary
2615 hearing to determine what contact, if any, shall be permitted
2616 between a parent and the child pending resolution of the motion.
2617 Such contact shall be considered only if it is requested by a
2618 parent who has appeared at the hearing. If the court orders
2619 contact between a parent and child, the order must be issued in
2620 writing as expeditiously as possible and must state with
2621 specificity any provisions regarding contact with persons other
2622 than those with whom the child resides.

2623 (c) At the preliminary hearing, the court, upon the motion
2624 of any party or upon its own motion, may order scientific
2625 testing to determine the paternity of the minor if the person
2626 seeking to set aside the judgment is alleging to be the child's
2627 father and that fact has not previously been determined by
2628 legitimacy or scientific testing. The court may order ~~supervised~~
2629 visitation with a person for whom scientific testing for
2630 paternity has been ordered and who has previously established a
2631 bonded relationship with the child. ~~Such visitation shall be~~
2632 ~~conditioned upon the filing of those test results with the court~~
2633 ~~and such results establishing that person's paternity of the~~
2634 ~~minor.~~



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2635 (d) Unless otherwise agreed between the parties or for
 2636 good cause shown ~~No later than 45 days after the preliminary~~
 2637 ~~hearing,~~ the court shall ~~must~~ conduct a final hearing on the
 2638 motion for relief from ~~to set aside the judgment~~ within 45 days
 2639 after the filing and enter its written order as expeditiously as
 2640 possible thereafter.

2641 (8) RECORDS; CONFIDENTIAL INFORMATION.--All papers and
 2642 records pertaining to a petition to terminate parental rights
 2643 pending adoption are related to the subsequent adoption of the
 2644 minor and are subject to the provisions of s. 63.162. The
 2645 confidentiality provisions of this chapter do not apply to the
 2646 extent information regarding persons or proceedings must be made
 2647 available as specified under s. 63.088.

2648 Section 20. Section 63.092, Florida Statutes, is amended
 2649 to read:

2650 63.092 Report to the court of intended placement by an
 2651 adoption entity; at-risk placement; preliminary study.--

2652 (1) REPORT TO THE COURT.--The adoption entity must report
 2653 any intended placement of a minor for adoption with any person
 2654 who is not a relative ~~related within the third degree~~ or a
 2655 stepparent if the adoption entity has knowledge of, or
 2656 participates in, such intended placement. The report must be
 2657 made to the court before the minor is placed in the home or
 2658 within 48 hours thereafter.

2659 (2) AT-RISK PLACEMENT.--If the minor is placed in the
 2660 prospective adoptive home before the parental rights of the
 2661 minor's parents are terminated under s. 63.089, the placement is
 2662 an at-risk placement. If the placement is an at-risk placement,



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2663 the prospective adoptive parents must acknowledge in writing
2664 before the minor may be placed in the prospective adoptive home
2665 that the placement is at risk. The prospective adoptive parents
2666 shall be advised by the adoption entity, in writing, and that
2667 the minor is subject to removal from the prospective adoptive
2668 home by the adoption entity or by court order at any time prior
2669 to the finalization of the adoption.

2670 (3) PRELIMINARY HOME STUDY.--Before placing the minor in
2671 the intended adoptive home, a preliminary home study must be
2672 performed by a licensed child-placing agency, a child-caring
2673 agency registered under s. 409.176, a licensed professional, or
2674 agency described in s. 61.20(2), unless the adoptee is an adult
2675 or the petitioner is a stepparent, a spouse of the parent, or a
2676 relative. ~~The preliminary study shall be completed within 30~~
2677 ~~days after the receipt by the court of the adoption entity's~~
2678 ~~report, but in no event may the minor be placed in the~~
2679 ~~prospective adoptive home prior to the completion of the~~
2680 ~~preliminary study unless ordered by the court.~~ If the adoptee is
2681 an adult or the petitioner is a stepparent, ~~a spouse of the~~
2682 ~~parent,~~ or a relative, a the preliminary home study may be
2683 required by the court for good cause shown. The department is
2684 required to perform the preliminary home study only if there is
2685 no licensed child-placing agency, child-caring agency registered
2686 under s. 409.176, licensed professional, or agency described in
2687 s. 61.20(2), in the county where the prospective adoptive
2688 parents reside. The preliminary home study must be made to
2689 determine the suitability of the intended adoptive parents and
2690 may be completed prior to identification of a prospective



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2691 adoptive minor. A favorable preliminary home study is valid for
 2692 1 year after the date of its completion. Upon its completion, a
 2693 copy of the home study must be provided to the intended adoptive
 2694 parents who were the subject of the home study. A minor may not
 2695 be placed in an intended adoptive home before a favorable
 2696 preliminary home study is completed unless the adoptive home is
 2697 also a licensed foster home under s. 409.175. The preliminary
 2698 home study must include, at a minimum:

- 2699 (a) An interview with the intended adoptive parents;
- 2700 (b) Records checks of the department's central abuse
 2701 registry and criminal records correspondence checks pursuant to
 2702 s. 435.045 through the Department of Law Enforcement on the
 2703 intended adoptive parents;
- 2704 (c) An assessment of the physical environment of the home;
- 2705 (d) A determination of the financial security of the
 2706 intended adoptive parents;
- 2707 (e) Documentation of counseling and education of the
 2708 intended adoptive parents on adoptive parenting;
- 2709 (f) Documentation that information on adoption and the
 2710 adoption process has been provided to the intended adoptive
 2711 parents;
- 2712 (g) Documentation that information on support services
 2713 available in the community has been provided to the intended
 2714 adoptive parents; and
- 2715 (h) A copy of each signed acknowledgment of receipt of
 2716 disclosure required by s. 63.085.



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2718 If the preliminary home study is favorable, a minor may be
 2719 placed in the home pending entry of the judgment of adoption. A
 2720 minor may not be placed in the home if the preliminary home
 2721 study is unfavorable. If the preliminary home study is
 2722 unfavorable, the adoption entity may, within 20 days after
 2723 receipt of a copy of the written recommendation, petition the
 2724 court to determine the suitability of the intended adoptive
 2725 home. A determination as to suitability under this subsection
 2726 does not act as a presumption of suitability at the final
 2727 hearing. In determining the suitability of the intended adoptive
 2728 home, the court must consider the totality of the circumstances
 2729 in the home. No minor may be placed in a home in which there
 2730 resides any person determined by the court to be a sexual
 2731 predator as defined in s. 775.21 or to have been convicted of an
 2732 offense listed in s. 63.089(4)(b)2.

2733 Section 21. Subsections (2), (3), (5), and (6) of section
 2734 63.097, Florida Statutes, are amended to read:

2735 63.097 Fees.--

2736 (2) The following fees, costs, and expenses may be
 2737 assessed by the adoption entity or paid by the adoption entity
 2738 on behalf of the prospective adoptive parents:

2739 (a) Reasonable living expenses of the birth mother which
 2740 the birth mother is unable to pay due to unemployment,
 2741 underemployment, or disability ~~due to the pregnancy which is~~
 2742 ~~certified by a medical professional who has examined the birth~~
 2743 ~~mother, or any other disability defined in s. 110.215.~~

2744 Reasonable living expenses are rent, utilities, basic telephone
 2745 service, food, toiletries, necessary clothing, transportation,



2746 insurance, and expenses found by the court to be necessary for
 2747 the health and well-being of the birth mother and the unborn
 2748 child. Such expenses may be paid during the pregnancy and for a
 2749 period of up to 6 weeks postpartum.

2750 (b) Reasonable and necessary medical expenses. Such
 2751 expenses may be paid during the pregnancy and for a period of up
 2752 to 6 weeks postpartum.

2753 (c) Expenses necessary to comply with the requirements of
 2754 this chapter, including, but not limited to, service of process
 2755 under s. 63.088, investigator fees, a diligent search under s.
 2756 63.088, a preliminary home study under s. 63.092, and a final
 2757 home investigation under s. 63.125.

2758 (d) Court filing expenses, court costs, and other
 2759 litigation expenses and birth certificate and medical record
 2760 expenses.

2761 (e) Costs associated with advertising under s.
 2762 63.212(1)(g).

2763 (f) The following professional fees:

2764 1. A reasonable hourly fee or flat fee necessary to
 2765 provide legal representation to the adoptive parents or adoption
 2766 entity in a proceeding filed under this chapter.

2767 2. A reasonable hourly fee or flat fee for contact with
 2768 the parent related to the adoption. In determining a reasonable
 2769 hourly fee under this subparagraph, the court must consider if
 2770 the tasks done were clerical or of such a nature that the matter
 2771 could have been handled by support staff at a lesser rate than
 2772 the rate for legal representation charged under subparagraph 1.
 2773 ~~Such tasks specifically do not include obtaining a parent's~~



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2774 ~~signature on any document;~~ Such tasks include, but need not be
 2775 limited to, transportation, transmitting funds, arranging
 2776 appointments, and securing accommodations.

2777 3. A reasonable hourly fee for counseling services
 2778 provided to a parent or a prospective adoptive parent by a
 2779 psychologist licensed under chapter 490 or a clinical social
 2780 worker, marriage and family therapist, or mental health
 2781 counselor licensed under chapter 491, or a counselor who is
 2782 employed by an adoption entity accredited by the Council on
 2783 Accreditation of Services for Children and Families to provide
 2784 pregnancy counseling and supportive services.

2785 (3) ~~Prior~~ Approval of the court is not required until the
 2786 ~~cumulative~~ total of amounts permitted under subsection (2)
 2787 exceeds:

- 2788 (a) \$5,000 ~~\$2,500~~ in legal or other fees;
- 2789 (b) \$800 ~~\$500~~ in court costs; or
- 2790 (c) \$5,000 ~~\$3,000~~ in reasonable and necessary living and
 2791 medical expenses; ~~or~~

2792 ~~(d) \$1,500 cumulative expenses that are related to the~~
 2793 ~~minor, the pregnancy, a parent, or adoption proceeding, which~~
 2794 ~~expenses are incurred prior to the date the prospective adoptive~~
 2795 ~~parent retains the adoption entity.~~

2796 (5) The following fees, costs, and expenses are
 2797 prohibited:

- 2798 (a) Any fee or expense that constitutes payment for
 2799 locating a minor for adoption.



2800 (b) Any ~~lump-sum~~ payment ~~to the entity which is~~
 2801 ~~nonrefundable directly to the payor or~~ which is not itemized and
 2802 documented on the affidavit filed under s. 63.132.

2803 (c) Any fee on the affidavit which does not specify the
 2804 service that was provided and for which the fee is being
 2805 charged, such as a fee for facilitation, acquisition, or other
 2806 similar service, or which does not identify the date the service
 2807 was provided, the time required to provide the service, the
 2808 person or entity providing the service, and the hourly fee
 2809 charged.

2810 (6) Unless otherwise indicated in this section, when an
 2811 adoption entity uses the services of a licensed child-placing
 2812 agency, a professional, any other person or agency pursuant to
 2813 s. 63.092, or, if necessary, the department, the person seeking
 2814 to adopt the child must pay the licensed child-placing agency,
 2815 professional, other person or agency, or the department an
 2816 amount equal to the cost of all services performed, including,
 2817 but not limited to, the cost of conducting the preliminary home
 2818 study, counseling, and the final home investigation. ~~The court,~~
 2819 ~~upon a finding that the person seeking to adopt the child is~~
 2820 ~~financially unable to pay that amount, may order that such~~
 2821 ~~person pay a lesser amount.~~

2822 Section 22. Section 63.102, Florida Statutes, is amended
 2823 to read:

2824 63.102 Filing of petition for adoption or declaratory
 2825 statement; venue; proceeding for approval of fees and costs.--

2826 (1) PETITION FOR ADOPTION.--A petition for adoption may
 2827 not be filed until ~~30 days~~ after ~~the date of~~ the entry of the



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2828 judgment terminating parental rights pending adoption under this
 2829 chapter, unless the adoptee is an adult, the petitioner is a
 2830 stepparent or a relative, or the minor has been the subject of a
 2831 judgment terminating parental rights under chapter 39. After a
 2832 judgment terminating parental rights has been entered, a
 2833 proceeding for adoption may be commenced by filing a petition
 2834 entitled, "In the Matter of the Adoption of ____" in the circuit
 2835 court. The person to be adopted shall be designated in the
 2836 caption in the name by which he or she is to be known if the
 2837 petition is granted. Any name by which the minor was previously
 2838 known may not be disclosed in the petition, the notice of
 2839 hearing, or the judgment of adoption.

2840 (2) VENUE.--A petition for adoption or for a declaratory
 2841 statement as to the adoption contract shall be filed in the
 2842 county where the petition for termination of parental rights was
 2843 granted, unless the court, in accordance with s. 47.122, changes
 2844 the venue to the county where the petitioner or petitioners or
 2845 the minor resides or where the adoption entity with which the
 2846 minor has been placed is located. The circuit court in this
 2847 state must retain jurisdiction over the matter until a final
 2848 judgment is entered on the adoption. The Uniform Child Custody
 2849 Jurisdiction Act does not apply until a final judgment is
 2850 entered on the adoption.

2851 (3) FILING OF ADOPTION PETITION REQUIRED.--Unless leave of
 2852 court is granted for good cause shown, a petition for adoption
 2853 shall be filed not later than 60 days after entry of the final
 2854 judgment terminating parental rights. ~~Except for adoptions~~
 2855 ~~involving placement of a minor with a relative within the third~~



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2856 ~~degree of consanguinity, a petition for adoption in an adoption~~
2857 ~~handled by an adoption entity shall be filed within 60 working~~
2858 ~~days after entry of the judgment terminating parental rights.~~
2859 ~~If no petition is filed within 60 days, any interested party,~~
2860 ~~including the state, may file an action challenging the~~
2861 ~~prospective adoptive parent's physical custody of the minor.~~

2862 (4) CONFIDENTIALITY.--If the filing of the petition for
2863 adoption or for a declaratory statement as to the adoption
2864 contract in the county where the petitioner or minor resides
2865 would tend to endanger the privacy of the petitioner or minor,
2866 the petition for adoption may be filed in a different county,
2867 provided the substantive rights of any person will not thereby
2868 be affected.

2869 (5) PRIOR APPROVAL OF FEES AND COSTS.--A proceeding for
2870 prior approval of fees and costs may be commenced any time after
2871 an agreement is reached between the birth mother and the
2872 adoptive parents by filing a petition for declaratory statement
2873 on the agreement entitled "In the Matter of the Proposed
2874 Adoption of a Minor Child" in the circuit court.

2875 (a) The petition must be filed ~~jointly~~ by the adoption
2876 entity with the consent of the parties to ~~and each person who~~
2877 ~~enters into~~ the agreement.

2878 (b) A contract for the payment of fees, costs, and
2879 expenses permitted under this chapter must be in writing, and
2880 any person who enters into the contract has 3 business days in
2881 which to cancel the contract unless placement of the child has
2882 occurred. To cancel the contract, the person must notify the
2883 adoption entity in writing by certified United States mail,



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2884 return receipt requested, no later than 3 business days after
2885 signing the contract. For the purposes of this subsection, the
2886 term "business day" means a day on which the United States
2887 Postal Service accepts certified mail for delivery. If the
2888 contract is canceled within the first 3 business days, the
2889 person who cancels the contract does not owe any legal,
2890 intermediary, or other fees, but may be responsible for the
2891 adoption entity's actual costs during that time.

2892 (c) The court may grant ~~prior~~ approval only of fees and
2893 expenses permitted under s. 63.097. A prior approval of
2894 prospective fees and costs shall ~~does not~~ create a presumption
2895 that these items will subsequently be approved by the court
2896 under s. 63.132. The court, under s. 63.132, may order an
2897 adoption entity to refund any amounts ~~amount~~ paid under this
2898 subsection that are ~~is~~ subsequently found by the court to be
2899 greater than fees, costs, and expenses actually incurred.

2900 (d) The contract may not require, and the court may not
2901 approve, ~~any lump-sum payment to the entity which is~~
2902 ~~nonrefundable to the payer or~~ any amount that constitutes
2903 payment for locating a minor for adoption.

2904 (e) A declaratory statement as to the adoption contract,
2905 regardless of when filed, shall be consolidated with any related
2906 petition for adoption. The clerk of the court shall only assess
2907 one filing fee that includes the adoption action, the
2908 declaratory statement petition, and the petition for termination
2909 of parental rights. ~~When a petition for a declaratory statement~~
2910 ~~as to the adoption contract is filed prior to the commencement~~
2911 ~~of proceedings to terminate parental rights, it must be filed in~~



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2912 ~~accordance with the venue requirements for the filing of the~~
2913 ~~petition terminating parental rights under s. 63.087. Pursuant~~
2914 ~~to s. 63.087, a previously filed petition for a declaratory~~
2915 ~~statement filed under this section must be consolidated with a~~
2916 ~~related subsequently filed petition for termination of parental~~
2917 ~~rights. If the petition for declaratory statement is filed after~~
2918 ~~the judgment terminating parental rights has been entered, the~~
2919 ~~action for declaratory statement must be consolidated with any~~
2920 ~~related petition for adoption. Only one filing fee may be~~
2921 ~~assessed for both the adoption and declaratory statement~~
2922 ~~petitions.~~

2923 (f) Prior approval of fees and costs by the court does not
2924 obligate the parent to ultimately relinquish the minor for
2925 adoption.

2926 (6) STEPCILD, RELATIVE, AND ADULT ADOPTIONS.--Petitions
2927 for the adoption of a stepchild, a relative, or an adult shall
2928 not require the filing of a separate judgment or separate
2929 proceeding terminating parental rights pending adoption. The
2930 final judgment of adoption shall have the effect of terminating
2931 parental rights simultaneously with the granting of the decree
2932 of adoption.

2933 Section 23. Section 63.112, Florida Statutes, is amended
2934 to read:

2935 63.112 Petition for adoption; description; report or
2936 recommendation, exceptions; mailing.--

2937 (1) ~~A sufficient number of copies of~~ The petition for
2938 adoption shall be signed and verified by the petitioner and



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2939 | filed with the clerk of the court ~~so that service may be made~~
 2940 | ~~under subsection (4)~~ and shall state:

2941 | (a) The date and place of birth of the person to be
 2942 | adopted, if known;

2943 | (b) The name to be given to the person to be adopted;

2944 | (c) The date petitioner acquired custody of the minor and
 2945 | the name of the adoption entity ~~person~~ placing the minor, if
 2946 | any;

2947 | (d) The full name, age, and place and duration of
 2948 | residence of the petitioner;

2949 | (e) The marital status of the petitioner, including the
 2950 | date and place of marriage, if married, and divorces, if
 2951 | applicable to the adoption by a stepparent ~~any~~;

2952 | (f) A statement that the petitioner is able to provide for
 2953 | the material needs of the child ~~The facilities and resources of~~
 2954 | ~~the petitioner, including those under a subsidy agreement,~~
 2955 | ~~available to provide for the care of the minor to be adopted;~~

2956 | (g) A description and estimate of the value of any
 2957 | property of the person to be adopted;

2958 | (h) The case style and date of entry of the judgment
 2959 | terminating parental rights or, if the adoptee is an adult or a
 2960 | minor relative or a stepchild of the petitioner, the address, if
 2961 | known, of any person whose consent to the adoption is required
 2962 | and, if such person has not consented, the facts or
 2963 | circumstances that excuse the lack of consent to justify a
 2964 | termination of parental rights; and

2965 | (i) The reasons why the petitioner desires to adopt the
 2966 | person.



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2967 (2) The following documents are required to be filed with
2968 the clerk of the court at the time the petition is filed:

2969 (a) A certified copy of the court judgment terminating
2970 parental rights under chapter 39 or under this chapter or, if
2971 the adoptee is an adult or a minor relative or stepchild of the
2972 petitioner, the required consent, unless such consent is excused
2973 by the court.

2974 (b) The favorable preliminary home study of the
2975 department, licensed child-placing agency, or professional
2976 pursuant to s. 63.092, as to the suitability of the home in
2977 which the minor has been placed, unless the petitioner is a
2978 stepparent or a relative.

2979 (c) A copy of any declaratory statement previously entered
2980 by the court pursuant to s. 63.102.

2981 (d) ~~The surrender document must include~~ Documentation that
2982 an interview was held with the minor, if older than 12 years of
2983 age, unless the court, in the best interest of the minor,
2984 dispenses with the minor's consent under s. 63.062(1)(c)(g).

2985 (3) Unless ordered by the court, no report or
2986 recommendation is required when the placement is a stepparent
2987 adoption or an adult adoption or when the minor is a relative of
2988 ~~related to~~ one of the adoptive parents ~~within the third degree.~~

2989 ~~(4) The clerk of the court shall mail a copy of the~~
2990 ~~petition within 24 hours after filing, and execute a certificate~~
2991 ~~of mailing, to the adoption entity placing the minor, if any.~~

2992 Section 24. Section 63.122, Florida Statutes, is amended
2993 to read:

2994 63.122 Notice of hearing on petition.--



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2995 (1) ~~After the petition to adopt a minor is filed, the~~
 2996 ~~court must establish a time and place for hearing the petition.~~
 2997 The hearing on the petition to adopt a minor may not be held
 2998 sooner than 30 days after the date the judgment terminating
 2999 parental rights was entered or sooner than 90 days after the
 3000 date the minor was placed in the physical custody of the
 3001 petitioner, unless good cause is shown for a shortening of these
 3002 time periods. The minor must remain under the supervision of
 3003 the adoption entity until the adoption becomes final. When the
 3004 adoptee is an adult, the hearing may be held immediately after
 3005 the filing of the petition. If the petitioner is a stepparent or
 3006 a relative of the adoptee spouse of the birth parent, the
 3007 hearing may be held immediately after the filing of the petition
 3008 if all persons whose consent is required have executed a valid
 3009 consent and the consent has been filed with the court.

3010 (2) Notice of hearing must be given as prescribed by the
 3011 Florida Rules of Civil Procedure, and service of process must be
 3012 made as specified by law for civil actions.

3013 (3) Upon a showing by the petitioner that the safety and
 3014 welfare ~~privacy~~ of the petitioner or minor may be endangered,
 3015 the court may order the names of the petitioner or minor, or
 3016 both, to be deleted from the notice of hearing and from the copy
 3017 of the petition attached thereto, provided the substantive
 3018 rights of any person will not thereby be affected.

3019 (4) Notice of the hearing must be given by the petitioner
 3020 to the adoption entity that places the minor.

3021 (5) After filing the petition to adopt an adult, ~~a notice~~
 3022 ~~of the time and place of the hearing must be given to any person~~



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3023 ~~whose consent to the adoption is required but who has not~~
3024 ~~consented.~~ the court may order an appropriate investigation to
3025 assist in determining whether the adoption is in the best
3026 interest of the persons involved and is in accordance with state
3027 law.

3028 Section 25. Subsection (2) of section 63.125, Florida
3029 Statutes, is amended to read:

3030 63.125 Final home investigation.--

3031 (2) The department, the licensed child-placing agency, or
3032 the professional that performs the investigation must file a
3033 written report of the investigation with the court and the
3034 petitioner within 90 days after placement ~~the date the petition~~
3035 ~~is filed.~~

3036 Section 26. Subsections (1) and (4) of section 63.132,
3037 Florida Statutes, are amended to read:

3038 63.132 Affidavit of expenses and receipts.--

3039 (1) ~~At least 10 days~~ Before the hearing on the petition
3040 for adoption, the prospective adoptive parent and any adoption
3041 entity must file two copies of an affidavit under this section.

3042 (a) The affidavit must be signed by the adoption entity
3043 and the prospective adoptive parents. A copy of the affidavit
3044 must be provided to the adoptive parents at the time the
3045 affidavit is executed.

3046 (b) The affidavit must itemize all disbursements and
3047 receipts of anything of value, including professional and legal
3048 fees, made or agreed to be made by or on behalf of the
3049 prospective adoptive parent and any adoption entity in
3050 connection with the adoption or in connection with any prior



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3051 proceeding to terminate parental rights which involved the minor
 3052 who is the subject of the petition for adoption. The affidavit
 3053 must also include, for each legal or counseling fee itemized,
 3054 the service provided for which the fee is being charged, the
 3055 date the service was provided, the time required to provide the
 3056 service if the service was charged by the hour, the person or
 3057 entity that provided the service, and the hourly fee charged.

3058 ~~(c) The clerk of the court shall forward a copy of the~~
 3059 ~~affidavit to the department.~~

3060 (c)~~(d)~~ The affidavit must show any expenses or receipts
 3061 incurred in connection with:

- 3062 1. The birth of the minor.
- 3063 2. The placement of the minor with the petitioner.
- 3064 3. The medical or hospital care received by the mother or
 3065 by the minor during the mother's prenatal care and confinement.
- 3066 4. The living expenses of the birth mother. The living
 3067 expenses must be itemized ~~documented~~ in detail to apprise the
 3068 court of the exact expenses incurred.
- 3069 5. The services relating to the adoption or to the
 3070 placement of the minor for adoption that were received by or on
 3071 behalf of the petitioner, the adoption entity, either parent,
 3072 the minor, or any other person.

3073
 3074 The affidavit must state whether any of these expenses were paid
 3075 for by collateral sources, including, but not limited to, health
 3076 insurance, Medicaid, Medicare, or public assistance.



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3077 (4) This section does not apply to an adoption by a
3078 stepparent or an adoption of a relative or adult ~~whose spouse is~~
3079 ~~a parent of the child.~~

3080 Section 27. Subsection (1) of section 63.135, Florida
3081 Statutes, is amended to read:

3082 63.135 Information under oath to be submitted to the
3083 court.--

3084 (1) Each party in an adoption proceeding ~~involving a child~~
3085 ~~ever the age of 6 months~~, in the first pleading or in an
3086 affidavit attached to that pleading, shall give information
3087 under oath as to the child's present address, the places where
3088 the child has lived within the last 5 years, and the names and
3089 present addresses of the persons with whom the child has lived
3090 during that period. In the pleading or affidavit each party
3091 shall further declare under oath whether:

3092 (a) The party has participated as a party or witness or in
3093 any other capacity in any other litigation concerning the
3094 custody of the same child in this or any other state;

3095 (b) The party has information of any custody proceeding
3096 concerning the child pending in a court of this or any other
3097 state; and

3098 (c) The party knows of any person not a party to the
3099 proceedings who has physical custody of the child or claims to
3100 have custody or visitation rights with respect to the child.

3101 Section 28. Subsections (1) and (4) of section 63.142,
3102 Florida Statutes, are amended to read:

3103 63.142 Hearing; judgment of adoption.--



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3104 (1) APPEARANCE.--The petitioner and the person to be
 3105 adopted shall appear either in person or, with the permission of
 3106 the court, telephonically before a person authorized to
 3107 administer an oath at the hearing on the petition for adoption,
 3108 unless:

3109 (a) The person is a minor under 12 years of age; or

3110 (b) The appearance ~~presence~~ of either is excused by the
 3111 court for good cause.

3112 (4) JUDGMENT.--At the conclusion of the hearing, after the
 3113 court determines that the date for a parent to file an appeal of
 3114 a valid judgment terminating that parent's parental rights has
 3115 passed and no appeal, pursuant to the Florida Rules of Appellate
 3116 Procedure, is pending and that the adoption is in the best
 3117 interest of the person to be adopted, a judgment of adoption
 3118 shall be entered.

3119 ~~(a)~~ A judgment terminating parental rights pending
 3120 adoption is voidable and any later judgment of adoption of that
 3121 minor is voidable if, upon a parent's motion for relief from
 3122 judgment to set aside of a parent, the court finds that the
 3123 adoption fails to meet the requirements of this chapter ~~any~~
 3124 ~~person knowingly gave false information that prevented the~~
 3125 ~~parent from timely making known his or her desire to assume~~
 3126 ~~parental responsibilities toward the minor or meeting the~~
 3127 ~~requirements under this chapter to exercise his or her parental~~
 3128 ~~rights. A motion under this paragraph must be filed with the~~
 3129 ~~court that entered the original judgment. The motion must be~~
 3130 filed within a reasonable time, but not later than 1 year ~~2~~



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3131 ~~years~~ after the date the judgment terminating parental rights
3132 was entered.

3133 ~~(b) Except upon good cause shown, no later than 30 days~~
3134 ~~after the filing of a motion under this subsection, the court~~
3135 ~~must conduct a preliminary hearing to determine what contact, if~~
3136 ~~any, shall be permitted between a parent and the child pending~~
3137 ~~resolution of the motion. Such contact shall be considered only~~
3138 ~~if it is requested by a parent who has appeared at the hearing.~~
3139 ~~If the court orders contact between a parent and child, the~~
3140 ~~order must be issued in writing as expeditiously as possible and~~
3141 ~~must state with specificity any provisions regarding contact~~
3142 ~~with persons other than those with whom the child resides.~~

3143 ~~(c) At the preliminary hearing, the court, upon the motion~~
3144 ~~of any party or its own motion, may order scientific testing to~~
3145 ~~determine the paternity of the minor if the person seeking to~~
3146 ~~set aside the judgment is alleging to be the child's father and~~
3147 ~~that fact has not previously been determined by legitimacy or~~
3148 ~~scientific testing. The court may order supervised visitation~~
3149 ~~with a person for whom scientific testing for paternity has been~~
3150 ~~ordered. Such visitation shall be conditioned upon the filing of~~
3151 ~~those test results with the court and such results establishing~~
3152 ~~that person's paternity of the minor.~~

3153 ~~(d) Except upon good cause shown, no later than 45 days~~
3154 ~~after the preliminary hearing, the court must conduct a final~~
3155 ~~hearing on the motion to set aside the judgment and issue its~~
3156 ~~written order as expeditiously as possible thereafter.~~

3157 Section 29. Section 63.152, Florida Statutes, is amended
3158 to read:



3159 63.152 Application for new birth record.--Within 30 days
3160 after entry of a judgment of adoption, the clerk of the court,
3161 ~~and in agency adoptions, any child-placing agency licensed by~~
3162 ~~the department,~~ shall transmit ~~prepare~~ a certified statement of
3163 the entry to ~~for~~ the state registrar of vital statistics on a
3164 form provided by the registrar. A new birth record containing
3165 the necessary information supplied by the certificate shall be
3166 issued by the registrar on application of the adopting parents
3167 or the adopted person.

3168 Section 30. Subsection (2) of section 63.162, Florida
3169 Statutes, is amended to read:

3170 63.162 Hearings and records in adoption proceedings;
3171 confidential nature.--

3172 (2) All papers and records pertaining to the adoption,
3173 including the original birth certificate, whether part of the
3174 permanent record of the court or a file in the office of an
3175 adoption entity are confidential and subject to inspection only
3176 upon order of the court; however, the petitioner in any
3177 proceeding for adoption under this chapter may, at the option of
3178 the petitioner, make public the reasons for a denial of the
3179 petition for adoption. The order must specify which portion of
3180 the records are subject to inspection, and it may exclude the
3181 name and identifying information concerning the parent or
3182 adoptee. Papers and records of the department, a court, or any
3183 other governmental agency, which papers and records relate to
3184 adoptions, are exempt from s. 119.07(1). In the case of an
3185 adoption not handled by the department or a child-placing agency
3186 licensed by the department ~~a nonagency adoption,~~ the department



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3187 must be given notice of hearing and be permitted to present to
3188 the court a report on the advisability of disclosing or not
3189 disclosing information pertaining to the adoption. In the case
3190 of an agency adoption, the licensed child-placing agency must be
3191 given notice of hearing and be permitted to present to the court
3192 a report on the advisability of disclosing or not disclosing
3193 information pertaining to the adoption. This subsection does
3194 not prohibit the department from inspecting and copying any
3195 official record pertaining to the adoption that is maintained by
3196 the department or from inspecting and copying any of the
3197 official records maintained by an agency licensed by the
3198 department and does not prohibit an agency from inspecting and
3199 copying any official record pertaining to the adoption that is
3200 maintained by that agency.

3201 Section 31. Subsection (1) of section 63.167, Florida
3202 Statutes, is amended to read:

3203 63.167 State adoption information center.--

3204 (1) The department shall establish a state adoption
3205 information center for the purpose of increasing public
3206 knowledge about adoption and promoting to adolescents and
3207 pregnant women the availability of adoption services. The
3208 department shall contract with one or more a licensed child-
3209 placing agencies ~~agency~~ to operate the state adoption
3210 information center.

3211 Section 32. Section 63.182, Florida Statutes, is amended
3212 to read:

3213 63.182 Statute of repose.--Notwithstanding s. 95.031 or s.
3214 95.11 or any other statute, ÷



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3215 ~~(1)~~ an action or proceeding of any kind to vacate, set
 3216 aside, or otherwise nullify a judgment of adoption or an
 3217 underlying judgment terminating parental rights on any ground
 3218 may not, ~~including duress but excluding fraud, shall in no event~~
 3219 be filed more than 1 year after entry of the judgment
 3220 terminating parental rights.

3221 ~~(2) An action or proceeding of any kind to vacate, set~~
 3222 ~~aside, or otherwise nullify a judgment of adoption or an~~
 3223 ~~underlying judgment terminating parental rights on grounds of~~
 3224 ~~fraud shall in no event be filed more than 2 years after entry~~
 3225 ~~of the judgment terminating parental rights.~~

3226 Section 33. Section 63.185, Florida Statutes, is repealed.

3227 Section 34. Subsection (1) of section 63.207, Florida
 3228 Statutes, is amended to read:

3229 63.207 Out-of-state placement.--

3230 (1) Unless the parent placing a minor for adoption files
 3231 an affidavit that the parent chooses to place the minor outside
 3232 the state, giving the reason for that placement, or the minor is
 3233 to be placed with a relative ~~within the third degree~~ or with a
 3234 stepparent, or the minor is a special needs child, as defined in
 3235 s. 409.166, or for other good cause shown, an adoption entity
 3236 may not:

3237 (a) Take or send a minor out of the state for the purpose
 3238 of placement for adoption; or

3239 (b) Place or attempt to place a minor for the purpose of
 3240 adoption with a family who primarily lives and works outside
 3241 Florida in another state. If an adoption entity is acting under
 3242 this subsection, the adoption entity must file a petition for



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3243 declaratory statement pursuant to s. 63.102 for prior approval
 3244 of fees and costs. The court shall review the costs pursuant to
 3245 s. 63.097. The petition for declaratory statement must be
 3246 converted to a petition for an adoption upon placement of the
 3247 minor in the home. When a minor is placed for adoption with
 3248 prospective adoptive parents who primarily live and work outside
 3249 this state, the circuit court in this state may ~~must~~ retain
 3250 jurisdiction over the matter until the adoption becomes final.
 3251 The prospective adoptive parents may finalize the adoption in
 3252 this state ~~must come to this state to have the adoption~~
 3253 ~~finalized. Violation of the order subjects the adoption entity~~
 3254 ~~to contempt of court and to the penalties provided in s. 63.212.~~

3255 Section 35. Subsections (1), (4), (7), and (8) of section
 3256 63.212, Florida Statutes, are amended to read:

3257 63.212 Prohibited acts; penalties for violation+
 3258 ~~preplanned adoption agreement.--~~

3259 (1) It is unlawful for any person:

3260 (a) To place or attempt to place a minor for adoption with
 3261 a person who primarily lives and works outside this state unless
 3262 all of the requirements of the Interstate Compact for the
 3263 Placement of Children, when applicable, have been met ~~unless the~~
 3264 ~~minor is placed with a relative within the third degree or with~~
 3265 ~~a stepparent. This requirement does not apply if the minor is~~
 3266 ~~placed by an adoption entity in accordance with s. 63.207.~~

3267 (b) Except an adoption entity, to place or attempt to
 3268 place within the state a minor for adoption unless the minor is
 3269 placed with a relative ~~within the third degree~~ or with a
 3270 stepparent. This prohibition, however, does not apply to a



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3271 person who is placing or attempting to place a minor for the
3272 purpose of adoption with the adoption entity.

3273 (c) To sell or surrender, or to arrange for the sale or
3274 surrender of, a minor to another person for money or anything of
3275 value or to receive such minor child for such payment or thing
3276 of value. If a minor is being adopted by a relative ~~within the~~
3277 ~~third degree~~ or by a stepparent, or is being adopted through an
3278 adoption entity, this paragraph does not prohibit the person who
3279 is contemplating adopting the child from paying, under ss.
3280 63.097 and 63.132, the actual prenatal care and living expenses
3281 of the mother of the child to be adopted, or from paying, under
3282 ss. 63.097 and 63.132, the actual living and medical expenses of
3283 such mother for a reasonable time, not to exceed 6 weeks, if
3284 medical needs require such support, after the birth of the
3285 minor.

3286 (d) Having the rights and duties of a parent with respect
3287 to the care and custody of a minor to assign or transfer such
3288 parental rights for the purpose of, incidental to, or otherwise
3289 connected with, selling or offering to sell such rights and
3290 duties.

3291 (e) To assist in the commission of any act prohibited in
3292 paragraphs(a)-(d). In the case of a stepparent adoption, this
3293 paragraph does not preclude the forgiveness of vested child
3294 support arrearages owed by a parent.

3295 (f) Except an adoption entity, to charge or accept any fee
3296 or compensation of any nature from anyone for making a referral
3297 in connection with an adoption.



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3298 (g) Except an adoption entity, to advertise or offer to
3299 the public, in any way, by any medium whatever that a minor is
3300 available for adoption or that a minor is sought for adoption;
3301 and, further, it is unlawful for any person to publish or
3302 broadcast any such advertisement without including a Florida
3303 license number of the agency or attorney placing the
3304 advertisement.

3305 (h) To contract for the purchase, sale, or transfer of
3306 custody or parental rights in connection with any child, in
3307 connection with any fetus yet unborn, or in connection with any
3308 fetus identified in any way but not yet conceived, in return for
3309 any valuable consideration. Any such contract is void and
3310 unenforceable as against the public policy of this state.
3311 However, fees, costs, and other incidental payments made in
3312 accordance with statutory provisions for adoption, foster care,
3313 and child welfare are permitted, and a person may agree to pay
3314 expenses in connection with a preplanned adoption agreement as
3315 specified below, but the payment of such expenses may not be
3316 conditioned upon the transfer of parental rights. Each petition
3317 for adoption which is filed in connection with a preplanned
3318 adoption agreement must clearly identify the adoption as a
3319 preplanned adoption arrangement and must include a copy of the
3320 preplanned adoption agreement for review by the court.

3321 ~~1. Individuals may enter into a preplanned adoption~~
3322 ~~arrangement as specified herein, but such arrangement shall not~~
3323 ~~in any way:~~

3324 ~~a. Effect final transfer of custody of a child or final~~
3325 ~~adoption of a child, without review and approval of the~~



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3326 ~~department and the court, and without compliance with other~~
3327 ~~applicable provisions of law.~~

3328 ~~b. Constitute consent of a mother to place her child for~~
3329 ~~adoption until 7 days following birth, and unless the court~~
3330 ~~making the custody determination or approving the adoption~~
3331 ~~determines that the mother was aware of her right to rescind~~
3332 ~~within the 7-day period following birth but chose not to rescind~~
3333 ~~such consent.~~

3334 ~~2. A preplanned adoption arrangement shall be based upon a~~
3335 ~~preplanned adoption agreement that must include, but need not be~~
3336 ~~limited to, the following terms:~~

3337 ~~a. That the volunteer mother agrees to become pregnant by~~
3338 ~~the fertility technique specified in the agreement, to bear the~~
3339 ~~child, and to terminate any parental rights and responsibilities~~
3340 ~~to the child she might have through a written consent executed~~
3341 ~~at the same time as the preplanned adoption agreement, subject~~
3342 ~~to a right of rescission by the volunteer mother any time within~~
3343 ~~7 days after the birth of the child.~~

3344 ~~b. That the volunteer mother agrees to submit to~~
3345 ~~reasonable medical evaluation and treatment and to adhere to~~
3346 ~~reasonable medical instructions about her prenatal health.~~

3347 ~~e. That the volunteer mother acknowledges that she is~~
3348 ~~aware that she will assume parental rights and responsibilities~~
3349 ~~for the child born to her as otherwise provided by law for a~~
3350 ~~mother, if the intended father and intended mother terminate the~~
3351 ~~agreement before final transfer of custody is completed, or if a~~
3352 ~~court determines that a parent clearly specified by the~~
3353 ~~preplanned adoption agreement to be the biological parent is not~~



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3354 ~~the biological parent, or if the preplanned adoption is not~~
3355 ~~approved by the court pursuant to the Florida Adoption Act.~~

3356 ~~d. That an intended father who is also the biological~~
3357 ~~father acknowledges that he is aware that he will assume~~
3358 ~~parental rights and responsibilities for the child as otherwise~~
3359 ~~provided by law for a father, if the agreement is terminated for~~
3360 ~~any reason by any party before final transfer of custody is~~
3361 ~~completed or if the planned adoption is not approved by the~~
3362 ~~court pursuant to the Florida Adoption Act.~~

3363 ~~e. That the intended father and intended mother~~
3364 ~~acknowledge that they may not receive custody or the parental~~
3365 ~~rights under the agreement if the volunteer mother terminates~~
3366 ~~the agreement or if the volunteer mother rescinds her consent to~~
3367 ~~place her child for adoption within 7 days after birth.~~

3368 ~~f. That the intended father and intended mother may agree~~
3369 ~~to pay all reasonable legal, medical, psychological, or~~
3370 ~~psychiatric expenses of the volunteer mother related to the~~
3371 ~~preplanned adoption arrangement, and may agree to pay the~~
3372 ~~reasonable living expenses of the volunteer mother. No other~~
3373 ~~compensation, whether in cash or in kind, shall be made pursuant~~
3374 ~~to a preplanned adoption arrangement.~~

3375 ~~g. That the intended father and intended mother agree to~~
3376 ~~accept custody of and to assert full parental rights and~~
3377 ~~responsibilities for the child immediately upon the child's~~
3378 ~~birth, regardless of any impairment to the child.~~

3379 ~~h. That the intended father and intended mother shall have~~
3380 ~~the right to specify the blood and tissue typing tests to be~~



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3381 ~~performed if the agreement specifies that at least one of them~~
3382 ~~is intended to be the biological parent of the child.~~

3383 ~~i. That the agreement may be terminated at any time by any~~
3384 ~~of the parties.~~

3385 ~~3. A preplanned adoption agreement shall not contain any~~
3386 ~~provision:~~

3387 ~~a. To reduce any amount paid to the volunteer mother if~~
3388 ~~the child is stillborn or is born alive but impaired, or to~~
3389 ~~provide for the payment of a supplement or bonus for any reason.~~

3390 ~~b. Requiring the termination of the volunteer mother's~~
3391 ~~pregnancy.~~

3392 ~~4. An attorney who represents an intended father and~~
3393 ~~intended mother or any other attorney with whom that attorney is~~
3394 ~~associated shall not represent simultaneously a female who is or~~
3395 ~~proposes to be a volunteer mother in any matter relating to a~~
3396 ~~preplanned adoption agreement or preplanned adoption~~
3397 ~~arrangement.~~

3398 ~~5. Payment to agents, finders, and intermediaries,~~
3399 ~~including attorneys and physicians, as a finder's fee for~~
3400 ~~finding volunteer mothers or matching a volunteer mother and~~
3401 ~~intended father and intended mother is prohibited. Doctors,~~
3402 ~~psychologists, attorneys, and other professionals may receive~~
3403 ~~reasonable compensation for their professional services, such as~~
3404 ~~providing medical services and procedures, legal advice in~~
3405 ~~structuring and negotiating a preplanned adoption agreement, or~~
3406 ~~counseling.~~

3407 ~~6. As used in this paragraph, the term:~~



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3408 a. ~~"Blood and tissue typing tests" include, but are not~~
3409 ~~limited to, tests of red cell antigens, red cell isoenzymes,~~
3410 ~~human leukocyte antigens, and serum proteins.~~

3411 b. ~~"Child" means the child or children conceived by means~~
3412 ~~of an insemination that is part of a preplanned adoption~~
3413 ~~arrangement.~~

3414 c. ~~"Fertility technique" means artificial embryonation,~~
3415 ~~artificial insemination, whether in vivo or in vitro, egg~~
3416 ~~donation, or embryo adoption.~~

3417 d. ~~"Intended father" means a male who, as evidenced by a~~
3418 ~~preplanned adoption agreement, intends to have the parental~~
3419 ~~rights and responsibilities for a child conceived through a~~
3420 ~~fertility technique, regardless of whether the child is~~
3421 ~~biologically related to the male.~~

3422 e. ~~"Intended mother" means a female who, as evidenced by a~~
3423 ~~preplanned adoption agreement, intends to have the parental~~
3424 ~~rights and responsibilities for a child conceived through a~~
3425 ~~fertility technique, regardless of whether the child is~~
3426 ~~biologically related to the female.~~

3427 f. ~~"Parties" means the intended father and intended~~
3428 ~~mother, the volunteer mother and her husband, if she has a~~
3429 ~~husband, who are all parties to the preplanned adoption~~
3430 ~~agreement.~~

3431 g. ~~"Preplanned adoption agreement" means a written~~
3432 ~~agreement among the parties that specifies the intent of the~~
3433 ~~parties as to their rights and responsibilities in the~~
3434 ~~preplanned adoption arrangement, consistent with the provisions~~
3435 ~~of this act.~~



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3436 h. ~~"Preplanned adoption arrangement" means the arrangement~~
3437 ~~through which the parties enter into an agreement for the~~
3438 ~~volunteer mother to bear the child, for payment by the intended~~
3439 ~~father and intended mother of the expenses allowed by this act,~~
3440 ~~for the intended father and intended mother to assert full~~
3441 ~~parental rights and responsibilities to the child if consent to~~
3442 ~~adoption is not rescinded after birth by the volunteer mother,~~
3443 ~~and for the volunteer mother to terminate, subject to a right of~~
3444 ~~rescission, in favor of the intended father and intended mother~~
3445 ~~all her parental rights and responsibilities to the child.~~

3446 i. ~~"Volunteer mother" means a female person at least 18~~
3447 ~~years of age who voluntarily agrees, subject to a right of~~
3448 ~~rescission, that if she should become pregnant pursuant to a~~
3449 ~~preplanned adoption arrangement, she will terminate in favor of~~
3450 ~~the intended father and intended mother her parental rights and~~
3451 ~~responsibilities to the child.~~

3452 (4) It is unlawful for any adoption entity to fail to
3453 report to the court, within a reasonable time period ~~prior to~~
3454 ~~placement~~, the intended placement of a minor for purposes of
3455 adoption with any person not a stepparent or a relative ~~within~~
3456 ~~the third degree~~, if the adoption entity participates in such
3457 intended placement.

3458 (7) It is unlawful for any adoption entity to obtain a
3459 preliminary home study or final home investigation and fail to
3460 disclose the existence of the study or investigation to the
3461 court when required by law to do so.

3462 (8) Unless otherwise indicated, a person who willfully and
3463 with criminal intent violates any provision of this section,



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3464 excluding paragraph (1)(g), commits a felony of the third
3465 degree, punishable as provided in s. 775.082, s. 775.083, or s.
3466 775.084. A person who willfully and with criminal intent
3467 violates paragraph (1)(g) commits a misdemeanor of the second
3468 degree, punishable as provided in s. 775.083; and each day of
3469 continuing violation shall be considered a separate offense.

3470 Section 36. Section 63.213, Florida Statutes, is created
3471 to read:

3472 63.213 Preplanned adoption agreement.--

3473 (1) Individuals may enter into a preplanned adoption
3474 arrangement as specified in this section, but such arrangement
3475 may not in any way:

3476 (a) Effect final transfer of custody of a child or final
3477 adoption of a child without review and approval of the court and
3478 without compliance with other applicable provisions of law.

3479 (b) Constitute consent of a mother to place her child for
3480 adoption until 48 hours following birth and unless the court
3481 making the custody determination or approving the adoption
3482 determines that the mother was aware of her right to rescind
3483 within the 48-hour period following birth but chose not to
3484 rescind such consent.

3485 (2) A preplanned adoption agreement must include, but need
3486 not be limited to, the following terms:

3487 (a) That the volunteer mother agrees to become pregnant by
3488 the fertility technique specified in the agreement, to bear the
3489 child, and to terminate any parental rights and responsibilities
3490 to the child she might have through a written consent executed
3491 at the same time as the preplanned adoption agreement, subject



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3492 to a right of rescission by the volunteer mother any time within
3493 48 hours after the birth of the child.

3494 (b) That the volunteer mother agrees to submit to
3495 reasonable medical evaluation and treatment and to adhere to
3496 reasonable medical instructions about her prenatal health.

3497 (c) That the volunteer mother acknowledges that she is
3498 aware that she will assume parental rights and responsibilities
3499 for the child born to her as otherwise provided by law for a
3500 mother if the intended father and intended mother terminate the
3501 agreement before final transfer of custody is completed, if a
3502 court determines that a parent clearly specified by the
3503 preplanned adoption agreement to be the biological parent is not
3504 the biological parent, or if the preplanned adoption is not
3505 approved by the court pursuant to the Florida Adoption Act.

3506 (d) That an intended father who is also the biological
3507 father acknowledges that he is aware that he will assume
3508 parental rights and responsibilities for the child as otherwise
3509 provided by law for a father if the agreement is terminated for
3510 any reason by any party before final transfer of custody is
3511 completed or if the planned adoption is not approved by the
3512 court pursuant to the Florida Adoption Act.

3513 (e) That the intended father and intended mother
3514 acknowledge that they may not receive custody or the parental
3515 rights under the agreement if the volunteer mother terminates
3516 the agreement or if the volunteer mother rescinds her consent to
3517 place her child for adoption within 48 hours after birth.

3518 (f) That the intended father and intended mother may agree
3519 to pay all reasonable legal, medical, psychological, or



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3520 psychiatric expenses of the volunteer mother related to the
3521 preplanned adoption arrangement and may agree to pay the
3522 reasonable living expenses and wages lost due to the pregnancy
3523 and birth of the volunteer mother and reasonable compensation
3524 for inconvenience, discomfort, and medical risk. No other
3525 compensation, whether in cash or in kind, shall be made pursuant
3526 to a preplanned adoption arrangement.

3527 (g) That the intended father and intended mother agree to
3528 accept custody of and to assert full parental rights and
3529 responsibilities for the child immediately upon the child's
3530 birth, regardless of any impairment to the child.

3531 (h) That the intended father and intended mother shall
3532 have the right to specify the blood and tissue typing tests to
3533 be performed if the agreement specifies that at least one of
3534 them is intended to be the biological parent of the child.

3535 (i) That the agreement may be terminated at any time by
3536 any of the parties.

3537 (3) A preplanned adoption agreement shall not contain any
3538 provision:

3539 (a) To reduce any amount paid to the volunteer mother if
3540 the child is stillborn or is born alive but impaired, or to
3541 provide for the payment of a supplement or bonus for any reason.

3542 (b) Requiring the termination of the volunteer mother's
3543 pregnancy.

3544 (4) An attorney who represents an intended father and
3545 intended mother or any other attorney with whom that attorney is
3546 associated shall not represent simultaneously a female who is or
3547 proposes to be a volunteer mother in any matter relating to a



3548 preplanned adoption agreement or preplanned adoption
 3549 arrangement.

3550 (5) Payment to agents, finders, and intermediaries,
 3551 including attorneys and physicians, as a finder's fee for
 3552 finding volunteer mothers or matching a volunteer mother and
 3553 intended father and intended mother is prohibited. Doctors,
 3554 psychologists, attorneys, and other professionals may receive
 3555 reasonable compensation for their professional services, such as
 3556 providing medical services and procedures, legal advice in
 3557 structuring and negotiating a preplanned adoption agreement, or
 3558 counseling.

3559 (6) As used in this section, the term:

3560 (a) "Blood and tissue typing tests" include, but are not
 3561 limited to, tests of red cell antigens, red cell isoenzymes,
 3562 human leukocyte antigens, and serum proteins.

3563 (b) "Child" means the child or children conceived by means
 3564 of an insemination that is part of a preplanned adoption
 3565 arrangement.

3566 (c) "Fertility technique" means artificial embryonation,
 3567 artificial insemination, whether in vivo or in vitro, egg
 3568 donation, or embryo adoption.

3569 (d) "Intended father" means a male who, as evidenced by a
 3570 preplanned adoption agreement, intends to assert the parental
 3571 rights and responsibilities for a child conceived through a
 3572 fertility technique, regardless of whether the child is
 3573 biologically related to the male.

3574 (e) "Intended mother" means a female who, as evidenced by
 3575 a preplanned adoption agreement, intends to assert the parental



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3576 rights and responsibilities for a child conceived through a
3577 fertility technique, regardless of whether the child is
3578 biologically related to the female.

3579 (f) "Party" means the intended father, the intended
3580 mother, the volunteer mother, or the volunteer mother's
3581 husband, if she has a husband.

3582 (g) "Preplanned adoption agreement" means a written
3583 agreement among the parties that specifies the intent of the
3584 parties as to their rights and responsibilities in the
3585 preplanned adoption arrangement, consistent with the provisions
3586 of this section.

3587 (h) "Preplanned adoption arrangement" means the
3588 arrangement through which the parties enter into an agreement
3589 for the volunteer mother to bear the child, for payment by the
3590 intended father and intended mother of the expenses allowed by
3591 this section, for the intended father and intended mother to
3592 assert full parental rights and responsibilities to the child if
3593 consent to adoption is not rescinded after birth by the
3594 volunteer mother, and for the volunteer mother to terminate,
3595 subject to a right of rescission, all her parental rights and
3596 responsibilities to the child in favor of the intended father
3597 and intended mother.

3598 (i) "Volunteer mother" means a female at least 18 years of
3599 age who voluntarily agrees, subject to a right of rescission,
3600 that if she should become pregnant pursuant to a preplanned
3601 adoption arrangement, she will terminate her parental rights and
3602 responsibilities to the child in favor of the intended father
3603 and intended mother.



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3604 Section 37. Section 63.219, Florida Statutes, is amended
3605 to read:

3606 63.219 Sanctions.--Upon a finding by the court that an
3607 adoption entity has willfully violated any substantive provision
3608 of this chapter relative to the rights of the parties to the
3609 adoption and legality of the adoption process, the court is
3610 authorized to prohibit the adoption entity from placing a minor
3611 for adoption in the future in this state.

3612 Section 38. Section 63.235, Florida Statutes, is amended
3613 to read:

3614 63.235 Petitions filed before October 1, 2003 ~~2001~~;
3615 governing law.--Any petition for adoption filed before October
3616 1, 2003 ~~2001~~, shall be governed by the law in effect at the time
3617 the petition was filed.

3618 Section 39. This act shall take effect October 1, 2003.

3619