



1 A bill to be entitled
2 An act relating to adoption; amending s. 63.022, F.S.;
3 providing legislative findings and intent with respect to
4 the rights and responsibilities of adoptive children,
5 biological parents, and adoptive parents; providing that
6 certain requirements do not apply to an adoption involving
7 a relative or stepchild; providing legislative intent
8 concerning cooperation between the Department of Children
9 and Family Services and private adoption entities;
10 amending s. 63.032, F.S.; revising definitions; defining
11 the terms "unmarried biological father" and "adoption
12 plan"; amending s. 63.039, F.S.; providing for an award of
13 certain fees and costs in the event of fraud or duress at
14 the discretion of the court; requiring that certain court
15 findings of sanctionable conduct be forwarded to the
16 Office of the Attorney General; amending s. 63.042, F.S.;
17 revising provisions specifying who may adopt; amending s.
18 63.0423, F.S.; revising references to newborn infants;
19 authorizing a child-placing agency to remove an abandoned
20 infant from a placement under certain circumstances;
21 revising requirements for conducting a diligent search to
22 identify a parent of an abandoned infant; revising certain
23 requirements for the court; revising time periods for
24 providing notice of certain actions; revising the period
25 within which a judgment of termination of parental rights
26 may be voided; amending s. 63.0425, F.S.; revising
27 requirements for notifying a grandparent with whom the
28 child has resided of a hearing on a petition for



29 termination of parental rights; deleting a requirement
30 that the court give first priority for adoption to the
31 grandparent under certain conditions; amending s. 63.0427,
32 F.S.; revising provisions governing a minor's right to
33 communicate with siblings and other relatives; providing
34 for postadoption communication or contact with parents
35 whose parental rights have been terminated; amending s.
36 63.043, F.S.; deleting provisions prohibiting certain
37 screening or testing for purposes of employment or
38 admission into educational institutions; amending s.
39 63.052, F.S.; revising provisions specifying the entity
40 that may be the guardian of a minor placed for an
41 adoption; revising the responsibilities and authority of
42 the guardian; creating s. 63.053, F.S.; providing
43 legislative findings with respect to the rights and
44 responsibilities of an unmarried biological father;
45 creating s. 63.054, F.S.; providing requirements for the
46 unmarried biological father to establish parental rights;
47 creating the Florida Putative Father Registry within the
48 Office of Vital Statistics of the Department of Health;
49 providing requirements for registering with the Florida
50 Putative Father Registry; providing requirements for
51 searching the registry; directing the Department of Health
52 to provide for an application and inform the public of the
53 Florida Putative Father Registry; providing for removal of
54 the registrant's name from the registry; providing
55 rulemaking authority; amending s. 63.062, F.S.; revising
56 provisions specifying the persons from whom a consent for



57 adoption is required; providing conditions under which the
58 consent for adoption of an unmarried biological father
59 must be obtained; authorizing the execution of an
60 affidavit of nonpaternity prior to the birth of the child;
61 deleting requirements for a form for the affidavit of
62 nonpaternity; revising the conditions under which a
63 petition to adopt an adult may be granted; revising venue
64 requirements for terminating parental rights; creating s.
65 63.063, F.S.; providing for the responsibilities of each
66 party pertaining to fraudulent actions; providing
67 requirements for a biological father to contest a
68 termination of parental rights; creating s. 63.064, F.S.;
69 authorizing the court to waive the requirement that
70 consent for adoption be obtained from certain persons;
71 amending s. 63.082, F.S.; revising requirements for
72 executing a consent for adoption and obtaining certain
73 information concerning the child and birth parents;
74 providing for executing an affidavit of nonpaternity prior
75 to the birth of the child; authorizing an adoption entity
76 to intervene as a party in interest under certain
77 circumstances; providing for placement of a minor when the
78 minor is in the custody of the Department of Children and
79 Family Services; revising requirements for withdrawing a
80 consent for adoption; amending s. 63.085, F.S.; revising
81 the requirements for required disclosures by an adoption
82 entity; amending s. 63.087, F.S.; revising provisions
83 governing the proceedings for terminating parental rights
84 pending adoption; revising the venue requirements for



85 filing a petition to terminate parental rights; revising
86 requirements for a petition for terminating parental
87 rights pending adoption; amending s. 63.088, F.S.;
88 providing for limited notice requirements for an unmarried
89 biological father; revising the period within which an
90 inquiry and diligent search must be initiated; revising
91 requirements for notice concerning the termination of
92 parental rights; revising the individuals for whom
93 information regarding identity is required; revising the
94 inquiries required for diligent search; revising
95 requirements for constructive service; amending s. 63.089,
96 F.S.; revising hearing requirements for terminating
97 parental rights; revising conditions under which the court
98 may enter a judgment terminating parental rights; revising
99 conditions for making a finding of abandonment; revising
100 requirements for issuing and voiding a judgment
101 terminating parental rights; amending s. 63.092, F.S.;
102 revising requirements for placing of a minor by an
103 adoption entity; revising requirements for a preliminary
104 home study; amending s. 63.097, F.S.; revising the fees,
105 costs, and expenses that may be assessed by an adoption
106 entity; revising the total of the fees, costs, and
107 expenses for which court approval is required; prohibiting
108 certain fees, costs, and expenses; amending s. 63.102,
109 F.S.; revising the period within which a petition for
110 adoption may be filed; providing for exceptions for
111 adoptions of adults and adoptions by stepparents and
112 relatives; revising requirements pertaining to prior



113 approval of fees and costs; providing for the clerk of the
114 court to charge one filing fee for certain adoption-
115 related actions; amending s. 63.112, F.S.; revising
116 requirements for the petition documents for an adoption;
117 amending s. 63.122, F.S.; providing requirements for the
118 notice of the hearing on the petition for adoption;
119 amending s. 63.125, F.S.; revising the period within which
120 a home investigation report must be filed; amending s.
121 63.132, F.S.; revising the period within which an
122 affidavit of expenses and receipts must be filed; revising
123 requirements for the affidavit of expenses and receipts;
124 providing an exception for the adoption of a relative or
125 an adult; amending s. 63.135, F.S.; requiring that certain
126 information be provided to the court for all adoption
127 proceedings; amending s. 63.142, F.S.; allowing persons to
128 appear before the court telephonically; revising
129 conditions under which a judgment terminating parental
130 rights is voidable; revising requirements pertaining to
131 the court's consideration of setting aside a judgment
132 terminating parental rights; amending s. 63.152, F.S.;
133 revising the entities responsible for preparing a
134 statement of the adoption for the state registrar of vital
135 statistics; requiring the clerk of the court to transmit
136 the statement of the adoption to the state registrar;
137 amending s. 63.162, F.S.; revising certain notice
138 requirements concerning the disclosure of information
139 pertaining to an adoption; amending s. 63.167, F.S.;
140 authorizing the department to contract with more than one



141 child-placing agency for the operation of a state adoption
142 information center; amending s. 63.182, F.S.; revising the
143 statute of repose to conform to changes made by the act;
144 repealing s. 63.185, F.S., relating to the residency
145 requirement for adoptions; amending s. 63.207, F.S.;
146 providing for the court's jurisdiction with respect to
147 out-of-state placements; amending s. 63.212, F.S.;
148 requiring an out-of-state adoption to be in compliance
149 with the Interstate Compact for the Placement of Children
150 when applicable; deleting certain provisions concerning
151 preplanned adoption agreements; revising acts that are
152 unlawful pertaining to adoptions; creating s. 63.213,
153 F.S.; providing requirements for a preplanned adoption
154 arrangement; providing definitions; amending s. 63.219,
155 F.S.; revising conditions under which the court may
156 sanction an adoption entity; amending s. 63.235, F.S.;
157 providing application; providing an effective date.

158
159 Be It Enacted by the Legislature of the State of Florida:

160
161 Section 1. Section 63.022, Florida Statutes, is amended to
162 read:

163 63.022 Legislative intent.--

164 (1) The Legislature finds that:

165 (a) The state has a compelling interest in providing
166 stable and permanent homes for adoptive children in a prompt
167 manner, in preventing the disruption of adoptive placements, and



168 in holding parents accountable for meeting the needs of
169 children.

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

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

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

180 (e) An unmarried biological father has an inchoate
181 interest that acquires constitutional protection only when he
182 demonstrates a timely and full commitment to the
183 responsibilities of parenthood, both during the pregnancy and
184 after the child's birth. The state has a compelling interest in
185 requiring an unmarried biological father to demonstrate that
186 commitment by providing appropriate medical care and financial
187 support and by establishing legal paternity rights in accordance
188 with the requirements of this chapter.

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

194 (3)~~(1)~~ It is the intent of the Legislature to protect and
195 promote the well-being of persons being adopted and their birth



196 and adoptive parents and to provide to all children who can
197 benefit by it a permanent family life, and, whenever appropriate
198 ~~possible~~, to maintain sibling groups.

199 ~~(4)(2)~~ The basic safeguards intended to be provided by
200 this chapter are that:

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

204 (b) The required persons consent to the adoption or the
205 parent-child relationship is terminated by judgment of the
206 court.

207 (c) The required social studies are completed and the
208 court considers the reports of these studies prior to judgment
209 on adoption petitions.

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

213 (e) A sufficient period of time elapses during which the
214 minor has lived within the proposed adoptive home under the
215 guidance of an adoption entity, except stepparent adoptions or
216 adoptions of a relative ~~the department, a child-caring agency~~
217 ~~registered under s. 409.176, or a licensed child-placing agency~~.

218 (f) All expenditures by adoption entities or adoptive
219 parents relative to the adoption of ~~placing, and persons~~
220 ~~independently adopting,~~ a minor are reported to the court and
221 become a permanent record in the file of the adoption
222 proceedings, including, but not limited to, all legal fees and



223 costs, all payments to or on behalf of a birth parent, and all
224 payments to or on behalf of the minor.

225 (g) Social and medical information concerning the minor
226 and the parents is furnished by the parent when available and
227 filed with the court before a final hearing on a petition to
228 terminate parental rights pending adoption, unless the
229 petitioner is a stepparent or a relative.

230 (h) A new birth certificate is issued after entry of the
231 adoption judgment.

232 (i) At the time of the hearing, the court may order
233 temporary substitute care when it determines that the minor is
234 in an unsuitable home.

235 (j) The records of all proceedings concerning custody and
236 adoption of a minor are confidential and exempt from s.
237 119.07(1), except as provided in s. 63.162.

238 (k) The birth parent, the prospective adoptive parent, and
239 the minor receive, at a minimum, the safeguards, guidance,
240 counseling, and supervision required in this chapter.

241 (l) In all matters coming before the court under this
242 chapter, the court shall enter such orders as it deems necessary
243 and suitable to promote and protect the best interests of the
244 person to be adopted.

245 (m) In dependency cases initiated by the department, where
246 termination of parental rights occurs, and siblings are
247 separated despite diligent efforts of the department, continuing
248 postadoption communication or contact among the siblings may be
249 ordered by the court if found to be in the best interests of the
250 children.



251 (5) It is the intent of the Legislature to provide for
252 cooperation between private adoption entities and the Department
253 of Children and Family Services in matters relating to permanent
254 placement options for children in the care of the department
255 whose birth parents wish to participate in a private adoption
256 plan with a qualified family.

257 Section 2. Section 63.032, Florida Statutes, is amended to
258 read:

259 63.032 Definitions.--As used in this chapter, the term:

260 (1) "Abandoned" means a situation in which the parent or
261 person having legal custody of a child, while being able, makes
262 no provision for the child's support and makes little or no
263 effort to communicate with the child, which situation is
264 sufficient to evince an intent to reject ~~a willful rejection of~~
265 parental responsibilities ~~obligations~~. If, in the opinion of the
266 court, the efforts of such parent or person having legal custody
267 of the child to support and communicate with the child are only
268 marginal efforts that do not evince a settled purpose to assume
269 all parental duties, the court may declare the child to be
270 abandoned. In making this decision, the court may consider the
271 conduct of a father towards the child's mother during her
272 pregnancy.

273 (2) "Adoption" means the act of creating the legal
274 relationship between parent and child where it did not exist,
275 thereby declaring the child to be legally the child of the
276 adoptive parents and their heir at law and entitled to all the
277 rights and privileges and subject to all the obligations of a
278 child born to such adoptive parents in lawful wedlock.



279 (3) "Adoption entity" means the department, an agency, a
280 child-caring agency registered under s. 409.176, ~~or an~~
281 intermediary, or a child-placing agency licensed in another
282 state which is qualified by the department to place children in
283 the State of Florida.

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

285 (5) "Agency" means any child-placing agency licensed by
286 the department pursuant to s. 63.202 to place minors for
287 adoption.

288 (6) "Child" means a son or daughter, whether by birth or
289 adoption.

290 (7) "Court" means any circuit court of this state and,
291 when the context requires, the court of any state that is
292 empowered to grant petitions for adoption.

293 (8) "Department" means the Department of Children and
294 Family Services.

295 (9) "Intermediary" means an attorney who is licensed or
296 authorized to practice in this state and who is placing or
297 intends to place a child for adoption, including placing or, for
298 ~~the purpose of adoptive placements of children born in another~~
299 ~~from out of state with citizens of this state or country or~~
300 placing children born in this state with citizens of another
301 state or country, a child-placing agency licensed in another
302 ~~state that is qualified by the department.~~

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

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

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



306 (13) "Person" includes a natural person, corporation,
307 government or governmental subdivision or agency, business
308 trust, estate, trust, partnership, or association, and any other
309 legal entity.

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

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

318 (16) "Placement" means the process of a parent or legal
319 guardian surrendering a child for adoption and the prospective
320 adoptive parents receiving and adopting the child and all
321 actions by any adoption entity participating in placing the
322 child.

323 ~~(17)(16)~~ "Primarily lives and works outside Florida" means
324 ~~anyone who does not meet the definition of "primary residence~~
325 ~~and place of employment in Florida."~~

326 ~~(17)~~ "Primary residence and place of employment in
327 Florida" ~~means~~ a person who lives and works outside in this
328 state at least 6 months of the year, ~~and intends to do so for~~
329 ~~the foreseeable future or~~ military personnel who designate
330 Florida as their place of residence in accordance with the
331 Soldiers' and Sailors' Civil Relief Act of 1940, ~~or~~ employees of
332 the United States Department of State living in a foreign



333 country who designate a state other than Florida as their place
334 of residence.

335 (18) "Suitability of the intended placement" includes the
336 fitness of the intended placement, with primary consideration
337 being given to the best interest ~~welfare~~ of the child; ~~the~~
338 ~~fitness and capabilities of the adoptive parent or parents to~~
339 ~~function as parent or parents for a particular child; any~~
340 ~~familial relationship between the child and the prospective~~
341 ~~placement; and the compatibility of the child with the home in~~
342 ~~which the child is intended to be placed.~~

343 (19) "Unmarried biological father" means the child's
344 biological father who is not married to the child's mother at
345 the time of conception or birth of the child and who has not
346 been declared by a court of competent jurisdiction to be the
347 legal father of the child.

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

352 Section 3. Section 63.039, Florida Statutes, is amended to
353 read:

354 63.039 Duty of adoption entity to prospective adoptive
355 parents; sanctions.--

356 (1) An adoption entity placing a minor for adoption has an
357 affirmative duty to follow the requirements of this chapter and
358 specifically the following provisions, which protect and promote
359 the well-being of persons being adopted and their parents and



360 prospective adoptive parents by promoting certainty, finality,
361 and permanency for such persons. The adoption entity must:

362 (a) Provide written initial disclosure to the prospective
363 adoptive parent at the time and in the manner required under s.
364 63.085.

365 (b) Provide written ~~initial and postbirth~~ disclosure to
366 the parent at the time and in the manner required under s.
367 63.085.

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

371 (d) When a written consent or affidavit of nonpaternity
372 for adoption is obtained, obtain a consent to adoption or
373 affidavit of nonpaternity that contains the language required
374 under s. 63.062 or s. 63.082.

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

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

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

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



388 (i) Obtain the written waiver of venue required under s.
389 63.062 in cases ~~involving a child younger than 6 months of age~~
390 in which venue for the termination of parental rights will be
391 located in a county other than the county where a ~~the~~ parent
392 whose rights are to be terminated resides.

393 (2) If a court finds that a consent to adoption or an
394 affidavit of nonpaternity taken under this chapter was obtained
395 by fraud or ~~under~~ duress attributable to the adoption entity,
396 the court may ~~must~~ award all sums paid by the prospective
397 adoptive parents or on their behalf in anticipation of or in
398 connection with the adoption. The court may also award
399 reasonable attorney's fees and costs incurred by the prospective
400 adoptive parents in connection with the adoption and any
401 litigation related to placement or adoption of a minor. The
402 court may ~~must~~ award reasonable attorney's fees and costs, if
403 any, incurred by the person whose consent or affidavit was
404 obtained by fraud or ~~under~~ duress. Any award under this
405 subsection to the prospective adoptive parents or to the person
406 whose consent or affidavit was obtained by fraud or ~~under~~ duress
407 must be paid directly to them by the adoption entity or by any
408 applicable insurance carrier on behalf of the adoption entity if
409 the court determines, after an evidentiary hearing held
410 subsequent to the entry of a final order in the underlying
411 termination of parental rights or adoption action, that the
412 actions or failures of the adoption entity directly contributed
413 to the finding of fraud or duress.

414 (3) The prevailing party ~~If a person whose consent to an~~
415 ~~adoption is required under s. 63.062 prevails~~ in an action to



416 set aside a judgment terminating parental rights pending
417 adoption, or a judgment of adoption may be awarded, ~~the court~~
418 ~~must award~~ reasonable attorney's fees and costs ~~to the~~
419 ~~prevailing party~~. An award under this subsection must be paid by
420 the adoption entity or by any applicable insurance carrier on
421 behalf of the adoption entity if the court finds that the acts
422 or omissions of the entity were the basis for the court's order
423 granting relief to the prevailing party.

424 (4) Within 30 days after the entry of an order of the
425 court finding sanctionable conduct on the part of an adoption
426 entity the date that the order was issued, the clerk of the
427 court must forward to:

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

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

434 (c) The entity under s. 409.176 that certifies child-
435 caring agencies any order that imposes sanctions under this
436 section against a child-caring agency registered under s.
437 409.176.

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

440 Section 4. Section 63.042, Florida Statutes, is amended to
441 read:

442 63.042 Who may be adopted; who may adopt.--

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



444 (2) The following persons may adopt:
 445 (a) A husband and wife jointly;
 446 (b) An unmarried adult, ~~including the birth parent of the~~
 447 ~~person to be adopted;~~
 448 ~~(c) The unmarried minor birth parent of the person to be~~
 449 ~~adopted; or~~
 450 (c)(d) A married person without the other spouse joining
 451 as a petitioner, if the person to be adopted is not his or her
 452 spouse, and if:
 453 1. The other spouse is a parent of the person to be
 454 adopted and consents to the adoption; or
 455 2. The failure of the other spouse to join in the petition
 456 or to consent to the adoption is excused by the court for good
 457 cause shown or in the best interest of the child ~~for reason of~~
 458 ~~prolonged unexplained absence, unavailability, incapacity, or~~
 459 ~~circumstances constituting an unreasonable withholding of~~
 460 ~~consent.~~
 461 (3) No person eligible to adopt under this statute may
 462 adopt if that person is a homosexual.
 463 (4) No person eligible under this section shall be
 464 prohibited from adopting solely because such person possesses a
 465 physical disability or handicap, unless it is determined by the
 466 court or adoption entity ~~department or the licensed child-~~
 467 ~~placing agency~~ that such disability or handicap renders such
 468 person incapable of serving as an effective parent.
 469 Section 5. Section 63.0423, Florida Statutes, is amended
 470 to read:



471 63.0423 Procedures with respect to abandoned infants
 472 ~~newborns~~.--

473 (1) A licensed child-placing agency that takes physical
 474 custody of an ~~a newborn~~ infant abandoned ~~left~~ at a hospital,
 475 emergency medical services station, or fire station pursuant to
 476 s. 383.50, shall assume responsibility for all medical costs and
 477 all other costs associated with the emergency services and care
 478 of the abandoned ~~newborn~~ infant from the time the licensed
 479 child-placing agency takes physical custody of the abandoned
 480 ~~newborn~~ infant.

481 (2) The licensed child-placing agency shall immediately
 482 seek an order from the circuit court for emergency custody of
 483 the abandoned ~~newborn~~ infant. The emergency custody order shall
 484 remain in effect until the court orders preliminary approval of
 485 placement of the abandoned ~~newborn~~ infant in the prospective
 486 home, at which time the prospective adoptive parents become
 487 guardians pending termination of parental rights and
 488 finalization of adoption or until the court orders otherwise.
 489 The guardianship of the prospective adoptive parents shall
 490 remain subject to the right of the licensed child-placing agency
 491 to remove the abandoned infant from the placement during the
 492 pendency of the proceedings if such removal is deemed by the
 493 licensed child-placing agency to be in the best interest of the
 494 child. The licensed child-placing agency may immediately seek to
 495 ~~temporarily~~ place the abandoned ~~newborn~~ infant in a prospective
 496 adoptive home ~~as soon as possible~~.

497 (3) The licensed child-placing agency that takes physical
 498 custody of the abandoned ~~newborn~~ infant shall, within 24 hours



499 thereafter, ~~immediately~~ request assistance from law enforcement
500 officials to investigate and determine, through the Missing
501 Children Information Clearinghouse, the National Center for
502 Missing and Exploited Children, and any other national and state
503 resources, whether or not the abandoned ~~newborn~~ infant is a
504 missing child.

505 (4) Within 7 days after accepting physical custody of the
506 abandoned ~~newborn~~ infant, the licensed child-placing agency
507 shall initiate a diligent search to notify and to obtain consent
508 from a parent whose identity is known but whose location is
509 unknown ~~or location is unknown, other than the parent who has~~
510 ~~left a newborn infant at a hospital, emergency medical services~~
511 ~~station, or fire station in accordance with s. 383.50. The~~
512 diligent search must include, at a minimum, inquiries as
513 provided for in s. 63.088 ~~of all known relatives of the parent,~~
514 ~~inquiries of all offices or program areas of the department~~
515 ~~likely to have information about the parent, inquiries of other~~
516 ~~state and federal agencies likely to have information about the~~
517 ~~parent, inquiries of appropriate utility and postal providers,~~
518 ~~and inquiries of appropriate law enforcement agencies.~~
519 Constructive notice must also be provided pursuant to chapter 49
520 in the county where the ~~newborn~~ infant was abandoned ~~left and in~~
521 ~~the county where the petition to terminate parental rights will~~
522 ~~be filed. The constructive notice must include at a minimum,~~
523 ~~available identifying information, and information on whom a~~
524 ~~parent must contact in order to assert a claim of parental~~
525 ~~rights of the newborn infant and how to assert that claim. If a~~
526 parent is identified and located, notice of the ~~adjudicatory~~



527 | hearing on the petition for termination of parental rights shall
528 | be provided. ~~If a parent cannot be identified or located~~
529 | ~~subsequent to the diligent search and constructive notice, the~~
530 | ~~licensed child placing agency shall file an affidavit of~~
531 | ~~diligent search at the same time that the petition to terminate~~
532 | ~~parental rights is filed.~~

533 | (5) A petition for termination of parental rights under
534 | this section may not be filed until 30 days after the date the
535 | ~~newborn~~ infant was abandoned ~~left~~ in accordance with s. 383.50.
536 | A petition for termination of parental rights may not be granted
537 | until consent to adoption or an affidavit of nonpaternity has
538 | been executed by a parent of the abandoned ~~newborn~~ infant as set
539 | forth in s. 63.062, a parent has failed to reclaim or claim the
540 | abandoned ~~newborn~~ infant within the ~~specified~~ time period
541 | specified in s. 383.50, or the consent of a parent is otherwise
542 | waived by the court.

543 | (6) A claim of parental rights of the abandoned ~~newborn~~
544 | infant must be made to the entity having ~~physical or~~ legal
545 | custody of the abandoned ~~newborn~~ infant or to the circuit court
546 | before whom proceedings involving the abandoned ~~newborn~~ infant
547 | are pending. A claim of parental rights of the abandoned ~~newborn~~
548 | infant may not be made after the judgment to terminate parental
549 | rights is entered, except as otherwise provided by subsection
550 | (9) ~~(10)~~.

551 | (7) If a claim of parental rights of an abandoned a
552 | ~~newborn~~ infant is made before the judgment to terminate parental
553 | rights is entered, the circuit court may ~~shall~~ hold the action



554 for termination of parental rights pending subsequent adoption
555 in abeyance for a period of time not to exceed 60 days.

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

560 (b) The court shall ~~may~~ appoint a guardian ad litem for
561 the abandoned newborn infant and order whatever investigation,
562 home evaluation, and psychological evaluation are necessary to
563 determine what is in the best interest of the abandoned newborn
564 infant.

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

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

571 (8) Within 7 business days ~~24 hours~~ after recording ~~filing~~
572 the judgment, the clerk of the court shall mail a copy of the
573 judgment to the department, the petitioner, and the persons
574 whose consent were required, if known. The clerk shall execute a
575 certificate of each mailing.

576 (9)(a) A judgment terminating parental rights pending
577 adoption is voidable, and any later judgment of adoption of that
578 minor is voidable, if, upon the motion of a birth parent, the
579 court finds that a person knowingly gave false information that
580 prevented the birth parent from timely making known his or her
581 desire to assume parental responsibilities toward the minor or



582 from exercising his or her parental rights. A motion under this
583 subsection must be filed with the court originally entering the
584 judgment. The motion must be filed within a reasonable time, but
585 not later than 1 year ~~2 years~~ after the entry of the judgment
586 terminating parental rights.

587 (b) No later than 30 days after the filing of a motion
588 under this subsection, the court shall ~~must~~ conduct a
589 preliminary hearing to determine what contact, if any, will be
590 permitted between a birth parent and the child pending
591 resolution of the motion. Such contact may be allowed only if it
592 is requested by a parent who has appeared at the hearing and the
593 court determines that it is in the best interest of the child.

594 If the court orders contact between a birth parent and child,
595 the order must be issued in writing as expeditiously as possible
596 and must state with specificity any provisions regarding contact
597 with persons other than those with whom the child resides.

598 (c) At the preliminary hearing, the court, upon the motion
599 of any party or upon its own motion, may order scientific
600 testing to determine the paternity or maternity of the minor if
601 the person seeking to set aside the judgment is alleging to be
602 the child's birth parent but ~~and that fact~~ has not previously
603 been determined by legal proceedings or scientific testing to be
604 the birth parent. Upon the filing of test results establishing
605 that person's maternity or paternity of the abandoned infant,
606 the court may order ~~supervised~~ visitation as it deems
607 appropriate and in the best interest of the child ~~with a person~~
608 ~~for whom scientific testing for paternity or maternity has been~~
609 ~~ordered. Such visitation shall be conditioned upon the filing of~~



610 ~~test results with the court and those results establishing that~~
 611 ~~person's paternity or maternity of the minor.~~

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

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

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

624 63.0425 Grandparent's right to adopt.--

625 (1) When a child ~~who~~ has lived with a grandparent for at
 626 least 6 months within the 24-month period immediately preceding
 627 the filing of a petition for termination of parental rights
 628 pending adoption ~~is placed for adoption~~, the adoption entity
 629 ~~handling the adoption~~ shall provide notice to ~~notify~~ that
 630 grandparent of the hearing on the petition for termination of
 631 parental rights pending adoption ~~impending adoption before the~~
 632 ~~petition for adoption is filed. If the grandparent petitions the~~
 633 ~~court to adopt the child, the court shall give first priority~~
 634 ~~for adoption to that grandparent.~~

635 Section 7. Section 63.0427, Florida Statutes, is amended
 636 to read:



637 63.0427 Adopted minor's right to continued communication
638 or contact with siblings and other relatives.--

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

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

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

656 (c) Statements of the prospective adoptive parents.

657 (d) Any other information deemed relevant and material by
658 the court.

659
660 If the court determines that the child's best interests will be
661 served by postadoption communication or contact ~~with any sibling~~
662 ~~or, upon agreement of the adoptive parents, other specified~~
663 ~~biological relatives~~, the court shall so order, stating the
664 nature and frequency for the communication or contact. This



665 order shall be made a part of the final adoption order, but in
666 no event shall the continuing validity of the adoption be
667 contingent upon such postadoption communication or contact, nor
668 shall the ability of the adoptive parents and child to change
669 residence within or outside the State of Florida be impaired by
670 such communication or contact.

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

684 Section 8. Section 63.043, Florida Statutes, is amended to
685 read:

686 63.043 Mandatory screening or testing for sickle-cell
687 trait prohibited.--No person, firm, corporation, unincorporated
688 association, state agency, unit of local government, or any
689 public or private entity shall require screening or testing for
690 the sickle-cell trait as a condition ~~for employment, for~~
691 ~~admission into any state educational institution or state-~~
692 ~~chartered private educational institution, or for becoming~~



693 eligible for adoption if otherwise eligible for adoption under
694 the laws of this state.

695 Section 9. Section 63.052, Florida Statutes, is amended to
696 read:

697 63.052 Guardians designated; proof of commitment.--

698 (1) For minors who have been placed for adoption with and
699 permanently committed to an adoption entity, other than an
700 intermediary, such adoption entity agency as defined in s.
701 63.032 or a child-caring agency registered under s. 409.176,
702 such agency shall be the guardian of the person of the minor and
703 has the responsibility and authority to provide for the needs
704 and welfare of the minor; for those who have been placed for
705 adoption with and permanently committed to the department, the
706 department shall be the guardian of the person of the minor.

707 (2) For minors who have been voluntarily surrendered to an
708 intermediary through an execution of a consent to adoption, the
709 intermediary shall be responsible for the minor until the time a
710 court orders preliminary approval of placement of the minor in
711 the prospective adoptive home, after ~~at~~ which time the
712 prospective adoptive parents shall become guardians pending
713 finalization of adoption, subject to the intermediary's right
714 and responsibility to remove the child from the prospective
715 adoptive home if the removal is deemed by the intermediary to be
716 in the best interest of the child. Prior to the court's entry of
717 an order granting preliminary approval of the placement, the
718 intermediary shall have the responsibility and authority to
719 provide for the needs and welfare of the minor. Until a court
720 has terminated parental rights pending adoption and has ordered



721 ~~preliminary approval of placement of the minor in the adoptive~~
722 ~~home, the minor must be placed in the care of a relative as~~
723 ~~defined in s. 39.01, in foster care as defined in s. 39.01, or~~
724 ~~in the care of a prospective adoptive home. No minor shall be~~
725 ~~placed in a prospective adoptive home until that home has~~
726 ~~received a favorable preliminary home study by a licensed child-~~
727 ~~placing agency, a licensed professional, or an agency, as~~
728 ~~provided in s. 63.092, within 1 year before such placement in~~
729 ~~the prospective home. Temporary placement in the prospective~~
730 ~~home with the prospective adoptive parents does not give rise to~~
731 ~~a presumption that the parental rights of the parents will~~
732 ~~subsequently be terminated. For minors who have been placed for~~
733 ~~adoption with or voluntarily surrendered to an agency, but have~~
734 ~~not been permanently committed to the agency, the agency shall~~
735 ~~have the responsibility and authority to provide for the needs~~
736 ~~and welfare for such minors. For those minors placed for~~
737 ~~adoption with or voluntarily surrendered to the department, but~~
738 ~~not permanently committed to the department, the department~~
739 ~~shall have the responsibility and authority to provide for the~~
740 ~~needs and welfare for such minors. The adoption entity may~~
741 ~~authorize all appropriate medical care for a minor who has been~~
742 ~~placed for adoption with or voluntarily surrendered to the~~
743 ~~adoption entity. The provisions of s. 627.6578 shall remain in~~
744 ~~effect notwithstanding the guardianship provisions in this~~
745 ~~section.~~

746 (3) If a minor is surrendered to an adoption entity
747 ~~intermediary~~ for subsequent adoption and a suitable prospective
748 adoptive home is not available pursuant to s. 63.092 at the time



749 the minor is surrendered to the adoption entity ~~intermediary or,~~
750 ~~if the minor is a newborn admitted to a licensed hospital or~~
751 ~~birth center, at the time the minor is discharged from the~~
752 ~~hospital or birth center,~~ the minor must be placed in foster
753 care or with a relative until such a suitable prospective
754 adoptive home is available.

755 (4) If a minor is voluntarily surrendered to an adoption
756 entity for subsequent adoption and the adoption does not become
757 final within 180 days after termination of parental rights, the
758 adoption entity must report to the court on the status of the
759 minor and the court may at that time proceed under s. 39.701 or
760 take action reasonably necessary to protect the best interest of
761 the minor.

762 (5) The recital in a the written consent, answer, or
763 recommendation filed by an adoption entity ~~given by the~~
764 ~~department~~ that the minor ~~sought to be adopted~~ has been
765 permanently committed to the adoption entity or that the
766 adoption entity is duly licensed ~~department~~ shall be prima facie
767 proof of such commitment. A consent for adoption signed by an
768 adoption entity need not comply with s. 63.082. ~~The recital in~~
769 ~~the written consent given by a licensed child placing agency or~~
770 ~~the declaration in an answer or recommendation filed by a~~
771 ~~licensed child placing agency that the minor has been~~
772 ~~permanently committed and the child placing agency is duly~~
773 ~~licensed by the department shall be prima facie proof of such~~
774 ~~commitment and of such license.~~

775 (6) Unless otherwise authorized by law or ordered by the
776 court, the department is not responsible for expenses incurred



777 by other adoption entities participating in placement of a minor
778 ~~for the purposes of adoption.~~

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

792 Section 10. Section 63.053, Florida Statutes, is created
793 to read:

794 63.053 Rights and responsibilities of an unmarried
795 biological father; legislative findings.--

796 (1) In enacting the provisions contained in this chapter,
797 the Legislature prescribes the conditions for determining
798 whether an unmarried biological father's actions are
799 sufficiently prompt and substantial so as to require protection
800 of a constitutional right. If an unmarried biological father
801 fails to take the actions that are available to him to establish
802 a relationship with his child, his parental interest may be lost
803 entirely, or greatly diminished, by his failure to timely comply



804 with the available legal steps to substantiate a parental
805 interest.

806 (2) The Legislature finds that the interests of the state,
807 the mother, the child, and the adoptive parents described in
808 this chapter outweigh the interest of an unmarried biological
809 father who does not take action in a timely manner to establish
810 and demonstrate a relationship with his child in accordance with
811 the requirements of this chapter. An unmarried biological father
812 has the primary responsibility to protect his rights and is
813 presumed to know that his child may be adopted without his
814 consent unless he complies with the provisions of this chapter
815 and demonstrates a prompt and full commitment to his parental
816 responsibilities.

817 (3) The Legislature finds that a birth mother and a birth
818 father have a right to privacy.

819 Section 11. Section 63.054, Florida Statutes, is created
820 to read:

821 63.054 Actions required by an unmarried biological father
822 to establish parental rights; Florida Putative Father
823 Registry.--

824 (1) In order to preserve the right to notice and consent
825 to an adoption under this chapter, an unmarried biological
826 father must, as the "registrant," file a notarized claim of
827 paternity form with the Florida Putative Father Registry
828 maintained by the Office of Vital Statistics of the Department
829 of Health and shall include therein confirmation of his
830 willingness and intent to support the child for whom paternity
831 is claimed in accordance with state law. The claim of paternity



832 may be filed at any time prior to the child's birth, but a claim
833 of paternity may not be filed after the date a petition is filed
834 for termination of parental rights.

835 (2) By filing a claim of paternity form with the Office of
836 Vital Statistics, the registrant expressly consents to submit to
837 DNA testing upon the request of any party, the registrant, or
838 the adoption entity with respect to the child referenced in the
839 claim of paternity.

840 (3) The Office of Vital Statistics of the Department of
841 Health shall adopt by rule the appropriate claim of paternity
842 form in English, Spanish, and Creole in order to facilitate the
843 registration of an unmarried biological father with the Florida
844 Putative Father Registry and shall, within existing resources,
845 make these forms available through local offices of the
846 Department of Health and the Department of Children and Family
847 Services, the Internet websites of those agencies, and the
848 offices of the clerks of the circuit court. The claim of
849 paternity form shall be signed by the unmarried biological
850 father and must include his name, address, date of birth, and
851 physical description. In addition, the registrant shall provide,
852 if known, the name, address, date of birth, and physical
853 description of the mother; the date, place, and location of
854 conception of the child; and the name, date, and place of birth
855 of the child or estimated date of birth of the expected minor
856 child, if known. The claim of paternity form shall be signed
857 under oath by the registrant.

858 (4) Upon initial registration, or at any time thereafter,
859 the registrant may designate an address other than his



860 residential address for sending any communication regarding his
861 registration. Similarly, upon initial registration, or at any
862 time thereafter, the registrant may designate, in writing, an
863 agent or representative to receive any communication on his
864 behalf and receive service of process. The agent or
865 representative must file an acceptance of the designation, in
866 writing, in order to receive notice or service of process. The
867 failure of the designated representative or agent of the
868 registrant to deliver or otherwise notify the registrant of
869 receipt of correspondence from the Florida Putative Father
870 Registry is at the registrant's own risk and shall not serve as
871 a valid defense based upon lack of notice.

872 (5) The registrant may, at any time prior to the birth of
873 the child for whom paternity is claimed, execute a notarized
874 written revocation of the claim of paternity previously filed
875 with the Florida Putative Father Registry, and upon receipt of
876 such revocation, the claim of paternity shall be deemed null and
877 void. If a court determines that a registrant is not the father
878 of the minor, the court shall order the department to remove the
879 registrant's name from the registry.

880 (6) It is the obligation of the registrant or, if
881 designated under subsection (4), his designated agent or
882 representative to notify and update the Office of Vital
883 Statistics of any change of address or change in the designation
884 of an agent or representative. The failure of a registrant, or
885 designated agent or representative, to report any such change is
886 at the registrant's own risk and shall not serve as a valid
887 defense based upon lack of notice, unless the person petitioning



888 for termination of parental rights or adoption has actual or
889 constructive notice of the registrant's address and whereabouts
890 from another source.

891 (7) In each proceeding for termination of parental rights
892 or each adoption proceeding filed under this chapter, the
893 petitioner must contact the Office of Vital Statistics of the
894 Department of Health by submitting an application for a search
895 of the Florida Putative Father Registry. The petitioner shall
896 provide the same information, if known, on the search
897 application form which the registrant is required to furnish
898 under subsection (3). Thereafter, the Office of Vital Statistics
899 must issue a certificate signed by the State Registrar
900 certifying:

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

905 (b) That a diligent search has been made of the registry
906 of registrants who may be the unmarried biological father of the
907 subject child and that no matching registration has been located
908 in the registry.

909
910 This certificate must be filed with the court in the proceeding
911 to terminate parental rights or the adoption proceeding. If a
912 termination of parental rights and an adoption proceeding are
913 being adjudicated simultaneously, the Florida Putative Father
914 Registry need only be searched once.



915 (8) If an unmarried biological father does not know the
916 county in which the birth mother resides, gave birth, or intends
917 to give birth, he may initiate an action in any county in the
918 state, subject to the birth mother's right to change venue to
919 the county where she resides.

920 (9) The Department of Health shall establish and maintain
921 a Florida Putative Father Registry through its Office of Vital
922 Statistics, in accordance with the requirements of this section.
923 The Department of Health may charge a nominal fee to cover the
924 costs of filing and indexing the Florida Putative Father
925 Registry and the costs of searching the registry.

926 (10) The Department of Health shall, within existing
927 resources, prepare and adopt by rule application forms for
928 initiating a search of the Florida Putative Father Registry and
929 shall make those forms available through the local offices of
930 the Department of Health and the Department of Children and
931 Family Services and the offices of the clerks of the circuit
932 court.

933 (11) The Department of Health shall produce and
934 distribute, within existing resources, a pamphlet or publication
935 informing the public about the Florida Putative Father Registry
936 and which is printed in English, Spanish, and Creole. The
937 pamphlet shall indicate the procedures for voluntary
938 acknowledgment of paternity, the consequences of acknowledgment
939 of paternity, the consequences of failure to acknowledge
940 paternity, and the address of the Florida Putative Father
941 Registry. Such pamphlets or publications shall be made available
942 for distribution at all offices of the Department of Health and



943 the Department of Children and Family Services and shall be
944 included in health class curriculums taught in public and
945 charter schools in this state. The Department of Health shall
946 also provide such pamphlets or publications to hospitals,
947 adoption entities, libraries, medical clinics, schools,
948 universities, and providers of child-related services, upon
949 request. In cooperation with the Department of Highway Safety
950 and Motor Vehicles, each person applying for a Florida driver's
951 license, or renewal thereof, and each person applying for a
952 Florida identification card shall be offered the pamphlet or
953 publication informing the public about the Florida Putative
954 Father Registry.

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

960 (13) The filing of a claim of paternity with the Florida
961 Putative Father Registry does not excuse or waive the obligation
962 of a petitioner to comply with the requirements for conducting a
963 diligent search and inquiry with respect to the identity of an
964 unmarried biological father or legal father which are set forth
965 in this chapter.

966 (14) The Office of Vital Statistics of the Department of
967 Health is authorized to adopt rules to implement this section.

968 Section 12. Section 63.062, Florida Statutes, is amended
969 to read:



970 63.062 Persons required to consent to adoption; affidavit
 971 of nonpaternity; waiver of venue.--

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

977 (a) The mother of the minor.

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

979 1. The minor was conceived or born while the father was
 980 married to the mother;

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

982 3. The minor has been established by court proceeding to
 983 be his child;

984 4. He has filed an affidavit of paternity pursuant to s.
 985 382.013(2)(c); or

986 5. In the case of an unmarried biological father, he has
 987 acknowledged in writing, signed in the presence of a competent
 988 witness, that he is the father of the minor, has filed such
 989 acknowledgement with the Office of Vital Statistics of the
 990 Department of Health within the required timeframes, and has
 991 complied with the requirements of subsection (2).

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



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

999 ~~1. Has acknowledged in writing, signed in the presence of~~
1000 ~~a competent witness, that he is the father of the minor and has~~
1001 ~~filed such acknowledgment with the Office of Vital Statistics of~~
1002 ~~the Department of Health;~~

1003 ~~2. Has provided, or has attempted to provide, the child or~~
1004 ~~the mother during her pregnancy with support in a repetitive,~~
1005 ~~customary manner; or~~

1006 ~~3. Has been identified by the birth mother as a person she~~
1007 ~~has reason to believe may be the father of the minor in an~~
1008 ~~action to terminate parental rights pending adoption pursuant to~~
1009 ~~this chapter.~~

1010 ~~(e) Any person who is a party in any pending proceeding in~~
1011 ~~which paternity, custody, or termination of parental rights~~
1012 ~~regarding the minor is at issue.~~

1013 ~~(f) Any father who has provided, or has attempted to~~
1014 ~~provide, the child or the mother during her pregnancy with~~
1015 ~~support in a repetitive, customary manner, if consent has been~~
1016 ~~obtained under paragraph (a) and subparagraph (b)1.~~

1017 ~~(c)(g)~~ The minor, if more than 12 years of age or older,
1018 unless the court in the best interest of the minor dispenses
1019 with the minor's consent.

1020 (d) Any person lawfully entitled to custody of the minor
1021 if required by the court.



1022 (e) The court having jurisdiction to determine custody of
1023 the minor, if the person having physical custody of the minor
1024 does not have authority to consent to the adoption.

1025 (2) In accordance with subsection (1), the consent of an
1026 unmarried biological father shall be necessary only if the
1027 unmarried biological father has complied with the requirements
1028 of this subsection.

1029 (a)1. With regard to a child who is placed with adoptive
1030 parents more than 6 months after the child's birth, an unmarried
1031 biological father must have developed a substantial relationship
1032 with the child, taken some measure of responsibility for the
1033 child and the child's future, and demonstrated a full commitment
1034 to the responsibilities of parenthood by providing financial
1035 support to the child in accordance with the unmarried biological
1036 father's ability, if not prevented from doing so by the person
1037 or authorized agency having lawful custody of the child, and
1038 either:

1039 a. Regularly visited the child at least monthly, when
1040 physically and financially able to do so and when not prevented
1041 from doing so by the birth mother or the person or authorized
1042 agency having lawful custody of the child; or

1043 b. Maintained regular communication with the child or with
1044 the person or agency having the care or custody of the child,
1045 when physically or financially unable to visit the child or when
1046 not prevented from doing so by the birth mother or person or
1047 authorized agency having lawful custody of the child.

1048 2. The mere fact that an unmarried biological father
1049 expresses a desire to fulfill his responsibilities towards his



1050 child which is unsupported by acts evidencing this intent does
1051 not preclude a finding by the court that the unmarried
1052 biological father failed to comply with the requirements of this
1053 subsection.

1054 3. An unmarried biological father who openly lived with
1055 the child for at least 6 months within the 1-year period
1056 following the birth of the child and immediately preceding
1057 placement of the child with adoptive parents and who openly held
1058 himself out to be the father of the child during that period
1059 shall be deemed to have developed a substantial relationship
1060 with the child and to have otherwise met the requirements of
1061 this paragraph.

1062 (b) With regard to a child who is younger than 6 months of
1063 age at the time the child is placed with the adoptive parents,
1064 an unmarried biological father must have demonstrated a full
1065 commitment to his parental responsibility by having performed
1066 all of the following acts prior to the time the mother executes
1067 her consent for adoption:

1068 1. Filed a notarized claim of paternity form with the
1069 Florida Putative Father Registry within the Office of Vital
1070 Statistics of the Department of Health, which form shall be
1071 maintained in the confidential registry established for that
1072 purpose and shall be considered filed when the notice is entered
1073 in the registry of notices from unmarried biological fathers.

1074 2. Upon service of a notice of an intended adoption plan
1075 or a petition for termination of parental rights pending
1076 adoption, executed and filed an affidavit in that proceeding
1077 stating that he is personally fully able and willing to take



1078 responsibility for the child, setting forth his plans for care
1079 of the child, and agreeing to a court order of child support and
1080 a contribution to the payment of living and medical expenses
1081 incurred for the mother's pregnancy and the child's birth in
1082 accordance with his ability to pay.

1083 3. If he had knowledge of the pregnancy, paid a fair and
1084 reasonable amount of the expenses incurred in connection with
1085 the mother's pregnancy and the child's birth, in accordance with
1086 his financial ability and when not prevented from doing so by
1087 the birth mother or person or authorized agency having lawful
1088 custody of the child.

1089 (c) The petitioner shall file with the court a certificate
1090 from the Office of Vital Statistics stating that a diligent
1091 search has been made of the Florida Putative Father Registry of
1092 notices from unmarried biological fathers described in
1093 subparagraph (b)1. and that no filing has been found pertaining
1094 to the father of the child in question or, if a filing is found,
1095 stating the name of the putative father and the time and date of
1096 filing. That certificate shall be filed with the court prior to
1097 the entry of a final judgment of termination of parental rights.

1098 (d) An unmarried biological father who does not comply
1099 with each of the conditions provided in this subsection is
1100 deemed to have waived and surrendered any rights in relation to
1101 the child, including the right to notice of any judicial
1102 proceeding in connection with the adoption of the child, and his
1103 consent to the adoption of the child is not required.

1104 (3)(a) Pursuant to chapter 48, an adoption entity may
1105 serve upon any unmarried biological father identified by the



1106 mother or identified by a diligent search of the Florida
1107 Putative Father Registry, or upon an entity whose consent is
1108 required, a notice of intended adoption plan at any time prior
1109 to the placement of the child in the adoptive home, including
1110 prior to the birth of the child. The notice of intended adoption
1111 plan must specifically state that if the unmarried biological
1112 father desires to contest the adoption plan, he must file with
1113 the court, within 30 days after service, a verified response
1114 that contains a pledge of commitment to the child in substantial
1115 compliance with subparagraph (2)(b)2. The notice of intended
1116 adoption plan shall notify the unmarried biological father that
1117 he must file a claim of paternity form with the Office of Vital
1118 Statistics within 30 days after service upon him and must
1119 provide the adoption entity with a copy of the verified response
1120 filed with the court and the claim of paternity form filed with
1121 the Office of Vital Statistics. If the party served with the
1122 notice of intended adoption plan is an entity, the entity must
1123 file, within 30 days after service, a verified response setting
1124 forth a legal basis for contesting the intended adoption plan,
1125 specifically addressing the best interest of the child. If the
1126 unmarried biological father or entity whose consent is required
1127 fails to properly file a verified response with the court and,
1128 in the case of an unmarried biological father, a claim of
1129 paternity form with the Office of Vital Statistics within 30
1130 days after service upon that unmarried biological father or
1131 entity whose consent is required, the consent of that unmarried
1132 biological father or entity shall no longer be required under
1133 this chapter and that party shall be deemed to have waived any



1134 claim of rights to the child. Each notice of intended adoption
1135 plan served upon an unmarried biological father must include
1136 instructions as to the procedure the unmarried biological father
1137 must follow to submit a claim of paternity form to the Office of
1138 Vital Statistics and the address to which the registration must
1139 be directed.

1140 (b) If the birth mother identifies a man who she believes
1141 is the unmarried biological father of her child, the adoption
1142 entity may provide a notice of intended adoption plan pursuant
1143 to paragraph (a). If the mother identifies a potential unmarried
1144 biological father whose location is unknown, the adoption entity
1145 shall conduct a diligent search pursuant to s. 63.088. If, upon
1146 completion of a diligent search, the potential unmarried
1147 biological father's location remains unknown and a search of the
1148 Florida Putative Father Registry fails to reveal a match, the
1149 adoption entity shall request in the petition for termination of
1150 parental rights pending adoption that the court declare the
1151 diligent search to be in compliance with s. 63.088 and to
1152 further declare that the adoption entity shall have no further
1153 obligation to provide notice to the potential unmarried
1154 biological father and that the potential unmarried biological
1155 father's consent to the adoption shall not be required.

1156 (4)(2) Any person whose consent is required under
1157 paragraphs (1)(c)-(e) ~~paragraph (1)(c) or paragraph (1)(d)~~ may
1158 execute an irrevocable affidavit of nonpaternity in lieu of a
1159 consent under this section and by doing so waives notice to all
1160 court proceedings after the date of execution. An affidavit of
1161 nonpaternity must be executed as provided in s. 63.082. The



1162 affidavit of nonpaternity may be executed prior to the birth of
 1163 the child. The person executing the affidavit must receive
 1164 disclosure under s. 63.085 prior to signing the affidavit.

1165 (5)(3) A person who signs a consent to adoption or an
 1166 affidavit of nonpaternity must be given reasonable notice of his
 1167 or her right to select a person who does not have an employment,
 1168 professional, or personal relationship with the adoption entity
 1169 or the prospective adoptive parents to be present when the
 1170 consent to adoption or affidavit of nonpaternity is executed and
 1171 to sign the consent or affidavit as a witness.

1172 ~~(4) An affidavit of nonpaternity must be in substantially~~
 1173 ~~the following form:~~

1174
 1175 ~~AFFIDAVIT OF NONPATERNITY~~

1177 ~~1. I have personal knowledge of the facts stated in this~~
 1178 ~~affidavit.~~

1179 ~~2. I have been told that _____ has a child. I shall not~~
 1180 ~~establish or claim paternity for this child, whose name is _____~~
 1181 ~~and whose date of birth is _____.~~

1182 ~~3. The child referenced in this affidavit was not~~
 1183 ~~conceived or born while the birth mother was married to me. I AM~~
 1184 ~~NOT MARRIED TO THE BIRTH MOTHER, nor do I intend to marry the~~
 1185 ~~birth mother.~~

1186 ~~4. With respect to the child referenced in this~~
 1187 ~~affidavit, I have not provided the birth mother with child~~
 1188 ~~support or prebirth support; I have not provided her with~~
 1189 ~~prenatal care or assisted her with medical expenses; I have not~~



1190 ~~provided the birth mother or her child or unborn child with~~
1191 ~~support of any kind, nor do I intend to do so.~~

1192 ~~5. I have no interest in assuming the responsibilities of~~
1193 ~~parenthood for this child. I will not acknowledge in writing~~
1194 ~~that I am the father of this child or institute court~~
1195 ~~proceedings to establish the child as mine.~~

1196 ~~6. I do not object to any decision or arrangements _____~~
1197 ~~makes regarding this child, including adoption.~~

1198 ~~7. I have been told of my right to choose a person who~~
1199 ~~does not have an employment, professional, or personal~~
1200 ~~relationship with the adoption entity or the prospective~~
1201 ~~adoptive parents to be present when this affidavit is executed~~
1202 ~~and to sign it as a witness.~~

1203
1204 ~~I WAIVE NOTICE OF ANY AND ALL PROCEEDINGS TO TERMINATE PARENTAL~~
1205 ~~RIGHTS OR FINALIZE AN ADOPTION UNDER CHAPTER 63, FLORIDA~~
1206 ~~STATUTES.~~

1207
1208 ~~(5) The court may require that consent be executed by:~~

1209 ~~(a) Any person lawfully entitled to custody of the minor;~~
1210 ~~or~~

1211 ~~(b) The court having jurisdiction to determine custody of~~
1212 ~~the minor, if the person having physical custody of the minor~~
1213 ~~has no authority to consent to the adoption.~~

1214 (6) The petitioner must make good faith and diligent
1215 efforts as provided under s. 63.088 to notify, and obtain
1216 written consent from, the persons required to consent to
1217 adoption under this section.



1218 (7) If parental rights to the minor have previously been
 1219 terminated, the adoption entity ~~a licensed child placing agency,~~
 1220 ~~a child caring agency registered under s. 409.176, or the~~
 1221 ~~department~~ with which the minor has been placed for subsequent
 1222 adoption may provide consent to the adoption. In such case, no
 1223 other consent is required.

1224 (8) A petition to adopt an adult may be granted if:

1225 (a) Written consent to adoption has been executed by the
 1226 adult and the adult's spouse, if any.

1227 (b) Written notice of the final hearing on the ~~consent to~~
 1228 adoption has been provided to ~~executed by~~ the parents, if any,
 1229 or proof of service of process has been filed, showing notice
 1230 has been served on the parents as provided in this chapter.

1231 (9)~~(a)~~ A petition for termination of parental rights shall
 1232 be filed in the appropriate county as determined under s.
 1233 63.087(2). If the parent or parents whose rights are to be
 1234 terminated object to venue in the county where the action was
 1235 filed, the court may transfer the action to the county where the
 1236 objecting parent or parents reside, unless the objecting parent
 1237 has previously executed a waiver of venue. ~~In cases involving a~~
 1238 ~~child younger than 6 months of age in which venue for the~~
 1239 ~~termination of parental rights may be located in a county other~~
 1240 ~~than where the parent whose rights are to be terminated resides,~~
 1241 ~~the adoption entity must obtain, from any party executing an~~
 1242 ~~affidavit of nonpaternity or consent, a waiver of venue, which~~
 1243 ~~must be filed with the petition and must be in substantially the~~
 1244 ~~following form:~~

1245



~~WAIVER OF VENUE~~

1246
1247
1248
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~~I understand that I have the right to require that the Petition to terminate my parental rights be filed in the county where I reside. I waive such right so that the Petition to Terminate Parental Rights may be filed by . . . (adoption entity) . . . in . . . (county name) . . . County, Florida.~~

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

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

~~2. Adoption entities must attach to the waiver of venue a form that the parent whose rights are to be terminated may use to request a transfer of venue for the proceeding. This form must contain the intended caption of the action for termination~~



1274 ~~of parental rights and information identifying the child which~~
1275 ~~will be sufficient for the clerk to properly file the form upon~~
1276 ~~receipt.~~

1277 ~~3. This form must include a notice that if an adoption~~
1278 ~~entity knows that a parent whose rights will be terminated~~
1279 ~~intends to object to the termination but intentionally files the~~
1280 ~~petition for termination of parental rights in a county which is~~
1281 ~~not consistent with the required venue under such circumstances,~~
1282 ~~the adoption entity shall be responsible for the attorney's fees~~
1283 ~~of the parent contesting the transfer of venue.~~

1284 Section 13. Section 63.063, Florida Statutes, is created
1285 to read:

1286 63.063 Responsibility of each party for their own actions;
1287 fraud or misrepresentation; statutory compliance.--

1288 (1) Each parent of a child conceived or born outside of
1289 marriage is responsible for his or her own actions and is not
1290 excused from compliance with the provisions of this chapter
1291 based upon any action, statement, or omission of the other
1292 parent or a third party, except as provided in s. 63.062(2)(a).

1293 (2) Any person injured by a fraudulent representation or
1294 action in connection with an adoption is entitled to pursue
1295 civil or criminal penalties as provided by law. A fraudulent
1296 representation is not a defense to compliance with the
1297 requirements of this chapter and is not a basis for dismissing a
1298 petition for termination of parental rights or a petition for
1299 adoption, for vacating an adoption decree, or for granting
1300 custody to the offended party. Custody and adoption



1301 determinations shall be based on the best interest of the child
1302 in accordance with s. 61.13.

1303 (3) The Legislature finds no way to remove all risk of
1304 fraud or misrepresentation in adoption proceedings and has
1305 provided a method for absolute protection of an unmarried
1306 biological father's rights by compliance with the provisions of
1307 this chapter. In balancing the rights and interests of the state
1308 and of all parties affected by fraud, including the child, the
1309 adoptive parents, and the unmarried biological father, the
1310 Legislature has determined that the unmarried biological father
1311 is in the best position to prevent or ameliorate the effects of
1312 fraud and, therefore, has the burden of preventing fraud.

1313 (4) The Legislature finds that an unmarried biological
1314 father who resides in another state may not, in every
1315 circumstance, be reasonably presumed to know of and comply with
1316 the requirements of this chapter. Therefore, if all of the
1317 following requirements have been met, an unmarried biological
1318 father may contest a termination of parental rights or
1319 subsequent adoption and, prior to entry of the final judgment of
1320 adoption, assert his interest in the child. Following such
1321 assertion, the court may, in its discretion, proceed with an
1322 evidentiary hearing if:

1323 (a) The unmarried biological father resides and has
1324 resided in another state where the unmarried mother was also
1325 located or resided.

1326 (b) The unmarried mother left that state without notifying
1327 or informing the unmarried biological father that she could be
1328 located in the State of Florida.



1329 (c) The unmarried biological father has, through every
 1330 reasonable means, attempted to locate the mother but does not
 1331 know or have reason to know that the mother is residing in the
 1332 State of Florida.

1333 (d) The unmarried biological father has substantially
 1334 complied with the requirements of the state where the mother
 1335 previously resided or was located in order to protect and
 1336 preserve his parental interest and rights with regard to the
 1337 child.

1338 Section 14. Section 63.064, Florida Statutes, is created
 1339 to read:

1340 63.064 Persons whose consent to an adoption may be
 1341 waived.--The court may waive the consent of the following
 1342 individuals to an adoption:

1343 (1) A parent who has deserted a child without means of
 1344 identification or who has abandoned a child.

1345 (2) A parent whose parental rights have been terminated by
 1346 order of a court of competent jurisdiction.

1347 (3) A parent who has been judicially declared incompetent
 1348 and for whom restoration of competency is medically improbable.

1349 (4) A legal guardian or lawful custodian of the person to
 1350 be adopted, other than a parent, who has failed to respond in
 1351 writing to a request for consent for a period of 60 days or who,
 1352 after examination of his or her written reasons for withholding
 1353 consent, is found by the court to be withholding his or her
 1354 consent unreasonably.

1355 (5) The spouse of the person to be adopted, if the failure
 1356 of the spouse to consent to the adoption is excused by reason of



1357 prolonged and unexplained absence, unavailability, incapacity,
 1358 or circumstances that are found by the court to constitute
 1359 unreasonable withholding of consent.

1360 Section 15. Section 63.082, Florida Statutes, is amended
 1361 to read:

1362 63.082 Execution of consent to adoption or affidavit of
 1363 nonpaternity; family social and medical history; withdrawal of
 1364 consent.--

1365 (1)(a) Consent to an adoption or an affidavit of
 1366 nonpaternity shall be executed as follows:

1367 1.(a) If by the person to be adopted, by oral or written
 1368 statement in the presence of the court or by being acknowledged
 1369 before a notary public and in the presence of two witnesses.

1370 2.(b) If by an agency, by affidavit from its authorized
 1371 representative.

1372 3.(e) If by any other person, in the presence of the court
 1373 or by affidavit acknowledged before a notary public and in the
 1374 presence of two witnesses.

1375 4.(d) If by a court, by an appropriate order or
 1376 certificate of the court.

1377 (b) A minor parent has the power to consent to the
 1378 adoption of his or her child and has the power to relinquish his
 1379 or her control or custody of the child to an adoption entity.
 1380 Such consent or relinquishment is valid and has the same force
 1381 and effect as a consent or relinquishment executed by an adult
 1382 parent. A minor parent, having executed a consent or
 1383 relinquishment, may not revoke that consent upon reaching the
 1384 age of majority or otherwise becoming emancipated.



1385 (c) A consent or an affidavit of nonpaternity executed by
1386 a minor parent who is 14 years of age or younger must be
1387 witnessed by a parent, legal guardian, or court-appointed
1388 guardian ad litem.

1389 (d) The notice and consent provisions of this chapter as
1390 they relate to the birth of a child or to legal fathers do not
1391 apply in cases in which the child is conceived as a result of a
1392 violation of the criminal laws of this state, including, but not
1393 limited to, sexual battery, lewd acts perpetrated upon a minor,
1394 or incest.

1395 (2) A consent that does not name or otherwise identify the
1396 adopting parent is valid if the consent contains a statement by
1397 the person consenting that the consent was voluntarily executed
1398 and that identification of the adopting parent is not required
1399 for granting the consent.

1400 (3)(a) The department must provide ~~a consent form and a~~
1401 family social and medical history form to an adoption entity
1402 that intends to place a child for adoption. Forms containing, at
1403 a minimum, the same information as the forms promulgated by the
1404 department must be attached to the petition to terminate
1405 parental rights pending adoption and must contain ~~such~~
1406 biological and sociological information or ~~such~~ information as
1407 to the family medical history, regarding the minor and the
1408 parents, ~~as is required by the department.~~ This form is not
1409 required for adoptions of relatives, adult adoptions, or
1410 adoptions of stepchildren, unless parental rights are being or
1411 were terminated pursuant to chapter 39. The information must be
1412 filed with the court in the termination of parental rights



1413 ~~proceeding incorporated into the final home investigation report~~
1414 ~~specified in s. 63.125.~~

1415 (b) A good faith and diligent effort must be made to have
1416 each parent whose identity is known and whose consent is
1417 required ~~Each parent must be~~ interviewed by a representative of
1418 the adoption entity department, a licensed child placing agency,
1419 ~~or a licensed professional, pursuant to s. 63.092,~~ before the
1420 consent is executed, ~~unless the parent cannot be located or~~
1421 ~~identified.~~ A summary of each interview, or a statement that the
1422 parent is unidentified, unlocated, or unwilling or unavailable
1423 to be interviewed ~~unlocated or unidentified,~~ must be filed with
1424 the petition to terminate parental rights pending adoption ~~and~~
1425 ~~included in the final home investigation report filed under s.~~
1426 ~~63.125.~~ The interview may be excused by the court for good
1427 cause. This interview is not required for adoptions of
1428 relatives, adult adoptions, or adoptions of stepchildren, unless
1429 parental rights are being or were terminated pursuant to chapter
1430 39.

1431 ~~(b) Consent executed by an appropriate order or~~
1432 ~~certificate of the court if executed under s. 63.062(5)(b) must~~
1433 ~~be attached to the petition to terminate parental rights pending~~
1434 ~~adoption.~~

1435 (c) If any person who is required to consent ~~or social and~~
1436 ~~medical history~~ is unavailable because the person ~~whose consent~~
1437 ~~is required~~ cannot be located ~~or identified,~~ the petition to
1438 terminate parental rights pending adoption must be accompanied
1439 by the affidavit of diligent search required under s. 63.088.



1440 (d) If any person who is required to consent is
1441 unavailable because the person is deceased, the petition to
1442 terminate parental rights pending adoption must be accompanied
1443 by a certified copy of the death certificate. In an adoption of
1444 a stepchild or a relative, the certified copy of the death
1445 certificate of the person whose consent is required must be
1446 attached to the petition for adoption.

1447 (4)(a) An affidavit of nonpaternity may be executed before
1448 the birth of the minor; however, the consent to an adoption ~~or~~
1449 ~~affidavit of nonpaternity~~ shall not be executed before the birth
1450 of the minor.

1451 (b) A consent to the adoption of a minor who is to be
1452 placed for adoption ~~with identified prospective adoptive parents~~
1453 ~~under s. 63.052, upon the minor's release from a licensed~~
1454 ~~hospital or birth center following birth,~~ shall not be executed
1455 by the birth mother sooner than 48 hours after the minor's birth
1456 or the day the birth mother has been notified in writing, either
1457 on her patient chart or in release paperwork, that she is fit to
1458 be released from the a licensed hospital or birth center,
1459 whichever is earlier. A consent by a biological father or legal
1460 father may be executed at any time after the birth of the child.

1461 A consent executed under this paragraph is valid upon execution
1462 and may be withdrawn only if the court finds that it was
1463 obtained by fraud or ~~under duress. The waiting period provided~~
1464 ~~in this paragraph does not apply in any case in which the~~
1465 ~~revocation period in paragraph (c) applies.~~

1466 (c) When the minor to be adopted is older than 6 months of
1467 age at the time of the execution of the consent ~~not placed~~



1468 ~~pursuant to s. 63.052 upon the minor's release from a licensed~~
1469 ~~hospital or birth center following birth, the consent to~~
1470 ~~adoption may be executed at any time after the birth of the~~
1471 ~~minor. While such consent is valid upon execution; however, it~~
1472 ~~is subject to a the 3-day revocation period under subsection (7)~~
1473 ~~or may be revoked at any time prior to the placement of the~~
1474 ~~minor with the prospective adoptive parents, whichever is later.~~
1475 ~~If a consent has been executed, this subsection may not be~~
1476 ~~construed to provide a birth parent with more than 3 days to~~
1477 ~~revoke the ~~that~~ consent once the child has been placed with the~~
1478 ~~prospective adoptive parents. The revocation period provided in~~
1479 ~~this paragraph does not apply in any case in which the waiting~~
1480 ~~period in paragraph(b) applies.~~

1481 (d) The consent to adoption or the affidavit of
1482 nonpaternity must be signed in the presence of two witnesses and
1483 be acknowledged before a notary public who is not signing as one
1484 of the witnesses. The notary public must legibly note on the
1485 consent or the affidavit the date and time of execution. The
1486 witnesses' names must be typed or printed underneath their
1487 signatures. The witnesses' home or business addresses ~~and social~~
1488 ~~security numbers, driver's license numbers, or state~~
1489 ~~identification card numbers~~ must be included. ~~The absence of a~~
1490 ~~social security number, driver's license number, or state~~
1491 ~~identification card number shall not invalidate the consent.~~ The
1492 person who signs the consent or the affidavit has the right to
1493 have at least one of the witnesses be an individual who does not
1494 have an employment, professional, or personal relationship with
1495 the adoption entity or the prospective adoptive parents. The



1496 adoption entity must give reasonable notice to the person
 1497 signing the consent or affidavit of the right to select a
 1498 witness of his or her own choosing. The person who signs the
 1499 consent or affidavit must acknowledge in writing on the consent
 1500 or affidavit that such notice was given and indicate the
 1501 witness, if any, who was selected by the person signing the
 1502 consent or affidavit. The adoption entity must include its name,
 1503 address, and telephone number on the consent to adoption or
 1504 affidavit of nonpaternity.

1505 (e) A consent to adoption being executed by the birth
 1506 parent must be contain, in at least 12-point ~~16-point~~ boldfaced
 1507 type, ~~an acknowledgment of the parent's rights~~ in substantially
 1508 the following form:

1509
 1510 CONSENT TO ADOPTION

1511
 1512 YOU HAVE THE RIGHT TO SELECT AT LEAST ONE PERSON WHO DOES NOT
 1513 HAVE AN EMPLOYMENT, PROFESSIONAL, OR PERSONAL RELATIONSHIP WITH
 1514 THE ADOPTION ENTITY OR THE PROSPECTIVE ADOPTIVE PARENTS TO BE
 1515 PRESENT WHEN THIS AFFIDAVIT IS EXECUTED AND TO SIGN IT AS A
 1516 WITNESS. YOU MUST ACKNOWLEDGE ON THIS FORM THAT YOU WERE
 1517 NOTIFIED OF THIS RIGHT AND YOU MUST INDICATE THE WITNESS OR
 1518 WITNESSES YOU SELECTED, IF ANY.

1519
 1520 YOU DO NOT HAVE TO SIGN THIS CONSENT FORM. YOU MAY DO ANY OF THE
 1521 FOLLOWING INSTEAD OF SIGNING THIS CONSENT OR BEFORE SIGNING THIS
 1522 CONSENT:

1523



1524 1. CONSULT WITH AN ATTORNEY;

1525 2. HOLD, CARE FOR, AND FEED THE CHILD UNLESS OTHERWISE

1526 LEGALLY PROHIBITED;

1527 3. PLACE THE CHILD IN FOSTER CARE OR WITH ANY FRIEND OR

1528 FAMILY MEMBER YOU CHOOSE WHO IS WILLING TO CARE FOR THE CHILD;

1529 4. TAKE THE CHILD HOME UNLESS OTHERWISE LEGALLY

1530 PROHIBITED; AND

1531 5. FIND OUT ABOUT THE COMMUNITY RESOURCES THAT ARE

1532 AVAILABLE TO YOU IF YOU DO NOT GO THROUGH WITH THE ADOPTION.

1533

1534 IF YOU DO SIGN THIS CONSENT, YOU ARE GIVING UP ALL RIGHTS TO

1535 YOUR CHILD. YOUR CONSENT IS VALID, AND BINDING, AND IRREVOCABLE

1536 EXCEPT UNDER SPECIFIC LEGAL CIRCUMSTANCES ~~UNLESS WITHDRAWN AS~~

1537 ~~PERMITTED BY LAW~~. IF YOU ARE GIVING UP YOUR RIGHTS TO A NEWBORN

1538 CHILD WHO IS TO BE IMMEDIATELY PLACED FOR ADOPTION WITH

1539 ~~IDENTIFIED PROSPECTIVE ADOPTIVE PARENTS~~ UPON THE CHILD'S RELEASE

1540 FROM A LICENSED HOSPITAL OR BIRTH CENTER FOLLOWING BIRTH, A

1541 WAITING PERIOD WILL BE IMPOSED UPON THE BIRTH MOTHER BEFORE SHE

1542 ~~YOU~~ MAY SIGN THE CONSENT FOR ADOPTION. A BIRTH MOTHER ~~YOU~~ MUST

1543 WAIT 48 HOURS FROM THE TIME OF BIRTH, OR UNTIL THE DAY THE BIRTH

1544 MOTHER HAS BEEN NOTIFIED IN WRITING, EITHER ON HER PATIENT CHART

1545 OR IN RELEASE PAPERS, THAT SHE IS FIT TO BE RELEASED FROM A

1546 LICENSED HOSPITAL OR BIRTH CENTER, WHICHEVER IS SOONER, BEFORE

1547 ~~YOU MAY SIGN~~ THE CONSENT FOR ADOPTION MAY BE EXECUTED. A

1548 BIOLOGICAL FATHER MAY EXECUTE A CONSENT AT ANY TIME AFTER THE

1549 BIRTH OF THE CHILD. ONCE YOU HAVE SIGNED THE CONSENT, IT IS

1550 VALID, AND BINDING, AND IRREVOCABLE AND CANNOT BE WITHDRAWN



1551 UNLESS A COURT FINDS THAT IT WAS OBTAINED BY FRAUD OR ~~UNDER~~
 1552 DURESS.
 1553
 1554 IF YOU BELIEVE THAT YOUR CONSENT WAS OBTAINED BY FRAUD OR DURESS
 1555 AND YOU WISH TO REVOKE THAT CONSENT ~~IF YOU ARE GIVING UP YOUR~~
 1556 ~~RIGHTS TO A CHILD WHO IS NOT PLACED FOR ADOPTION UPON THE~~
 1557 ~~CHILD'S RELEASE FROM A LICENSED HOSPITAL OR BIRTH CENTER~~
 1558 ~~FOLLOWING BIRTH, YOU MAY SIGN THE CONSENT AT ANY TIME AFTER THE~~
 1559 ~~BIRTH OF THE CHILD. WHILE THE CONSENT IS VALID AND BINDING WHEN~~
 1560 ~~SIGNED, YOU HAVE TIME TO CHANGE YOUR MIND. THIS TIME IS CALLED~~
 1561 ~~THE REVOCATION PERIOD. WHEN THE REVOCATION PERIOD APPLIES, YOU~~
 1562 ~~MAY WITHDRAW YOUR CONSENT FOR ANY REASON AT ANY TIME PRIOR TO~~
 1563 ~~THE PLACEMENT OF THE CHILD WITH THE PROSPECTIVE ADOPTIVE~~
 1564 ~~PARENTS, OR IF YOU DO IT WITHIN 3 BUSINESS DAYS AFTER THE DATE~~
 1565 ~~YOU SIGNED THE CONSENT OR 1 BUSINESS DAY AFTER THE DATE OF THE~~
 1566 ~~BIRTH MOTHER'S DISCHARGE FROM A LICENSED HOSPITAL OR BIRTH~~
 1567 ~~CENTER, WHICHEVER IS LATER.~~
 1568
 1569 ~~TO WITHDRAW YOUR CONSENT DURING THE REVOCATION PERIOD, YOU MUST:~~
 1570 1. NOTIFY THE ADOPTION ENTITY, BY WRITING A LETTER, THAT
 1571 YOU WISH TO WITHDRAW ~~ARE WITHDRAWING~~ YOUR CONSENT; AND-
 1572 2. PROVE IN COURT THAT THE CONSENT WAS OBTAINED BY FRAUD
 1573 OR DURESS. ~~MAIL THE LETTER AT A UNITED STATES POST OFFICE WITHIN~~
 1574 ~~3 BUSINESS DAYS AFTER THE DATE YOU SIGNED THE CONSENT OR 1~~
 1575 ~~BUSINESS DAY AFTER THE DATE OF THE BIRTH MOTHER'S DISCHARGE FROM~~
 1576 ~~A LICENSED HOSPITAL OR BIRTH CENTER, WHICHEVER IS LATER. THE~~
 1577 ~~TERM "BUSINESS DAY" MEANS ANY DAY ON WHICH THE UNITED STATES~~
 1578 ~~POSTAL SERVICE ACCEPTS CERTIFIED MAIL FOR DELIVERY.~~



1579 ~~3. SEND THE LETTER BY CERTIFIED UNITED STATES MAIL WITH~~
 1580 ~~RETURN RECEIPT REQUESTED.~~

1581 ~~4. PAY POSTAL COSTS AT THE TIME YOU MAIL THE LETTER.~~

1582 ~~5. KEEP THE CERTIFIED MAIL RECEIPT AS PROOF THAT CONSENT~~
 1583 ~~WAS WITHDRAWN IN A TIMELY MANNER.~~

1584
 1585 ~~TO WITHDRAW YOUR CONSENT PRIOR TO THE PLACEMENT OF THE CHILD~~
 1586 ~~WITH THE PROSPECTIVE ADOPTIVE PARENTS, YOU MUST NOTIFY THE~~
 1587 ~~ADOPTION ENTITY, IN WRITING BY CERTIFIED UNITED STATES MAIL,~~
 1588 ~~RETURN RECEIPT REQUESTED. THE ADOPTION ENTITY YOU SHOULD NOTIFY~~
 1589 ~~IS: . . . (name of adoption entity) . . . , . . . (address of~~
 1590 ~~adoption entity) . . . , . . . (phone number of adoption~~
 1591 ~~entity)~~

1592
 1593 ~~ONCE THE REVOCATION PERIOD IS OVER, OR THE CHILD HAS BEEN PLACED~~
 1594 ~~WITH THE PROSPECTIVE ADOPTIVE PARENTS, WHICHEVER OCCURS LATER,~~
 1595 ~~YOU MAY NOT WITHDRAW YOUR CONSENT UNLESS YOU CAN PROVE IN COURT~~
 1596 ~~THAT CONSENT WAS OBTAINED BY FRAUD OR UNDER DURESS.~~

1597
 1598 This statement of rights is not required for the adoption of a
 1599 relative, an adult, a stepchild, or a child older than 6 months
 1600 of age. A consent form for the adoption of a child older than 6
 1601 months of age at the time of execution of consent must contain a
 1602 statement outlining the revocation rights provided in paragraph
 1603 (c).

1604 ~~(5) Before any consent to adoption or affidavit of~~
 1605 ~~nonpaternity is executed by a parent, but after the birth of the~~



1606 ~~minor, all requirements of disclosure under s. 63.085 must be~~
1607 ~~met.~~

1608 (5)~~(6)~~ A copy or duplicate original of each consent signed
1609 in an action for termination of parental rights pending adoption
1610 must be provided to the person who executed the consent to
1611 adoption. The copy must be hand delivered, with a written
1612 acknowledgment of receipt signed by the person whose consent is
1613 required at the time of execution, ~~or mailed by first class~~
1614 ~~United States mail to the address of record in the court file.~~
1615 If a copy of a consent cannot be provided as required in this
1616 subsection, the adoption entity must execute an affidavit
1617 stating why the copy of the consent was not delivered ~~is~~
1618 ~~undeliverable~~. The original consent and acknowledgment of
1619 receipt, ~~an acknowledgment of mailing by the adoption entity, or~~
1620 an affidavit stating why the copy of the consent was not
1621 delivered, is undeliverable must be filed with the petition for
1622 termination of parental rights pending adoption.

1623 (6)(a) If a birth parent executes a consent for placement
1624 of a minor with an adoption entity or qualified prospective
1625 adoptive parents and the minor child is in the custody of the
1626 department, but parental rights have not yet been terminated,
1627 the adoption consent shall be valid, binding, and enforceable by
1628 the court.

1629 (b) Upon execution of the consent of the birth parent, the
1630 adoption entity shall be permitted to intervene in the
1631 dependency case as a party in interest and shall provide the
1632 court having jurisdiction over the minor pursuant to the shelter
1633 or dependency petition filed by the department with a copy of



1634 the preliminary home study of the prospective adoptive parents
1635 and any other evidence of the suitability of the placement. The
1636 preliminary home study shall be maintained with strictest
1637 confidentiality within the dependency court file and the
1638 department's file. A preliminary home study must be provided to
1639 the court in all cases in which an adoption entity has
1640 intervened pursuant to this section.

1641 (c) Upon a determination by the court that the prospective
1642 adoptive parents are properly qualified to adopt the minor child
1643 and that the adoption appears to be in the best interest of the
1644 minor child, the court shall immediately order the transfer of
1645 custody of the minor child to the prospective adoptive parents,
1646 under the supervision of the adoption entity. The adoption
1647 entity shall thereafter provide monthly supervision reports to
1648 the department until finalization of the adoption.

1649 (d) In determining whether the best interest of the child
1650 will be served by transferring the custody of the minor child to
1651 the prospective adoptive parent selected by the birth parent,
1652 the court shall give consideration to the rights of the birth
1653 parent to determine an appropriate placement for the child, the
1654 permanency offered, the child's bonding with any potential
1655 adoptive home that the child has been residing in, and the
1656 importance of maintaining sibling relationships, if possible.

1657 (7)(a) A consent that is being withdrawn under paragraph
1658 (4)(c) may be withdrawn at any time prior to the minor's
1659 placement with the prospective adoptive parents or by notifying
1660 the adoption entity in writing by certified United States mail,
1661 return receipt requested, not later than 3 business days after



1662 execution of the consent ~~or 1 business day after the date of the~~
1663 ~~birth mother's discharge from a licensed hospital or birth~~
1664 ~~center, whichever occurs later~~. As used in this subsection, the
1665 term "business day" means any day on which the United States
1666 Postal Service accepts certified mail for delivery.

1667 (b) Upon receiving written notice from a person of that
1668 person's desire to withdraw consent to adoption, the adoption
1669 entity must contact the prospective adoptive parent to arrange a
1670 time certain for the adoption entity to regain physical custody
1671 of the minor, unless, upon a motion for emergency hearing by the
1672 adoption entity, the court determines in written findings that
1673 placement of the minor with the person withdrawing consent may
1674 endanger the minor, or the person who desires to withdraw
1675 consent to the adoption would not be required to consent to the
1676 adoption or has been determined to have abandoned the child.

1677 (c) If the court finds that such placement may endanger
1678 the minor, the court must enter an order regarding continued
1679 placement of the minor. The order shall include, but not be
1680 limited to, whether temporary placement in foster care is
1681 appropriate, whether an investigation by the department is
1682 recommended, and whether a relative ~~within the third degree~~ is
1683 available for the temporary placement.

1684 (d) If the person withdrawing consent claims to be the
1685 father of the minor but has not been established to be the
1686 father by marriage, court order, or scientific testing, the
1687 court may order scientific paternity testing and reserve ruling
1688 on removal of the minor until the results of such testing have
1689 been filed with the court.



1690 (e) The adoption entity must return the minor within 3
1691 business days after timely and proper notification of the
1692 withdrawal of consent or after the court determines that
1693 withdrawal is valid and binding upon consideration of an
1694 emergency motion, as filed pursuant to paragraph (b), to the
1695 physical custody of the person withdrawing consent or the person
1696 directed by the court. If the person seeking to validly withdraw
1697 consent claims to be the father of the minor but has not been
1698 established to be the father by marriage, court order, or
1699 scientific testing, the adoption entity may return the minor to
1700 the care and custody of the mother, if she desires such
1701 placement, and the mother is not otherwise prohibited by law
1702 from having custody of the child.

1703 (f) Following the revocation period for withdrawal of
1704 consent described in paragraph (a), or the placement of the
1705 child with the prospective adoptive parents, whichever occurs
1706 later, consent may be withdrawn only when the court finds that
1707 the consent was obtained by fraud or ~~under~~ duress.

1708 (g) An affidavit of nonpaternity may be withdrawn only if
1709 the court finds that the affidavit was obtained by fraud or
1710 ~~under~~ duress.

1711 Section 16. Section 63.085, Florida Statutes, is amended
1712 to read:

1713 63.085 Disclosure by adoption entity.--

1714 (1) DISCLOSURE REQUIRED TO PARENTS AND PROSPECTIVE
1715 ADOPTIVE PARENTS.--Not later than 14 7 days after a person
1716 seeking to adopt a minor or a person seeking to place a minor
1717 for adoption contacts an adoption entity in person or provides



1718 the adoption entity with a mailing address, the entity must
 1719 provide a written disclosure statement to that person if the
 1720 entity agrees or continues to work with such person. If an
 1721 adoption entity is assisting in the effort to terminate the
 1722 parental rights of a parent who did not initiate the contact
 1723 with the adoption entity, the written disclosure must be
 1724 provided within 14 7 days after that parent is identified and
 1725 located. For purposes of providing the written disclosure, a
 1726 person is considered to be seeking to place a minor for adoption
 1727 when that person has sought information or advice from the
 1728 adoption entity regarding the option of adoptive placement. The
 1729 written disclosure statement must be in substantially the
 1730 following form:

1731
 1732 ADOPTION DISCLOSURE

1733
 1734 THE STATE OF FLORIDA REQUIRES THAT THIS FORM BE PROVIDED TO ALL
 1735 PERSONS CONSIDERING ADOPTING A MINOR OR SEEKING TO PLACE A MINOR
 1736 FOR ADOPTION, TO ADVISE THEM OF THE FOLLOWING FACTS REGARDING
 1737 ADOPTION UNDER FLORIDA LAW:

1738
 1739 1. The name, address, and telephone number of the
 1740 adoption entity providing this disclosure is:

1741 Name: _____

1742 Address: _____

1743 Telephone Number: _____

1744 2. The adoption entity does not provide legal
 1745 representation or advice to birth parents, and birth parents



1746 have the right to consult with an attorney of their own choosing
1747 to advise them.

1748 3. With the exception of an adoption by a stepparent or
1749 relative, a child cannot be placed into a prospective adoptive
1750 home unless the prospective adoptive parents have received a
1751 favorable preliminary home study, including criminal and child
1752 abuse clearances.

1753 4. A valid consent for adoption may not be signed by the
1754 birth mother until 48 hours after the birth of the child, or the
1755 day the birth mother is notified, in writing, that she is fit
1756 for discharge from the licensed hospital or birth center. A
1757 putative father may sign a valid consent for adoption at any
1758 time after the birth of the child.

1759 5. A consent for adoption signed before the child attains
1760 the age of 6 months is binding and irrevocable from the moment
1761 it is signed unless it can be proven in court that the consent
1762 was obtained by fraud or duress. A consent for adoption signed
1763 after the child attains the age of 6 months is valid from the
1764 moment it is signed; however, it may be revoked until the child
1765 is placed in an adoptive home, or up to 3 days after it was
1766 signed, whichever period is longer.

1767 6. A consent for adoption is not valid if the signature
1768 of the person who signed the consent was obtained by fraud or
1769 duress.

1770 7. There are alternatives to adoption, including foster
1771 care, relative care, and parenting the child. There may be
1772 services and sources of financial assistance in the community
1773 available to birth parents if they choose to parent the child.



1774 8. A birth parent has the right to have a witness of his
1775 or her choice, who is unconnected with the adoption entity or
1776 the adoptive parents, to be present and witness the signing of
1777 the consent or affidavit of nonpaternity.

1778 9. A birth parent 14 years of age or younger must have a
1779 parent, legal guardian, or court-appointed guardian ad litem to
1780 assist and advise the birth parent as to the adoption plan.

1781 10. A birth parent has a right to receive supportive
1782 counseling from a counselor, social worker, physician, clergy,
1783 or attorney, and such counseling would be beneficial to the
1784 birth parent.

1785 11. The payment of living or medical expenses by the
1786 prospective adoptive parents prior to the birth of the child
1787 does not, in any way, obligate the birth parent to sign the
1788 consent for adoption.

1789 ~~1. Under section 63.102, Florida Statutes, the existence~~
1790 ~~of a placement or adoption contract signed by the parent or~~
1791 ~~prospective adoptive parent, prior approval of that contract by~~
1792 ~~the court, or payment of any expenses permitted under Florida~~
1793 ~~law does not obligate anyone to sign a consent or ultimately~~
1794 ~~place a minor for adoption.~~

1795 ~~2. Under sections 63.092 and 63.125, Florida Statutes, a~~
1796 ~~favorable preliminary home study, before the minor may be placed~~
1797 ~~in that home, and a final home investigation, before the~~
1798 ~~adoption becomes final, must be completed.~~

1799 ~~3. Under section 63.082, Florida Statutes, a consent to~~
1800 ~~adoption or affidavit of nonpaternity may not be signed until~~
1801 ~~after the birth of the minor.~~



1802 4. ~~Under section 63.082, Florida Statutes, if the minor~~
1803 ~~is to be placed for adoption with identified prospective~~
1804 ~~adoptive parents upon release from a licensed hospital or birth~~
1805 ~~center following birth, the consent to adoption may not be~~
1806 ~~signed until 48 hours after birth or until the day the birth~~
1807 ~~mother has been notified in writing, either on her patient chart~~
1808 ~~or in release papers, that she is fit to be released from the~~
1809 ~~licensed hospital or birth center, whichever is sooner. The~~
1810 ~~consent to adoption or affidavit of nonpaternity is valid and~~
1811 ~~binding upon execution unless the court finds it was obtained by~~
1812 ~~fraud or under duress.~~

1813 5. ~~Under section 63.082, Florida Statutes, if the minor~~
1814 ~~is not placed for adoption with the prospective adoptive parent~~
1815 ~~upon release from the hospital or birth center following birth,~~
1816 ~~a 3-day revocation period applies during which consent may be~~
1817 ~~withdrawn for any reason by notifying the adoption entity in~~
1818 ~~writing. In order to withdraw consent, the written withdrawal of~~
1819 ~~consent must be mailed at a United States Post Office no later~~
1820 ~~than 3 business days after execution of the consent or 1~~
1821 ~~business day after the date of the birth mother's discharge from~~
1822 ~~a licensed hospital or birth center, whichever occurs later. For~~
1823 ~~purposes of mailing the withdrawal of consent, the term~~
1824 ~~"business day" means any day on which the United States Postal~~
1825 ~~Service accepts certified mail for delivery. The letter must be~~
1826 ~~sent by certified United States mail, return receipt requested.~~
1827 ~~Postal costs must be paid at the time of mailing and the receipt~~
1828 ~~should be retained as proof that consent was withdrawn in a~~
1829 ~~timely manner.~~



1830 6. ~~Under section 63.082, Florida Statutes, and~~
1831 ~~notwithstanding the revocation period, the consent may be~~
1832 ~~withdrawn at any time prior to the placement of the child with~~
1833 ~~the prospective adoptive parent, by notifying the adoption~~
1834 ~~entity in writing by certified United States mail, return~~
1835 ~~receipt requested.~~

1836 7. ~~Under section 63.082, Florida Statutes, if an adoption~~
1837 ~~entity timely receives written notice from a person of that~~
1838 ~~person's desire to withdraw consent, the adoption entity must~~
1839 ~~contact the prospective adoptive parent to arrange a time~~
1840 ~~certain to regain physical custody of the child. Absent a court~~
1841 ~~order for continued placement of the child entered under section~~
1842 ~~63.082, Florida Statutes, the adoption entity must return the~~
1843 ~~minor within 3 days after notification of the withdrawal of~~
1844 ~~consent to the physical custody of the person withdrawing~~
1845 ~~consent. After the revocation period for withdrawal of consent~~
1846 ~~ends, or after the placement of the child with the prospective~~
1847 ~~adoptive parent, whichever occurs later, the consent may be~~
1848 ~~withdrawn only if the court finds that the consent was obtained~~
1849 ~~by fraud or under duress.~~

1850 8. ~~Under section 63.082, Florida Statutes, an affidavit~~
1851 ~~of nonpaternity, once executed, may be withdrawn only if the~~
1852 ~~court finds that it was obtained by fraud or under duress.~~

1853 9. ~~Under section 63.082, Florida Statutes, a person who~~
1854 ~~signs a consent to adoption or an affidavit of nonpaternity must~~
1855 ~~be given reasonable notice of his or her right to select a~~
1856 ~~person who does not have an employment, professional, or~~
1857 ~~personal relationship with the adoption entity or the~~



1858 ~~prospective adoptive parents to be present when the consent or~~
1859 ~~affidavit is executed and to sign the consent or affidavit as a~~
1860 ~~witness.~~

1861 ~~10. Under section 63.088, Florida Statutes, specific and~~
1862 ~~extensive efforts are required by law to attempt to obtain the~~
1863 ~~consents required under section 63.062, Florida Statutes. If~~
1864 ~~these efforts are unsuccessful, the court may not enter a~~
1865 ~~judgment terminating parental rights pending adoption until~~
1866 ~~certain requirements have been met.~~

1867 ~~11. Under Florida law, an intermediary may represent the~~
1868 ~~legal interests of only the prospective adoptive parents. Each~~
1869 ~~person whose consent to an adoption is required under section~~
1870 ~~63.062, Florida Statutes, is entitled to seek independent legal~~
1871 ~~advice and representation before signing any document or~~
1872 ~~surrendering parental rights.~~

1873 ~~12. Under section 63.182, Florida Statutes, an action or~~
1874 ~~proceeding of any kind to vacate, set aside, or otherwise~~
1875 ~~nullify a judgment of adoption or an underlying judgment~~
1876 ~~terminating parental rights pending adoption, on any ground,~~
1877 ~~including duress but excluding fraud, must be filed within 1~~
1878 ~~year after entry of the judgment terminating parental rights~~
1879 ~~pending adoption. Such an action or proceeding for fraud must be~~
1880 ~~filed within 2 years after entry of the judgment terminating~~
1881 ~~parental rights.~~

1882 ~~13. Under section 63.089, Florida Statutes, a judgment~~
1883 ~~terminating parental rights pending adoption is voidable and any~~
1884 ~~later judgment of adoption of that minor is voidable if, upon~~
1885 ~~the motion of a parent, the court finds that any person~~



1886 ~~knowingly gave false information that prevented the parent from~~
1887 ~~timely making known his or her desire to assume parental~~
1888 ~~responsibilities toward the minor or to exercise his or her~~
1889 ~~parental rights. The motion must be filed with the court that~~
1890 ~~originally entered the judgment. The motion must be filed within~~
1891 ~~a reasonable time, but not later than 2 years after the date the~~
1892 ~~judgment to which the motion is directed was entered.~~

1893 ~~14. Under section 63.165, Florida Statutes, the State of~~
1894 ~~Florida maintains a registry of adoption information.~~
1895 ~~Information about the registry is available from the Department~~
1896 ~~of Children and Family Services.~~

1897 ~~15. Under section 63.032, Florida Statutes, a court may~~
1898 ~~find that a parent has abandoned his or her child based on~~
1899 ~~conduct during the pregnancy or based on conduct after the child~~
1900 ~~is born. In addition, under section 63.089, Florida Statutes,~~
1901 ~~the failure of a parent to respond to notices of proceedings~~
1902 ~~involving his or her child shall result in termination of~~
1903 ~~parental rights of a parent. A lawyer can explain what a parent~~
1904 ~~must do to protect his or her parental rights. Any parent~~
1905 ~~wishing to protect his or her parental rights should act~~
1906 ~~IMMEDIATELY.~~

1907 ~~16. Each parent and prospective adoptive parent is~~
1908 ~~entitled to independent legal advice and representation.~~
1909 ~~Attorney information may be obtained from the yellow pages, The~~
1910 ~~Florida Bar's lawyer referral service, and local legal aid~~
1911 ~~offices and bar associations.~~



1912 ~~17. Counseling services may be helpful while making a~~
1913 ~~parenting decision. Consult the yellow pages of the telephone~~
1914 ~~directory.~~

1915 ~~18. Medical and social services support is available if~~
1916 ~~the parent wishes to retain parental rights and~~
1917 ~~responsibilities. Consult the Department of Children and Family~~
1918 ~~Services.~~

1919 ~~19. Under section 63.039, Florida Statutes, an adoption~~
1920 ~~entity has certain legal responsibilities and may be liable for~~
1921 ~~damages to persons whose consent to an adoption is required or~~
1922 ~~to prospective adoptive parents for failing to materially meet~~
1923 ~~those responsibilities. Damages may also be recovered from an~~
1924 ~~adoption entity if a consent to adoption or affidavit of~~
1925 ~~nonpaternity is obtained by fraud or under duress attributable~~
1926 ~~to an adoption entity.~~

1927 ~~20. Under section 63.097, Florida Statutes, reasonable~~
1928 ~~living expenses of the birth mother may be paid by the~~
1929 ~~prospective adoptive parents and the adoption entity only if the~~
1930 ~~birth mother is unable to pay due to unemployment,~~
1931 ~~underemployment, or disability. The law also allows payment of~~
1932 ~~reasonable and necessary medical expenses, expenses necessary to~~
1933 ~~comply with the requirements of chapter 63, Florida Statutes,~~
1934 ~~court filing expenses, and costs associated with advertising.~~
1935 ~~Certain documented legal, counseling, and other professional~~
1936 ~~fees may be paid. Prior approval of the court is not required~~
1937 ~~until the cumulative total of amounts permitted exceeds \$2,500~~
1938 ~~in legal or other fees, \$500 in court costs, \$3,000 in expenses,~~
1939 ~~or \$1,500 in cumulative expenses incurred prior to the date the~~



1940 ~~prospective adoptive parent retains the adoption entity. The~~
1941 ~~following fees, costs, and expenses are prohibited:~~

1942 ~~a. Any fee or expense that constitutes payment for~~
1943 ~~locating a minor for adoption.~~

1944 ~~b. Any lump-sum payment to the entity which is~~
1945 ~~nonrefundable directly to the payor or which is not itemized on~~
1946 ~~the affidavit.~~

1947 ~~c. Any fee on the affidavit which does not specify the~~
1948 ~~service that was provided and for which the fee is being~~
1949 ~~charged, such as a fee for facilitation or acquisition.~~

1950

1951 ~~The court may reduce amounts charged or refund amounts that have~~
1952 ~~been paid if it finds that these amounts were more than what was~~
1953 ~~reasonable or allowed under the law.~~

1954 ~~21. Under section 63.132, Florida Statutes, the adoption~~
1955 ~~entity and the prospective adoptive parents must sign and file~~
1956 ~~with the court a written statement under oath listing all the~~
1957 ~~fees, expenses, and costs made, or agreed to be made, by or on~~
1958 ~~behalf of the prospective adoptive parents and any adoption~~
1959 ~~entity in connection with the adoption. The affidavit must state~~
1960 ~~whether any of the expenses were eligible to be paid for by any~~
1961 ~~other source.~~

1962 ~~22. Under section 63.132, Florida Statutes, the court~~
1963 ~~order approving the money spent on the adoption must be separate~~
1964 ~~from the judgment making the adoption final. The court may~~
1965 ~~approve only certain costs and expenses allowed under section~~
1966 ~~63.097, Florida Statutes. The court may approve only fees that~~
1967 ~~are allowed under law and that it finds to be "reasonable." A~~



1968 | ~~good idea of what is and is not allowed to be paid for in an~~
 1969 | ~~adoption can be determined by reading sections 63.097 and~~
 1970 | ~~63.132, Florida Statutes.~~

1971 |
 1972 | (2) ACKNOWLEDGMENT OF DISCLOSURE.--The adoption entity
 1973 | must obtain a written statement acknowledging receipt of the
 1974 | disclosure required under subsection (1) and signed by the
 1975 | persons receiving the disclosure or, if it is not possible to
 1976 | obtain such an acknowledgment, the adoption entity must execute
 1977 | an affidavit stating why an acknowledgment could not be
 1978 | obtained. If the disclosure was delivered by certified United
 1979 | States mail, return receipt requested, a return receipt signed
 1980 | by the person from whom acknowledgment is required is sufficient
 1981 | to meet the requirements of this subsection. A copy of the
 1982 | acknowledgment of receipt of the disclosure must be provided to
 1983 | the person signing it. A copy of the acknowledgment or
 1984 | affidavit executed by the adoption entity in lieu of the
 1985 | acknowledgment must be maintained in the file of the adoption
 1986 | entity. The original acknowledgment or affidavit must be filed
 1987 | with the court. ~~In the case of a disclosure provided under~~
 1988 | ~~subsection(1), the original acknowledgment or affidavit must be~~
 1989 | ~~included in the preliminary home study required in s. 63.092.~~

1990 | ~~(3) POSTBIRTH DISCLOSURE TO PARENTS.-- Before execution of~~
 1991 | ~~any consent to adoption by a parent, but after the birth of the~~
 1992 | ~~minor, all requirements of subsections (1) and (2) for making~~
 1993 | ~~certain disclosures to a parent and obtaining a written~~
 1994 | ~~acknowledgment of receipt must be repeated.~~



1995 (3)~~(4)~~ REVOCATION OF CONSENT.--Failure to meet the
 1996 requirements of subsection (1) or subsection (2) ~~subsections~~
 1997 ~~(1)-(3)~~ does not constitute grounds for revocation of a consent
 1998 to adoption or withdrawal of an affidavit of nonpaternity unless
 1999 the extent and circumstances of such a failure result in a
 2000 material failure of fundamental fairness in the administration
 2001 of due process, or the failure constitutes or contributes
 2002 materially to fraud or duress in obtaining a consent to adoption
 2003 or affidavit of nonpaternity.

2004 Section 17. Section 63.087, Florida Statutes, is amended
 2005 to read:

2006 63.087 Proceeding to terminate parental rights pending
 2007 adoption; general provisions.--

2008 ~~(1) INTENT.--It is the intent of the Legislature that a
 2009 court determine whether a minor is legally available for
 2010 adoption through a separate proceeding terminating parental
 2011 rights prior to the filing of a petition for adoption.~~

2012 ~~(2) GOVERNING RULES.--The Florida Family Law Rules of
 2013 Procedure govern a proceeding to terminate parental rights
 2014 pending adoption unless otherwise provided by law.~~

2015 (1)~~(3)~~ JURISDICTION.--A court of this state which is
 2016 competent to decide child welfare or custody matters has
 2017 jurisdiction to hear all matters arising from a proceeding to
 2018 terminate parental rights pending adoption. ~~All subsequent
 2019 proceedings for the adoption of the minor, if the petition for
 2020 termination is granted, must be conducted by the same judge who
 2021 conducted the termination proceedings, if that judge is still
 2022 available within the division of the court which conducts~~



2023 ~~termination or adoption cases or, if that judge is unavailable,~~
 2024 ~~by another judge within the division.~~

2025 (2)~~(4)~~ VENUE.--

2026 (a) A petition to terminate parental rights pending
 2027 adoption must be filed:

2028 1. In the county where the child resides ~~resided for the~~
 2029 ~~previous 6 months;~~

2030 2. If the child does not reside in the State of Florida,
 2031 in the county where the adoption entity is located ~~is younger~~
 2032 ~~than 6 months of age or has not continuously resided in one~~
 2033 ~~county for the previous 6 months, in the county where the parent~~
 2034 ~~resided at the time of the execution of the consent to adoption~~
 2035 ~~or the affidavit of nonpaternity;~~

2036 3. ~~If the child is younger than 6 months of age and a~~
 2037 ~~waiver of venue has been obtained pursuant to s. 63.062~~ In the
 2038 county where the adoption entity is located ~~or, if the adoption~~
 2039 ~~entity has more than one place of business, in the county which~~
 2040 ~~is located in closest proximity to the county in which the~~
 2041 ~~parent whose rights are to be terminated resided at the time of~~
 2042 ~~execution of the consent or affidavit of nonpaternity;~~

2043 4. ~~If there is no consent or affidavit of nonpaternity~~
 2044 ~~executed by a parent, in the county where the birth mother~~
 2045 ~~resides; or~~

2046 4.5. If neither parent resides in the state, in the county
 2047 where the adoption entity is located. The fact of the minor's
 2048 presence within the state confers jurisdiction on the court in
 2049 proceedings in the minor's case under this chapter, or to a
 2050 parent or guardian if due notice has been given.



2051 (b) If a petition for termination of parental rights has
2052 been filed and a parent whose rights are to be terminated
2053 objects to venue, there must be a hearing in which the court
2054 shall determine whether that parent intends to assert legally
2055 recognized grounds to contest a termination of parental rights
2056 and, if so, the court shall immediately transfer venue to the
2057 county where that parent resides or resided at the time of the
2058 execution of the consent, ~~if there is such a county, or, if not,~~
2059 ~~a county where:~~

2060 1. ~~At least one parent whose rights are to be terminated~~
2061 ~~resides;~~

2062 2. ~~At least one parent resided at the time of execution of~~
2063 ~~a consent or affidavit of nonpaternity; or~~

2064 3. ~~The adoption entity is located, if neither subparagraph~~
2065 ~~1. nor subparagraph 2. applies.~~

2066
2067 For purposes of selecting venue, the court shall consider the
2068 ease of access to the court for the parent who intends to
2069 contest a termination of parental rights.

2070 (c) If there is a transfer of venue, the court may
2071 determine which party shall ~~the adoption entity or the~~
2072 ~~petitioner must~~ bear the cost of venue transfer.

2073
2074 For purposes of the hearing under this subsection, witnesses
2075 located in another jurisdiction may testify by deposition or
2076 testify by telephone, audiovisual means, or other electronic
2077 means before a designated court or at another location.
2078 Documentary evidence transmitted from another location by



2079 technological means that do not produce an original writing may
2080 not be excluded from evidence on an objection based on the means
2081 of transmission. The court on its own motion may otherwise
2082 prescribe the manner in which and the terms upon which the
2083 testimony is taken.

2084 ~~(3)(5)~~ PREREQUISITE FOR ADOPTION.--A petition for adoption
2085 may not be filed until ~~30 days~~ after the date the court enters
2086 ~~judge signed~~ the judgment terminating parental rights pending
2087 adoption under this chapter or, unless the adoptee is an adult
2088 ~~or the minor has been the subject of a judgment terminating~~
2089 ~~parental rights~~ under chapter 39. Adoptions of relatives, adult
2090 adoptions, or adoptions of stepchildren shall not be required to
2091 file a separate termination of parental rights proceeding
2092 pending adoption. In such cases, all required consents,
2093 affidavits, notices, and acknowledgements shall be attached to
2094 the petition for adoption or filed separately in the adoption
2095 proceeding.

2096 ~~(4)(6)~~ PETITION.--

2097 (a) A proceeding seeking to terminate parental rights
2098 pending adoption pursuant to this chapter must be initiated by
2099 the filing of an original petition after the birth of the minor.

2100 (b) The petition may be filed by a parent or person having
2101 physical legal custody of the minor. The petition may be filed
2102 by an adoption entity only if a parent or person having physical
2103 or legal custody who has executed a consent to adoption pursuant
2104 to s. 63.082 also consents in writing to the adoption entity
2105 filing the petition. The original of such consent must be filed
2106 with the petition.



2107 (c) The petition must be entitled: "In the Matter of the
2108 Termination of Parental Rights for the Proposed Adoption of a
2109 Minor Child."

2110 ~~(d) A petition to terminate parental rights must be~~
2111 ~~consolidated with a previously filed petition for a declaratory~~
2112 ~~statement filed under s. 63.102. Only one filing fee may be~~
2113 ~~assessed for both the termination of parental rights and~~
2114 ~~declaratory statement petitions.~~

2115 (d)~~(e)~~ The petition to terminate parental rights pending
2116 adoption must be in writing and signed by the petitioner under
2117 oath stating the petitioner's good faith in filing the petition.
2118 A written consent to adoption, affidavit of nonpaternity, or
2119 affidavit of diligent search under s. 63.088, for each person
2120 whose consent to adoption is required under s. 63.062, must be
2121 executed and attached.

2122 (e)~~(f)~~ The petition must include:

2123 1. The minor's name, gender, date of birth, and place of
2124 birth. The petition must contain all names by which the minor is
2125 or has been known, excluding the minor's prospective adoptive
2126 name but including the minor's legal name at the time of the
2127 filing of the petition, ~~to allow interested parties to the~~
2128 ~~action, including parents, persons having legal custody of the~~
2129 ~~minor, persons with custodial or visitation rights to the minor,~~
2130 ~~and persons entitled to notice pursuant to the Uniform Child~~
2131 ~~Custody Jurisdiction Act or the Indian Child Welfare Act, to~~
2132 ~~identify their own interest in the action. In the case of an~~
2133 ~~infant child whose adoptive name appears on the original birth~~
2134 ~~certificate, the adoptive name shall not be included in the~~



2135 petition, nor shall it be included elsewhere in the termination
2136 of parental rights proceeding.

2137 ~~2. If the petition is filed before the day the minor is 6~~
2138 ~~months old and if the identity or location of the father is~~
2139 ~~unknown, each city in which the mother resided or traveled, in~~
2140 ~~which conception may have occurred, during the 12 months before~~
2141 ~~the minor's birth, including the county and state in which that~~
2142 ~~city is located.~~

2143 ~~3. Unless a consent to adoption or affidavit of~~
2144 ~~nonpaternity executed by each person whose consent is required~~
2145 ~~under s. 63.062 is attached to the petition, the name and the~~
2146 ~~city of residence, including the county and state in which that~~
2147 ~~city is located, of:~~

2148 ~~a. The minor's mother;~~

2149 ~~b. Any man who the mother reasonably believes may be the~~
2150 ~~minor's father; and~~

2151 ~~c. Any person who has legal custody, as defined in s.~~
2152 ~~39.01, of the minor.~~

2153
2154 ~~If a required name or address is not known, the petition must so~~
2155 ~~state.~~

2156 ~~2.4.~~ All information required by the Uniform Child Custody
2157 Jurisdiction Act and the Indian Child Welfare Act.

2158 ~~3.5.~~ A statement of the grounds under s. 63.089 upon which
2159 the petition is based.

2160 ~~4.6.~~ The name, address, and telephone number of any
2161 adoption entity seeking to place the minor for adoption.



2162 ~~5.7.~~ The name, address, and telephone number of the
2163 division of the circuit court in which the petition is to be
2164 filed.

2165 ~~6.8.~~ A certification of compliance with the requirements
2166 of s. 63.0425 regarding notice to grandparents of an impending
2167 adoption.

2168 (5) SUMMONS TO BE ISSUED.--The petitioner shall cause a
2169 summons to be issued substantially in the form provided in Form
2170 1.902, Florida Rules of Civil Procedure. Petition and summons
2171 shall be served upon any person whose consent has been provided
2172 but who has not waived service of the pleadings and notice of
2173 the hearing thereon and also upon any person whose consent is
2174 required but who has not provided that consent.

2175 ~~(6)(7)~~ ANSWER NOT REQUIRED.--An answer to the petition or
2176 any pleading requiring an answer shall need not be filed in
2177 accordance with the Florida Rules of Civil Procedure ~~by any~~
2178 ~~minor, parent, or person having legal custody of the minor, but~~
2179 ~~any matter that might be set forth in an answer or other~~
2180 ~~pleading may be pleaded orally before the court or filed in~~
2181 ~~writing. However,~~ Failure to file a written response or to
2182 appear at the hearing on the petition constitutes grounds upon
2183 which the court may terminate parental rights. The petitioner
2184 shall provide notice of the final hearing by United States mail
2185 to any person who has been served with the summons and petition
2186 for termination of parental rights within the specified time
2187 periods. Notwithstanding the filing of any answer or any
2188 pleading, any person present at the hearing to terminate



2189 parental rights pending adoption whose consent to adoption is
 2190 required under s. 63.062 must:

2191 (a) Be advised by the court that he or she has a right to
 2192 ask that the hearing be reset for a later date so that the
 2193 person may consult with an attorney; and

2194 (b) Be given an opportunity to deny the allegations in the
 2195 petition; ~~and~~

2196 ~~(c) Be given the opportunity to challenge the validity of~~
 2197 ~~any consent or affidavit of nonpaternity signed by any person.~~

2198 Section 18. Section 63.088, Florida Statutes, is amended
 2199 to read:

2200 63.088 Proceeding to terminate parental rights pending
 2201 adoption; notice and service; diligent search.--

2202 (1) NOTICE REQUIRED.--An unmarried biological father, by
 2203 virtue of the fact that he has engaged in a sexual relationship
 2204 with a woman, is deemed to be on notice that a pregnancy and an
 2205 adoption proceeding regarding that child may occur and that he
 2206 has a duty to protect his own rights and interest. He is,
 2207 therefore, entitled to notice of a birth or adoption proceeding
 2208 with regard to that child only as provided in this chapter.

2209 (2)(1) INITIATE LOCATION AND IDENTIFICATION
 2210 PROCEDURES.--When the location or identity of a person whose
 2211 consent to an adoption is required but is not known, the
 2212 adoption entity must begin the inquiry and diligent search
 2213 process required by this section within a reasonable time period
 2214 not later than 7 days after the date on which the person seeking
 2215 to place a minor for adoption has evidenced in writing to the
 2216 adoption entity a desire to place the minor for adoption with



2217 that entity, or not later than 30 7 days after the date any
 2218 money is provided as permitted under this chapter by the
 2219 adoption entity for the benefit of the person seeking to place a
 2220 minor for adoption.

2221 (3)~~(2)~~ LOCATION AND IDENTITY KNOWN.--Before the court may
 2222 determine that a minor is available for adoption, and in
 2223 addition to the other requirements set forth in this chapter,
 2224 each person whose consent is required under s. 63.062, who has
 2225 not executed an affidavit of nonpaternity, and whose location
 2226 and identity have been determined by compliance with the
 2227 procedures in this section must be personally served, pursuant
 2228 to chapter 48, at least 20 ~~30~~ days before the hearing with a
 2229 copy of the petition to terminate parental rights pending
 2230 adoption and with notice in substantially the following form:

2231
 2232 NOTICE OF PETITION AND HEARING
 2233 TO TERMINATE PARENTAL RIGHTS
 2234 PENDING ADOPTION
 2235

2236 A petition to terminate parental rights pending adoption has
 2237 been filed. A copy of the petition is being served with this
 2238 notice. There will be a hearing on the petition to terminate
 2239 parental rights pending adoption on . . . (date) . . . at .
 2240 . . (time) . . . before . . . (judge) . . . at . . .
 2241 (location, including complete name and street address of the
 2242 courthouse) The court has set aside . . . (amount of
 2243 time) . . . for this hearing. ~~If you executed a consent to~~
 2244 ~~adoption or an affidavit of nonpaternity and a waiver of venue,~~



2245 ~~you have the right to request that the hearing on the petition~~
2246 ~~to terminate parental rights be transferred to the county in~~
2247 ~~which you reside. You may object by appearing at the hearing or~~
2248 ~~filing a written objection with the court.~~

2249

2250 UNDER SECTION 63.089, FLORIDA STATUTES, FAILURE TO FILE A
2251 WRITTEN RESPONSE TO THIS NOTICE WITH THE COURT OR TO APPEAR AT
2252 THIS HEARING CONSTITUTES GROUNDS UPON WHICH THE COURT SHALL END
2253 ANY PARENTAL RIGHTS YOU MAY HAVE REGARDING THE MINOR CHILD.

2254

2255 (4)~~(3)~~ REQUIRED INQUIRY.--In proceedings initiated under
2256 s. 63.087, the court must conduct an inquiry of the person who
2257 is placing the minor for adoption and of any relative or person
2258 having legal custody of the minor who is present at the hearing
2259 and likely to have the following information regarding the
2260 identity of:

2261 (a) Any person to whom the mother of the minor was married
2262 at any time when conception of the minor may have occurred or at
2263 the time of the birth of the minor;

2264 (b) Any person who has been declared by a court to be the
2265 father of the minor;

2266 (c) Any man who has adopted the minor;

2267 (d)~~(e)~~ Any man with whom the mother was cohabiting at any
2268 time when conception of the minor may have occurred; and

2269 ~~(d) Any person the mother has reason to believe may be the~~
2270 ~~father and from whom she has received payments or promises of~~
2271 ~~support with respect to the minor or because of her pregnancy;~~



2272 ~~(e) Any person the mother has named as the father on the~~
 2273 ~~birth certificate of the minor or in connection with applying~~
 2274 ~~for or receiving public assistance;~~

2275 ~~(e)(f)~~ Any person who has acknowledged or claimed
 2276 paternity of the minor; ~~and~~

2277 ~~(g) Any person the mother has reason to believe may be the~~
 2278 ~~father.~~

2279

2280 The information required under this subsection may be provided
 2281 to the court in the form of a sworn affidavit by a person having
 2282 personal knowledge of the facts, addressing each inquiry
 2283 enumerated in this subsection, except that, if the inquiry
 2284 identifies a father under paragraph (a), ~~or~~ paragraph (b), or
 2285 paragraph (c), the inquiry shall not continue further. The
 2286 inquiry required under this subsection may be conducted before
 2287 the birth of the minor.

2288 ~~(5)(4)~~ LOCATION UNKNOWN; IDENTITY KNOWN.--If the inquiry
 2289 by the court under subsection (4) ~~(3)~~ identifies any person
 2290 whose consent to adoption is required under s. 63.062 and who
 2291 has not executed a consent to adoption or an affidavit of
 2292 nonpaternity, and the location of the person from whom consent
 2293 is required is unknown, the adoption entity must conduct a
 2294 diligent search for that person which must include inquiries
 2295 concerning:

2296 (a) The person's current address, or any previous address,
 2297 through an inquiry of the United States Postal Service through
 2298 the Freedom of Information Act;



2299 (b) The last known employment of the person, including the
2300 name and address of the person's employer. ~~Inquiry should be~~
2301 ~~made of the last known employer as to any address to which wage~~
2302 ~~and earnings statements (W-2 forms) of the person have been~~
2303 ~~mailed. Inquiry should be made of the last known employer as to~~
2304 ~~whether the person is eligible for a pension or profit-sharing~~
2305 ~~plan and any address to which pension or other funds have been~~
2306 ~~mailed;~~

2307 (c) Regulatory agencies, including those regulating
2308 licensing in the area where the person last resided;

2309 (d) Names and addresses of relatives to the extent such
2310 can be reasonably obtained from the petitioner or other sources,
2311 contacts with those relatives, and inquiry as to the person's
2312 last known address. The petitioner shall pursue any leads of any
2313 addresses to which the person may have moved. ~~Relatives include,~~
2314 ~~but are not limited to, parents, brothers, sisters, aunts,~~
2315 ~~uncles, cousins, nieces, nephews, grandparents, great-~~
2316 ~~grandparents, former or current in-laws, stepparents, and~~
2317 ~~stepchildren;~~

2318 (e) Information as to whether or not the person may have
2319 died and, if so, the date and location;

2320 (f) Telephone listings in the area where the person last
2321 resided;

2322 (g) Inquiries of law enforcement agencies in the area
2323 where the person last resided;

2324 (h) Highway patrol records in the state where the person
2325 last resided;



2326 (i) Department of Corrections records in the state where
 2327 the person last resided;

2328 (j) Hospitals in the area where the person last resided;

2329 (k) Records of utility companies, including water, sewer,
 2330 cable television, and electric companies, in the area where the
 2331 person last resided;

2332 (l) Records of the Armed Forces of the United States as to
 2333 whether there is any information as to the person;

2334 (m) Records of the tax assessor and tax collector in the
 2335 area where the person last resided; and

2336 (n) Search of one Internet databank locator service; ~~and~~

2337 ~~(o) Information held by all medical providers who rendered~~
 2338 ~~medical treatment or care to the birth mother and child,~~
 2339 ~~including the identity and location information of all persons~~
 2340 ~~listed by the mother as being financially responsible for the~~
 2341 ~~uninsured expenses of treatment or care and all persons who made~~
 2342 ~~any such payments.~~

2343
 2344 ~~Any person contacted by a petitioner or adoption entity who is~~
 2345 ~~requesting information pursuant to this subsection must release~~
 2346 ~~the requested information to the petitioner or adoption entity,~~
 2347 ~~except when prohibited by law, without the necessity of a~~
 2348 ~~subpoena or court order.~~

2349
 2350 An affidavit of diligent search executed by the petitioner and
 2351 the adoption entity must be filed with the court confirming
 2352 completion of each aspect of the diligent search enumerated in
 2353 this subsection and specifying the results. The diligent search



2354 required under this subsection may be conducted before the birth
 2355 of the minor.

2356 (6)~~(5)~~ CONSTRUCTIVE SERVICE LOCATION UNKNOWN OR IDENTITY
 2357 ~~UNKNOWN~~.--This subsection only applies if, as to any person
 2358 whose consent is required under s. 63.062 and who has not
 2359 executed a consent to adoption or an affidavit of nonpaternity,
 2360 the location ~~or identity~~ of the person is unknown and the
 2361 inquiry under ~~subsection (3) fails to identify the person or the~~
 2362 ~~diligent search under~~ subsection (4) fails to locate the person.
 2363 The unlocated ~~or unidentified~~ person must be served notice under
 2364 subsection (3) ~~(2)~~ by constructive service in the manner
 2365 provided in chapter 49 ~~in each county identified in the~~
 2366 ~~petition, as provided in s. 63.087(6).~~ The notice shall be
 2367 published in the county where the person was last known to have
 2368 resided. The notice, in addition to all information required
 2369 under in the petition under s. 63.087(6) and chapter 49, must
 2370 include ~~contain~~ a physical description, including, but not
 2371 limited to, age, race, hair and eye color, and approximate
 2372 height and weight of the person, minor's mother and of any
 2373 ~~person the mother reasonably believes may be the father;~~ the
 2374 minor's date of birth, and the place of birth of the minor.
 2375 Constructive service by publication shall not be required to
 2376 provide notice to an identified birth father whose consent is
 2377 not required pursuant to ss. 63.062 and 63.064; ~~and any date and~~
 2378 ~~city, including the county and state in which the city is~~
 2379 ~~located, in which conception may have occurred. If any of the~~
 2380 ~~facts that must be included in the notice under this subsection~~



2381 ~~are unknown and cannot be reasonably ascertained, the notice~~
 2382 ~~must so state.~~

2383 Section 19. Section 63.089, Florida Statutes, is amended
 2384 to read:

2385 63.089 Proceeding to terminate parental rights pending
 2386 adoption; hearing; grounds; dismissal of petition; judgment.--

2387 (1) HEARING.--The court may terminate parental rights
 2388 pending adoption only after a ~~full evidentiary~~ hearing.

2389 (2) HEARING PREREQUISITES.--The court may hold the hearing
 2390 only when:

2391 (a) For each person whose consent to adoption is required
 2392 under s. 63.062:

2393 1. A consent under s. 63.082 has been executed and filed
 2394 with the court;

2395 2. An affidavit of nonpaternity under s. 63.082 has been
 2396 executed and filed with the court; ~~or~~

2397 3. Notice has been provided under ss. 63.087 and 63.088;
 2398 or

2399 4. The certificate from the Office of Vital Statistics has
 2400 been provided to the court stating that a diligent search has
 2401 been made of the Florida Putative Father Registry created in s.
 2402 63.054 and that no filing has been found pertaining to the
 2403 father of the child in question or, if a filing is found,
 2404 stating the name of the putative father and the time and date of
 2405 the filing.

2406 (b) For each notice and petition that must be served under
 2407 ss. 63.087 and 63.088:



2408 1. At least 20 ~~30~~ days have elapsed since the date of
 2409 personal service and an affidavit of service has been filed with
 2410 the court;

2411 2. At least 30 ~~60~~ days have elapsed since the first date
 2412 of publication of constructive service and an affidavit of
 2413 service has been filed with the court; or

2414 3. An affidavit of nonpaternity which affirmatively waives
 2415 service has been executed and filed with the court;

2416 (c) The minor named in the petition has been born; and

2417 (d) The petition contains all information required under
 2418 s. 63.087 and all affidavits of inquiry, diligent search, and
 2419 service required under s. 63.088 have been obtained and filed
 2420 with the court.

2421 (3) GROUNDS FOR TERMINATING PARENTAL RIGHTS PENDING
 2422 ADOPTION.--The court may enter a judgment terminating parental
 2423 rights pending adoption if the court determines by clear and
 2424 convincing evidence, supported by written findings of fact, that
 2425 each person whose consent to adoption is required under s.
 2426 63.062:

2427 (a) Has executed a valid consent ~~that has not been~~
 2428 ~~withdrawn~~ under s. 63.082 and the consent was obtained according
 2429 to the requirements of this chapter;

2430 (b) Has executed an affidavit of nonpaternity and the
 2431 affidavit was obtained according to the requirements of this
 2432 chapter;

2433 (c) Has been served with a notice of the intended adoption
 2434 plan in accordance with the provisions of s. 63.062(3) and has
 2435 failed to respond within the designated time period;



2436 (d)~~(e)~~ Has been properly served notice of the proceeding
2437 in accordance with the requirements of this chapter and has
2438 failed to file a written answer or appear at the evidentiary
2439 hearing resulting in the judgment terminating parental rights
2440 pending adoption;

2441 (e)~~(d)~~ Has been properly served notice of the proceeding
2442 in accordance with the requirements of this chapter and has been
2443 determined under subsection (4) to have abandoned the minor as
2444 defined in s. 63.032;

2445 (f)~~(e)~~ Is a parent of the person to be adopted, which
2446 parent has been judicially declared incapacitated with
2447 restoration of competency found to be medically improbable;

2448 (g)~~(f)~~ Is a person who has legal custody of the person to
2449 be adopted, other than a parent, who has failed to respond in
2450 writing to a request for consent for a period of 60 days or,
2451 after examination of his or her written reasons for withholding
2452 consent, is found by the court to be withholding his or her
2453 consent unreasonably;

2454 (h)~~(g)~~ Has been properly served notice of the proceeding
2455 in accordance with the requirements of this chapter, but has
2456 been found by the court, after examining written reasons for the
2457 withholding of consent, to be unreasonably withholding his or
2458 her consent; or

2459 (i)~~(h)~~ Is the spouse of the person to be adopted who has
2460 failed to consent, and the failure of the spouse to consent to
2461 the adoption is excused by reason of prolonged and unexplained
2462 absence, unavailability, incapacity, or circumstances that are



2463 found by the court to constitute unreasonable withholding of
2464 consent.

2465 (4) FINDING OF ABANDONMENT.--A finding of abandonment
2466 resulting in a termination of parental rights must be based upon
2467 clear and convincing evidence that a parent or person having
2468 legal custody has abandoned the child in accordance with the
2469 definition contained in s. 63.032(1). A finding of abandonment
2470 may ~~not~~ be based upon ~~a lack of emotional support to a birth~~
2471 ~~mother during her pregnancy, but may be based upon~~ emotional
2472 abuse or a refusal to provide reasonable financial support, when
2473 able, to a birth mother during her pregnancy. If, in the opinion
2474 of the court, the efforts of a parent or person having legal
2475 custody of the child to support and communicate with the child
2476 are only marginal efforts that do not evince a settled purpose
2477 to assume all parental duties, the court may declare the child
2478 to be abandoned. In making this decision, the court may consider
2479 the conduct of a father toward the child's mother during her
2480 pregnancy.

2481 (a) In making a determination of abandonment at a hearing
2482 for termination of parental rights pursuant to this chapter, the
2483 court must consider, among other relevant factors not
2484 inconsistent with this section:

2485 1. Whether the actions alleged to constitute abandonment
2486 demonstrate a willful disregard for the safety or welfare of the
2487 child or unborn child;

2488 ~~2. Whether other persons prevented the person alleged to~~
2489 ~~have abandoned the child from making the efforts referenced in~~
2490 ~~this subsection;~~



2491 ~~2.3.~~ Whether the person alleged to have abandoned the
2492 child, while being able, failed ~~refused~~ to provide financial
2493 support ~~after such person was informed he may be the father of~~
2494 ~~the child;~~

2495 ~~3.4.~~ Whether the person alleged to have abandoned the
2496 child, while being able, failed ~~refused~~ to pay for medical
2497 treatment ~~when such payment was requested by the person having~~
2498 ~~legal custody of the child and those expenses were not covered~~
2499 ~~by insurance or other available sources; and~~

2500 ~~4.5.~~ Whether the amount of support provided or medical
2501 expenses paid was appropriate, taking into consideration the
2502 needs of the child and relative means and resources available to
2503 the person alleged to have abandoned the child ~~and available to~~
2504 ~~the person having legal custody of the child during the period~~
2505 ~~the child allegedly was abandoned; and~~

2506 ~~6.~~ ~~Whether the person having legal custody of the child~~
2507 ~~made the child's whereabouts known to the person alleged to have~~
2508 ~~abandoned the child, advised that person of the needs of the~~
2509 ~~child or the needs of the mother of an unborn child with regard~~
2510 ~~to the pregnancy, or informed that person of events such as~~
2511 ~~medical appointments and tests relating to the child or, if~~
2512 ~~unborn, the pregnancy.~~

2513 (b) The child has been abandoned when the parent of a
2514 child is incarcerated on or after October 1, 2001, in a state or
2515 federal correctional institution and:

2516 1. The period of time for which the parent is expected to
2517 be incarcerated will constitute a substantial portion of the
2518 period of time before the child will attain the age of 18 years;



2519 2. The incarcerated parent has been determined by the
2520 court to be a violent career criminal as defined in s. 775.084,
2521 a habitual violent felony offender as defined in s. 775.084,
2522 convicted of child abuse as defined in s. 827.03, or a sexual
2523 predator as defined in s. 775.21; has been convicted of first
2524 degree or second degree murder in violation of s. 782.04 or a
2525 sexual battery that constitutes a capital, life, or first degree
2526 felony violation of s. 794.011; or has been convicted of an
2527 offense in another jurisdiction which is substantially similar
2528 to one of the offenses listed in this subparagraph. As used in
2529 this section, the term "substantially similar offense" means any
2530 offense that is substantially similar in elements and penalties
2531 to one of those listed in this subparagraph, and that is in
2532 violation of a law of any other jurisdiction, whether that of
2533 another state, the District of Columbia, the United States or
2534 any possession or territory thereof, or any foreign
2535 jurisdiction; or

2536 3. The court determines by clear and convincing evidence
2537 that continuing the parental relationship with the incarcerated
2538 parent would be harmful to the child and, for this reason, that
2539 termination of the parental rights of the incarcerated parent is
2540 in the best interest of the child.

2541 ~~(c) The only conduct of a father toward a mother during~~
2542 ~~pregnancy that the court may consider in determining whether the~~
2543 ~~child has been abandoned is conduct that occurred after the~~
2544 ~~father was informed he may be the father of the child or after~~
2545 ~~diligent search and notice as provided in s. 63.088 have been~~



2546 ~~made to inform the father that he is, or may be, the father of~~
 2547 ~~the child.~~

2548 (5) DISMISSAL OF PETITION ~~WITH PREJUDICE~~.--If the court
 2549 does not find by clear and convincing evidence that parental
 2550 rights of a parent should be terminated pending adoption, the
 2551 court must dismiss the petition ~~with prejudice~~ and that parent's
 2552 parental rights that were the subject of such petition shall
 2553 remain in full force under the law. The order must include
 2554 written findings in support of the dismissal, including findings
 2555 as to the criteria in subsection (4) if rejecting a claim of
 2556 abandonment. Parental rights may not be terminated based upon a
 2557 consent that the court finds has been timely withdrawn under s.
 2558 63.082 or a consent to adoption or affidavit of nonpaternity
 2559 that the court finds was obtained by fraud or ~~under~~ duress. The
 2560 court must enter an order based upon written findings providing
 2561 for the placement of the minor. The court may order scientific
 2562 testing to determine the paternity of the minor at any time
 2563 during which the court has jurisdiction over the minor. Further
 2564 proceedings, if any, regarding the minor must be brought in a
 2565 separate custody action under chapter 61, a dependency action
 2566 under chapter 39, or a paternity action under chapter 742.

2567 (6) JUDGMENT TERMINATING PARENTAL RIGHTS PENDING
 2568 ADOPTION.--

2569 (a) The judgment terminating parental rights pending
 2570 adoption must be in writing and contain findings of fact as to
 2571 the grounds for terminating parental rights pending adoption.

2572 (b) Within 7 days ~~24 hours~~ after filing, the court shall
 2573 mail a copy of the judgment to the department, ~~the petitioner,~~



2574 ~~those persons required to give consent under s. 63.062, and the~~
2575 ~~respondent.~~ The clerk shall execute a certificate of such each
2576 mailing.

2577 (7) RELIEF FROM JUDGMENT TERMINATING PARENTAL RIGHTS.--

2578 (a) ~~A judgment terminating parental rights pending~~
2579 ~~adoption is voidable and any later judgment of adoption of that~~
2580 ~~minor is voidable if, upon the motion of a parent, the court~~
2581 ~~finds that a person knowingly gave false information that~~
2582 ~~prevented the parent from timely making known his or her desire~~
2583 ~~to assume parental responsibilities toward the minor or meeting~~
2584 ~~the requirements under this chapter to exercise his or her~~
2585 ~~parental rights.~~ A motion for relief from a judgment terminating
2586 parental rights ~~under this subsection~~ must be filed with the
2587 court originally entering the judgment. The motion must be filed
2588 within a reasonable time, but not later than 1 year ~~2 years~~
2589 after the entry of the judgment terminating parental rights.

2590 (b) No later than 30 days after the filing of a motion
2591 under this subsection, the court must conduct a preliminary
2592 hearing to determine what contact, if any, shall be permitted
2593 between a parent and the child pending resolution of the motion.
2594 Such contact shall be considered only if it is requested by a
2595 parent who has appeared at the hearing. If the court orders
2596 contact between a parent and child, the order must be issued in
2597 writing as expeditiously as possible and must state with
2598 specificity any provisions regarding contact with persons other
2599 than those with whom the child resides.

2600 (c) At the preliminary hearing, the court, upon the motion
2601 of any party or upon its own motion, may order scientific



2602 testing to determine the paternity of the minor if the person
 2603 seeking to set aside the judgment is alleging to be the child's
 2604 father and that fact has not previously been determined by
 2605 legitimacy or scientific testing. The court may order ~~supervised~~
 2606 visitation with a person for whom scientific testing for
 2607 paternity has been ordered and who has previously established a
 2608 bonded relationship with the child. ~~Such visitation shall be~~
 2609 ~~conditioned upon the filing of those test results with the court~~
 2610 ~~and such results establishing that person's paternity of the~~
 2611 ~~minor.~~

2612 (d) Unless otherwise agreed between the parties or for
 2613 good cause shown ~~No later than 45 days after the preliminary~~
 2614 ~~hearing,~~ the court shall ~~must~~ conduct a final hearing on the
 2615 motion for relief from ~~to set aside the judgment~~ within 45 days
 2616 after the filing and enter its written order as expeditiously as
 2617 possible thereafter.

2618 (8) RECORDS; CONFIDENTIAL INFORMATION.--All papers and
 2619 records pertaining to a petition to terminate parental rights
 2620 pending adoption are related to the subsequent adoption of the
 2621 minor and are subject to the provisions of s. 63.162. The
 2622 confidentiality provisions of this chapter do not apply to the
 2623 extent information regarding persons or proceedings must be made
 2624 available as specified under s. 63.088.

2625 Section 20. Section 63.092, Florida Statutes, is amended
 2626 to read:

2627 63.092 Report to the court of intended placement by an
 2628 adoption entity; at-risk placement; preliminary study.--



2629 (1) REPORT TO THE COURT.--The adoption entity must report
2630 any intended placement of a minor for adoption with any person
2631 who is not a relative ~~related within the third degree~~ or a
2632 stepparent if the adoption entity has knowledge of, or
2633 participates in, such intended placement. The report must be
2634 made to the court before the minor is placed in the home or
2635 within 48 hours thereafter.

2636 (2) AT-RISK PLACEMENT.--If the minor is placed in the
2637 prospective adoptive home before the parental rights of the
2638 minor's parents are terminated under s. 63.089, the placement is
2639 an at-risk placement. If the placement is an at-risk placement,
2640 the prospective adoptive parents must acknowledge in writing
2641 before the minor may be placed in the prospective adoptive home
2642 that the placement is at risk. The prospective adoptive parents
2643 shall be advised by the adoption entity, in writing, and that
2644 the minor is subject to removal from the prospective adoptive
2645 home by the adoption entity or by court order at any time prior
2646 to the finalization of the adoption.

2647 (3) PRELIMINARY HOME STUDY.--Before placing the minor in
2648 the intended adoptive home, a preliminary home study must be
2649 performed by a licensed child-placing agency, a child-caring
2650 agency registered under s. 409.176, a licensed professional, or
2651 agency described in s. 61.20(2), unless the adoptee is an adult
2652 or the petitioner is a stepparent, ~~a spouse of the parent,~~ or a
2653 relative. ~~The preliminary study shall be completed within 30~~
2654 ~~days after the receipt by the court of the adoption entity's~~
2655 ~~report, but in no event may the minor be placed in the~~
2656 ~~prospective adoptive home prior to the completion of the~~



2657 ~~preliminary study unless ordered by the court.~~ If the adoptee is
 2658 an adult or the petitioner is a stepparent, ~~a spouse of the~~
 2659 ~~parent,~~ or a relative, a ~~the~~ preliminary home study may be
 2660 required by the court for good cause shown. The department is
 2661 required to perform the preliminary home study only if there is
 2662 no licensed child-placing agency, child-caring agency registered
 2663 under s. 409.176, licensed professional, or agency described in
 2664 s. 61.20(2), in the county where the prospective adoptive
 2665 parents reside. The preliminary home study must be made to
 2666 determine the suitability of the intended adoptive parents and
 2667 may be completed prior to identification of a prospective
 2668 adoptive minor. A favorable preliminary home study is valid for
 2669 1 year after the date of its completion. Upon its completion, a
 2670 copy of the home study must be provided to the intended adoptive
 2671 parents who were the subject of the home study. A minor may not
 2672 be placed in an intended adoptive home before a favorable
 2673 preliminary home study is completed unless the adoptive home is
 2674 also a licensed foster home under s. 409.175. The preliminary
 2675 home study must include, at a minimum:

- 2676 (a) An interview with the intended adoptive parents;
- 2677 (b) Records checks of the department's central abuse
 2678 registry and criminal records correspondence checks pursuant to
 2679 s. 435.045 through the Department of Law Enforcement on the
 2680 intended adoptive parents;
- 2681 (c) An assessment of the physical environment of the home;
- 2682 (d) A determination of the financial security of the
 2683 intended adoptive parents;



2684 (e) Documentation of counseling and education of the
2685 intended adoptive parents on adoptive parenting;

2686 (f) Documentation that information on adoption and the
2687 adoption process has been provided to the intended adoptive
2688 parents;

2689 (g) Documentation that information on support services
2690 available in the community has been provided to the intended
2691 adoptive parents; and

2692 (h) A copy of each signed acknowledgment of receipt of
2693 disclosure required by s. 63.085.

2694

2695 If the preliminary home study is favorable, a minor may be
2696 placed in the home pending entry of the judgment of adoption. A
2697 minor may not be placed in the home if the preliminary home
2698 study is unfavorable. If the preliminary home study is
2699 unfavorable, the adoption entity may, within 20 days after
2700 receipt of a copy of the written recommendation, petition the
2701 court to determine the suitability of the intended adoptive
2702 home. A determination as to suitability under this subsection
2703 does not act as a presumption of suitability at the final
2704 hearing. In determining the suitability of the intended adoptive
2705 home, the court must consider the totality of the circumstances
2706 in the home. No minor may be placed in a home in which there
2707 resides any person determined by the court to be a sexual
2708 predator as defined in s. 775.21 or to have been convicted of an
2709 offense listed in s. 63.089(4)(b)2.

2710 Section 21. Subsections (2), (3), (5), and (6) of section
2711 63.097, Florida Statutes, are amended to read:



2712 63.097 Fees.--

2713 (2) The following fees, costs, and expenses may be
 2714 assessed by the adoption entity or paid by the adoption entity
 2715 on behalf of the prospective adoptive parents:

2716 (a) Reasonable living expenses of the birth mother which
 2717 the birth mother is unable to pay due to unemployment,
 2718 underemployment, or disability ~~due to the pregnancy which is~~
 2719 ~~certified by a medical professional who has examined the birth~~
 2720 ~~mother, or any other disability defined in s. 110.215.~~

2721 Reasonable living expenses are rent, utilities, basic telephone
 2722 service, food, toiletries, necessary clothing, transportation,
 2723 insurance, and expenses found by the court to be necessary for
 2724 the health and well-being of the birth mother and the unborn
 2725 child. Such expenses may be paid during the pregnancy and for a
 2726 period of up to 6 weeks postpartum.

2727 (b) Reasonable and necessary medical expenses. Such
 2728 expenses may be paid during the pregnancy and for a period of up
 2729 to 6 weeks postpartum.

2730 (c) Expenses necessary to comply with the requirements of
 2731 this chapter, including, but not limited to, service of process
 2732 under s. 63.088, investigator fees, a diligent search under s.
 2733 63.088, a preliminary home study under s. 63.092, and a final
 2734 home investigation under s. 63.125.

2735 (d) Court filing expenses, court costs, and other
 2736 litigation expenses and birth certificate and medical record
 2737 expenses.

2738 (e) Costs associated with advertising under s.
 2739 63.212(1)(g).



2740 (f) The following professional fees:

2741 1. A reasonable hourly fee or flat fee necessary to

2742 provide legal representation to the adoptive parents or adoption

2743 entity in a proceeding filed under this chapter.

2744 2. A reasonable hourly fee or flat fee for contact with

2745 the parent related to the adoption. In determining a reasonable

2746 hourly fee under this subparagraph, the court must consider if

2747 the tasks done were clerical or of such a nature that the matter

2748 could have been handled by support staff at a lesser rate than

2749 the rate for legal representation charged under subparagraph 1.

2750 ~~Such tasks specifically do not include obtaining a parent's~~

2751 ~~signature on any document;~~ Such tasks include, but need not be

2752 limited to, transportation, transmitting funds, arranging

2753 appointments, and securing accommodations.

2754 3. A reasonable hourly fee for counseling services

2755 provided to a parent or a prospective adoptive parent by a

2756 psychologist licensed under chapter 490 or a clinical social

2757 worker, marriage and family therapist, or mental health

2758 counselor licensed under chapter 491, or a counselor who is

2759 employed by an adoption entity accredited by the Council on

2760 Accreditation of Services for Children and Families to provide

2761 pregnancy counseling and supportive services.

2762 (3) ~~Prior~~ Approval of the court is not required until the

2763 ~~cumulative~~ total of amounts permitted under subsection (2)

2764 exceeds:

2765 (a) \$5,000 ~~\$2,500~~ in legal or other fees;

2766 (b) \$800 ~~\$500~~ in court costs; or



2767 (c) \$5,000 ~~\$3,000~~ in reasonable and necessary living and
 2768 medical expenses; ~~or~~

2769 ~~(d) \$1,500 cumulative expenses that are related to the~~
 2770 ~~minor, the pregnancy, a parent, or adoption proceeding, which~~
 2771 ~~expenses are incurred prior to the date the prospective adoptive~~
 2772 ~~parent retains the adoption entity.~~

2773 (5) The following fees, costs, and expenses are
 2774 prohibited:

2775 (a) Any fee or expense that constitutes payment for
 2776 locating a minor for adoption.

2777 (b) Any ~~lump sum~~ payment ~~to the entity which is~~
 2778 ~~nonrefundable directly to the payor or which is not itemized and~~
 2779 documented on the affidavit filed under s. 63.132.

2780 (c) Any fee on the affidavit which does not specify the
 2781 service that was provided and for which the fee is being
 2782 charged, such as a fee for facilitation, acquisition, or other
 2783 similar service, or which does not identify the date the service
 2784 was provided, the time required to provide the service, the
 2785 person or entity providing the service, and the hourly fee
 2786 charged.

2787 (6) Unless otherwise indicated in this section, when an
 2788 adoption entity uses the services of a licensed child-placing
 2789 agency, a professional, any other person or agency pursuant to
 2790 s. 63.092, or, if necessary, the department, the person seeking
 2791 to adopt the child must pay the licensed child-placing agency,
 2792 professional, other person or agency, or the department an
 2793 amount equal to the cost of all services performed, including,
 2794 but not limited to, the cost of conducting the preliminary home



2795 study, counseling, and the final home investigation. ~~The court,~~
 2796 ~~upon a finding that the person seeking to adopt the child is~~
 2797 ~~financially unable to pay that amount, may order that such~~
 2798 ~~person pay a lesser amount.~~

2799 Section 22. Section 63.102, Florida Statutes, is amended
 2800 to read:

2801 63.102 Filing of petition for adoption or declaratory
 2802 statement; venue; proceeding for approval of fees and costs.--

2803 (1) PETITION FOR ADOPTION.--A petition for adoption may
 2804 not be filed until ~~30 days~~ after ~~the date of~~ the entry of the
 2805 judgment terminating parental rights pending adoption under this
 2806 chapter, unless the adoptee is an adult, the petitioner is a
 2807 stepparent or a relative, or the minor has been the subject of a
 2808 judgment terminating parental rights under chapter 39. After a
 2809 judgment terminating parental rights has been entered, a
 2810 proceeding for adoption may be commenced by filing a petition
 2811 entitled, "In the Matter of the Adoption of ____" in the circuit
 2812 court. The person to be adopted shall be designated in the
 2813 caption in the name by which he or she is to be known if the
 2814 petition is granted. Any name by which the minor was previously
 2815 known may not be disclosed in the petition, the notice of
 2816 hearing, or the judgment of adoption.

2817 (2) VENUE.--A petition for adoption or for a declaratory
 2818 statement as to the adoption contract shall be filed in the
 2819 county where the petition for termination of parental rights was
 2820 granted, unless the court, in accordance with s. 47.122, changes
 2821 the venue to the county where the petitioner or petitioners or
 2822 the minor resides or where the adoption entity with which the



2823 minor has been placed is located. The circuit court in this
2824 state must retain jurisdiction over the matter until a final
2825 judgment is entered on the adoption. The Uniform Child Custody
2826 Jurisdiction Act does not apply until a final judgment is
2827 entered on the adoption.

2828 (3) FILING OF ADOPTION PETITION REQUIRED.--Unless leave of
2829 court is granted for good cause shown, a petition for adoption
2830 shall be filed not later than 60 days after entry of the final
2831 judgment terminating parental rights. ~~Except for adoptions~~
2832 ~~involving placement of a minor with a relative within the third~~
2833 ~~degree of consanguinity, a petition for adoption in an adoption~~
2834 ~~handled by an adoption entity shall be filed within 60 working~~
2835 ~~days after entry of the judgment terminating parental rights.~~
2836 ~~If no petition is filed within 60 days, any interested party,~~
2837 ~~including the state, may file an action challenging the~~
2838 ~~prospective adoptive parent's physical custody of the minor.~~

2839 (4) CONFIDENTIALITY.--If the filing of the petition for
2840 adoption or for a declaratory statement as to the adoption
2841 contract in the county where the petitioner or minor resides
2842 would tend to endanger the privacy of the petitioner or minor,
2843 the petition for adoption may be filed in a different county,
2844 provided the substantive rights of any person will not thereby
2845 be affected.

2846 (5) PRIOR APPROVAL OF FEES AND COSTS.--A proceeding for
2847 prior approval of fees and costs may be commenced any time after
2848 an agreement is reached between the birth mother and the
2849 adoptive parents by filing a petition for declaratory statement



2850 on the agreement entitled "In the Matter of the Proposed
2851 Adoption of a Minor Child" in the circuit court.

2852 (a) The petition must be filed ~~jointly~~ by the adoption
2853 entity with the consent of the parties to ~~and each person who~~
2854 ~~enters into~~ the agreement.

2855 (b) A contract for the payment of fees, costs, and
2856 expenses permitted under this chapter must be in writing, and
2857 any person who enters into the contract has 3 business days in
2858 which to cancel the contract unless placement of the child has
2859 occurred. To cancel the contract, the person must notify the
2860 adoption entity in writing by certified United States mail,
2861 return receipt requested, no later than 3 business days after
2862 signing the contract. For the purposes of this subsection, the
2863 term "business day" means a day on which the United States
2864 Postal Service accepts certified mail for delivery. If the
2865 contract is canceled within the first 3 business days, the
2866 person who cancels the contract does not owe any legal,
2867 intermediary, or other fees, but may be responsible for the
2868 adoption entity's actual costs during that time.

2869 (c) The court may grant ~~prior~~ approval only of fees and
2870 expenses permitted under s. 63.097. A prior approval of
2871 prospective fees and costs shall ~~does not~~ create a presumption
2872 that these items will subsequently be approved by the court
2873 under s. 63.132. The court, under s. 63.132, may order an
2874 adoption entity to refund any amounts ~~amount~~ paid under this
2875 subsection that are ~~is~~ subsequently found by the court to be
2876 greater than fees, costs, and expenses actually incurred.



2877 (d) The contract may not require, and the court may not
 2878 approve, ~~any lump-sum payment to the entity which is~~
 2879 ~~nonrefundable to the payor or~~ any amount that constitutes
 2880 payment for locating a minor for adoption.

2881 (e) A declaratory statement as to the adoption contract,
 2882 regardless of when filed, shall be consolidated with any related
 2883 petition for adoption. The clerk of the court shall only assess
 2884 one filing fee that includes the adoption action, the
 2885 declaratory statement petition, and the petition for termination
 2886 of parental rights. ~~When a petition for a declaratory statement~~
 2887 ~~as to the adoption contract is filed prior to the commencement~~
 2888 ~~of proceedings to terminate parental rights, it must be filed in~~
 2889 ~~accordance with the venue requirements for the filing of the~~
 2890 ~~petition terminating parental rights under s. 63.087. Pursuant~~
 2891 ~~to s. 63.087, a previously filed petition for a declaratory~~
 2892 ~~statement filed under this section must be consolidated with a~~
 2893 ~~related subsequently filed petition for termination of parental~~
 2894 ~~rights. If the petition for declaratory statement is filed after~~
 2895 ~~the judgment terminating parental rights has been entered, the~~
 2896 ~~action for declaratory statement must be consolidated with any~~
 2897 ~~related petition for adoption. Only one filing fee may be~~
 2898 ~~assessed for both the adoption and declaratory statement~~
 2899 ~~petitions.~~

2900 (f) Prior approval of fees and costs by the court does not
 2901 obligate the parent to ultimately relinquish the minor for
 2902 adoption.

2903 (6) STEPCHILD, RELATIVE, AND ADULT ADOPTIONS.--Petitions
 2904 for the adoption of a stepchild, a relative, or an adult shall



2905 not require the filing of a separate judgment or separate
 2906 proceeding terminating parental rights pending adoption. The
 2907 final judgment of adoption shall have the effect of terminating
 2908 parental rights simultaneously with the granting of the decree
 2909 of adoption.

2910 Section 23. Section 63.112, Florida Statutes, is amended
 2911 to read:

2912 63.112 Petition for adoption; description; report or
 2913 recommendation, exceptions; mailing.--

2914 (1) ~~A sufficient number of copies of~~ The petition for
 2915 adoption shall be signed and verified by the petitioner and
 2916 filed with the clerk of the court ~~so that service may be made~~
 2917 ~~under subsection (4)~~ and shall state:

2918 (a) The date and place of birth of the person to be
 2919 adopted, if known;

2920 (b) The name to be given to the person to be adopted;

2921 (c) The date petitioner acquired custody of the minor and
 2922 the name of the adoption entity ~~person~~ placing the minor, if
 2923 any;

2924 (d) The full name, age, and place and duration of
 2925 residence of the petitioner;

2926 (e) The marital status of the petitioner, including the
 2927 date and place of marriage, if married, and divorces, if
 2928 applicable to the adoption by a stepparent ~~any~~;

2929 (f) A statement that the petitioner is able to provide for
 2930 the material needs of the child ~~The facilities and resources of~~
 2931 ~~the petitioner, including those under a subsidy agreement,~~
 2932 ~~available to provide for the care of the minor to be adopted;~~



2933 (g) A description and estimate of the value of any
 2934 property of the person to be adopted;

2935 (h) The case style and date of entry of the judgment
 2936 terminating parental rights or, if the adoptee is an adult or a
 2937 minor relative or a stepchild of the petitioner, the address, if
 2938 known, of any person whose consent to the adoption is required
 2939 and, if such person has not consented, the facts or
 2940 circumstances that excuse the lack of consent to justify a
 2941 termination of parental rights; and

2942 (i) The reasons why the petitioner desires to adopt the
 2943 person.

2944 (2) The following documents are required to be filed with
 2945 the clerk of the court at the time the petition is filed:

2946 (a) A certified copy of the court judgment terminating
 2947 parental rights under chapter 39 or under this chapter or, if
 2948 the adoptee is an adult or a minor relative or stepchild of the
 2949 petitioner, the required consent, unless such consent is excused
 2950 by the court.

2951 (b) The favorable preliminary home study of the
 2952 department, licensed child-placing agency, or professional
 2953 pursuant to s. 63.092, as to the suitability of the home in
 2954 which the minor has been placed, unless the petitioner is a
 2955 stepparent or a relative.

2956 (c) A copy of any declaratory statement previously entered
 2957 by the court pursuant to s. 63.102.

2958 (d) ~~The surrender document must include~~ Documentation that
 2959 an interview was held with the minor, if older than 12 years of



2960 age, unless the court, in the best interest of the minor,
 2961 dispenses with the minor's consent under s. 63.062(1)(c)(g).

2962 (3) Unless ordered by the court, no report or
 2963 recommendation is required when the placement is a stepparent
 2964 adoption or an adult adoption or when the minor is a relative of
 2965 ~~related to~~ one of the adoptive parents ~~within the third degree.~~

2966 ~~(4) The clerk of the court shall mail a copy of the~~
 2967 ~~petition within 24 hours after filing, and execute a certificate~~
 2968 ~~of mailing, to the adoption entity placing the minor, if any.~~

2969 Section 24. Section 63.122, Florida Statutes, is amended
 2970 to read:

2971 63.122 Notice of hearing on petition.--

2972 (1) ~~After the petition to adopt a minor is filed, the~~
 2973 ~~court must establish a time and place for hearing the petition.~~
 2974 The hearing on the petition to adopt a minor may not be held
 2975 sooner than 30 days after the date the judgment terminating
 2976 parental rights was entered or sooner than 90 days after the
 2977 date the minor was placed in the physical custody of the
 2978 petitioner, unless good cause is shown for a shortening of these
 2979 time periods. The minor must remain under the supervision of
 2980 the adoption entity until the adoption becomes final. When the
 2981 adoptee is an adult, the hearing may be held immediately after
 2982 the filing of the petition. If the petitioner is a stepparent or
 2983 a relative of the adoptee spouse of the birth parent, the
 2984 hearing may be held immediately after the filing of the petition
 2985 if all persons whose consent is required have executed a valid
 2986 consent and the consent has been filed with the court.



2987 (2) Notice of hearing must be given as prescribed by the
 2988 Florida Rules of Civil Procedure, and service of process must be
 2989 made as specified by law for civil actions.

2990 (3) Upon a showing by the petitioner that the safety and
 2991 welfare ~~privacy~~ of the petitioner or minor may be endangered,
 2992 the court may order the names of the petitioner or minor, or
 2993 both, to be deleted from the notice of hearing and from the copy
 2994 of the petition attached thereto, provided the substantive
 2995 rights of any person will not thereby be affected.

2996 (4) Notice of the hearing must be given by the petitioner
 2997 to the adoption entity that places the minor.

2998 (5) After filing the petition to adopt an adult, ~~a notice~~
 2999 ~~of the time and place of the hearing must be given to any person~~
 3000 ~~whose consent to the adoption is required but who has not~~
 3001 ~~consented.~~ the court may order an appropriate investigation to
 3002 assist in determining whether the adoption is in the best
 3003 interest of the persons involved and is in accordance with state
 3004 law.

3005 Section 25. Subsection (2) of section 63.125, Florida
 3006 Statutes, is amended to read:

3007 63.125 Final home investigation.--

3008 (2) The department, the licensed child-placing agency, or
 3009 the professional that performs the investigation must file a
 3010 written report of the investigation with the court and the
 3011 petitioner within 90 days after placement ~~the date the petition~~
 3012 ~~is filed~~.

3013 Section 26. Subsections (1) and (4) of section 63.132,
 3014 Florida Statutes, are amended to read:



3015 63.132 Affidavit of expenses and receipts.--

3016 (1) ~~At least 10 days~~ Before the hearing on the petition
 3017 for adoption, the prospective adoptive parent and any adoption
 3018 entity must file two copies of an affidavit under this section.

3019 (a) The affidavit must be signed by the adoption entity
 3020 and the prospective adoptive parents. A copy of the affidavit
 3021 must be provided to the adoptive parents at the time the
 3022 affidavit is executed.

3023 (b) The affidavit must itemize all disbursements and
 3024 receipts of anything of value, including professional and legal
 3025 fees, made or agreed to be made by or on behalf of the
 3026 prospective adoptive parent and any adoption entity in
 3027 connection with the adoption or in connection with any prior
 3028 proceeding to terminate parental rights which involved the minor
 3029 who is the subject of the petition for adoption. The affidavit
 3030 must also include, for each legal or counseling fee itemized,
 3031 the service provided for which the fee is being charged, the
 3032 date the service was provided, the time required to provide the
 3033 service if the service was charged by the hour, the person or
 3034 entity that provided the service, and the hourly fee charged.

3035 ~~(c) The clerk of the court shall forward a copy of the~~
 3036 ~~affidavit to the department.~~

3037 (c)~~(d)~~ The affidavit must show any expenses or receipts
 3038 incurred in connection with:

- 3039 1. The birth of the minor.
- 3040 2. The placement of the minor with the petitioner.
- 3041 3. The medical or hospital care received by the mother or
- 3042 by the minor during the mother's prenatal care and confinement.



3043 4. The living expenses of the birth mother. The living
 3044 expenses must be itemized ~~documented~~ in detail to apprise the
 3045 court of the exact expenses incurred.

3046 5. The services relating to the adoption or to the
 3047 placement of the minor for adoption that were received by or on
 3048 behalf of the petitioner, the adoption entity, either parent,
 3049 the minor, or any other person.

3050

3051 The affidavit must state whether any of these expenses were paid
 3052 for by collateral sources, including, but not limited to, health
 3053 insurance, Medicaid, Medicare, or public assistance.

3054 (4) This section does not apply to an adoption by a
 3055 stepparent or an adoption of a relative or adult ~~whose spouse is~~
 3056 ~~a parent of the child.~~

3057 Section 27. Subsection (1) of section 63.135, Florida
 3058 Statutes, is amended to read:

3059 63.135 Information under oath to be submitted to the
 3060 court.--

3061 (1) Each party in an adoption proceeding ~~involving a child~~
 3062 ~~over the age of 6 months~~, in the first pleading or in an
 3063 affidavit attached to that pleading, shall give information
 3064 under oath as to the child's present address, the places where
 3065 the child has lived within the last 5 years, and the names and
 3066 present addresses of the persons with whom the child has lived
 3067 during that period. In the pleading or affidavit each party
 3068 shall further declare under oath whether:



3069 (a) The party has participated as a party or witness or in
 3070 any other capacity in any other litigation concerning the
 3071 custody of the same child in this or any other state;

3072 (b) The party has information of any custody proceeding
 3073 concerning the child pending in a court of this or any other
 3074 state; and

3075 (c) The party knows of any person not a party to the
 3076 proceedings who has physical custody of the child or claims to
 3077 have custody or visitation rights with respect to the child.

3078 Section 28. Subsections (1) and (4) of section 63.142,
 3079 Florida Statutes, are amended to read:

3080 63.142 Hearing; judgment of adoption.--

3081 (1) APPEARANCE.--The petitioner and the person to be
 3082 adopted shall appear either in person or, with the permission of
 3083 the court, telephonically before a person authorized to
 3084 administer an oath at the hearing on the petition for adoption,
 3085 unless:

3086 (a) The person is a minor under 12 years of age; or

3087 (b) The appearance ~~presence~~ of either is excused by the
 3088 court for good cause.

3089 (4) JUDGMENT.--At the conclusion of the hearing, after the
 3090 court determines that the date for a parent to file an appeal of
 3091 a valid judgment terminating that parent's parental rights has
 3092 passed and no appeal, pursuant to the Florida Rules of Appellate
 3093 Procedure, is pending and that the adoption is in the best
 3094 interest of the person to be adopted, a judgment of adoption
 3095 shall be entered.



3096 (a) A judgment terminating parental rights pending
3097 adoption is voidable and any later judgment of adoption of that
3098 minor is voidable if, upon a parent's motion for relief from
3099 judgment to set aside of a parent, the court finds that the
3100 adoption fails to meet the requirements of this chapter any
3101 person knowingly gave false information that prevented the
3102 parent from timely making known his or her desire to assume
3103 parental responsibilities toward the minor or meeting the
3104 requirements under this chapter to exercise his or her parental
3105 rights. A motion under this paragraph must be filed with the
3106 court that entered the original judgment. The motion must be
3107 filed within a reasonable time, but not later than 1 year 2
3108 years after the date the judgment terminating parental rights
3109 was entered.

3110 (b) ~~Except upon good cause shown, no later than 30 days~~
3111 ~~after the filing of a motion under this subsection, the court~~
3112 ~~must conduct a preliminary hearing to determine what contact, if~~
3113 ~~any, shall be permitted between a parent and the child pending~~
3114 ~~resolution of the motion. Such contact shall be considered only~~
3115 ~~if it is requested by a parent who has appeared at the hearing.~~
3116 ~~If the court orders contact between a parent and child, the~~
3117 ~~order must be issued in writing as expeditiously as possible and~~
3118 ~~must state with specificity any provisions regarding contact~~
3119 ~~with persons other than those with whom the child resides.~~

3120 (c) ~~At the preliminary hearing, the court, upon the motion~~
3121 ~~of any party or its own motion, may order scientific testing to~~
3122 ~~determine the paternity of the minor if the person seeking to~~
3123 ~~set aside the judgment is alleging to be the child's father and~~



3124 ~~that fact has not previously been determined by legitimacy or~~
3125 ~~scientific testing. The court may order supervised visitation~~
3126 ~~with a person for whom scientific testing for paternity has been~~
3127 ~~ordered. Such visitation shall be conditioned upon the filing of~~
3128 ~~those test results with the court and such results establishing~~
3129 ~~that person's paternity of the minor.~~

3130 ~~(d) Except upon good cause shown, no later than 45 days~~
3131 ~~after the preliminary hearing, the court must conduct a final~~
3132 ~~hearing on the motion to set aside the judgment and issue its~~
3133 ~~written order as expeditiously as possible thereafter.~~

3134 Section 29. Section 63.152, Florida Statutes, is amended
3135 to read:

3136 63.152 Application for new birth record.--Within 30 days
3137 after entry of a judgment of adoption, the clerk of the court,
3138 ~~and in agency adoptions, any child placing agency licensed by~~
3139 ~~the department,~~ shall transmit ~~prepare~~ a certified statement of
3140 the entry to ~~for~~ the state registrar of vital statistics on a
3141 form provided by the registrar. A new birth record containing
3142 the necessary information supplied by the certificate shall be
3143 issued by the registrar on application of the adopting parents
3144 or the adopted person.

3145 Section 30. Subsection (2) of section 63.162, Florida
3146 Statutes, is amended to read:

3147 63.162 Hearings and records in adoption proceedings;
3148 confidential nature.--

3149 (2) All papers and records pertaining to the adoption,
3150 including the original birth certificate, whether part of the
3151 permanent record of the court or a file in the office of an



3152 adoption entity are confidential and subject to inspection only
3153 upon order of the court; however, the petitioner in any
3154 proceeding for adoption under this chapter may, at the option of
3155 the petitioner, make public the reasons for a denial of the
3156 petition for adoption. The order must specify which portion of
3157 the records are subject to inspection, and it may exclude the
3158 name and identifying information concerning the parent or
3159 adoptee. Papers and records of the department, a court, or any
3160 other governmental agency, which papers and records relate to
3161 adoptions, are exempt from s. 119.07(1). In the case of an
3162 adoption not handled by the department or a child-placing agency
3163 licensed by the department ~~a nonagency adoption~~, the department
3164 must be given notice of hearing and be permitted to present to
3165 the court a report on the advisability of disclosing or not
3166 disclosing information pertaining to the adoption. In the case
3167 of an agency adoption, the licensed child-placing agency must be
3168 given notice of hearing and be permitted to present to the court
3169 a report on the advisability of disclosing or not disclosing
3170 information pertaining to the adoption. This subsection does
3171 not prohibit the department from inspecting and copying any
3172 official record pertaining to the adoption that is maintained by
3173 the department or from inspecting and copying any of the
3174 official records maintained by an agency licensed by the
3175 department and does not prohibit an agency from inspecting and
3176 copying any official record pertaining to the adoption that is
3177 maintained by that agency.

3178 Section 31. Subsection (1) of section 63.167, Florida
3179 Statutes, is amended to read:



3180 63.167 State adoption information center.--

3181 (1) The department shall establish a state adoption
 3182 information center for the purpose of increasing public
 3183 knowledge about adoption and promoting to adolescents and
 3184 pregnant women the availability of adoption services. The
 3185 department shall contract with one or more a licensed child-
 3186 placing agencies ~~agency~~ to operate the state adoption
 3187 information center.

3188 Section 32. Section 63.182, Florida Statutes, is amended
 3189 to read:

3190 63.182 Statute of repose.--Notwithstanding s. 95.031 or s.
 3191 95.11 or any other statute,⁺

3192 ~~(1) an action or proceeding of any kind to vacate, set~~
 3193 ~~aside, or otherwise nullify a judgment of adoption or an~~
 3194 ~~underlying judgment terminating parental rights on any ground~~
 3195 ~~may not, including duress but excluding fraud, shall in no event~~
 3196 ~~be filed more than 1 year after entry of the judgment~~
 3197 ~~terminating parental rights.~~

3198 ~~(2) An action or proceeding of any kind to vacate, set~~
 3199 ~~aside, or otherwise nullify a judgment of adoption or an~~
 3200 ~~underlying judgment terminating parental rights on grounds of~~
 3201 ~~fraud shall in no event be filed more than 2 years after entry~~
 3202 ~~of the judgment terminating parental rights.~~

3203 Section 33. Section 63.185, Florida Statutes, is repealed.

3204 Section 34. Subsection (1) of section 63.207, Florida
 3205 Statutes, is amended to read:

3206 63.207 Out-of-state placement.--



3207 (1) Unless the parent placing a minor for adoption files
3208 an affidavit that the parent chooses to place the minor outside
3209 the state, giving the reason for that placement, or the minor is
3210 to be placed with a relative ~~within the third degree~~ or with a
3211 stepparent, or the minor is a special needs child, as defined in
3212 s. 409.166, or for other good cause shown, an adoption entity
3213 may not:

3214 (a) Take or send a minor out of the state for the purpose
3215 of placement for adoption; or

3216 (b) Place or attempt to place a minor for the purpose of
3217 adoption with a family who primarily lives and works outside
3218 Florida in another state. If an adoption entity is acting under
3219 this subsection, the adoption entity must file a petition for
3220 declaratory statement pursuant to s. 63.102 for prior approval
3221 of fees and costs. The court shall review the costs pursuant to
3222 s. 63.097. The petition for declaratory statement must be
3223 converted to a petition for an adoption upon placement of the
3224 minor in the home. When a minor is placed for adoption with
3225 prospective adoptive parents who primarily live and work outside
3226 this state, the circuit court in this state may ~~must~~ retain
3227 jurisdiction over the matter until the adoption becomes final.
3228 The prospective adoptive parents may finalize the adoption in
3229 this state ~~must come to this state to have the adoption~~
3230 ~~finalized. Violation of the order subjects the adoption entity~~
3231 ~~to contempt of court and to the penalties provided in s. 63.212.~~

3232 Section 35. Subsections (1), (4), (7), and (8) of section
3233 63.212, Florida Statutes, are amended to read:



3234 63.212 Prohibited acts; penalties for violation;
 3235 ~~preplanned adoption agreement.--~~
 3236 (1) It is unlawful for any person:
 3237 (a) To place or attempt to place a minor for adoption with
 3238 a person who primarily lives and works outside this state unless
 3239 all of the requirements of the Interstate Compact for the
 3240 Placement of Children, when applicable, have been met ~~unless the~~
 3241 ~~minor is placed with a relative within the third degree or with~~
 3242 ~~a stepparent. This requirement does not apply if the minor is~~
 3243 ~~placed by an adoption entity in accordance with s. 63.207.~~
 3244 (b) Except an adoption entity, to place or attempt to
 3245 place within the state a minor for adoption unless the minor is
 3246 placed with a relative ~~within the third degree~~ or with a
 3247 stepparent. This prohibition, however, does not apply to a
 3248 person who is placing or attempting to place a minor for the
 3249 purpose of adoption with the adoption entity.
 3250 (c) To sell or surrender, or to arrange for the sale or
 3251 surrender of, a minor to another person for money or anything of
 3252 value or to receive such minor child for such payment or thing
 3253 of value. If a minor is being adopted by a relative ~~within the~~
 3254 ~~third degree~~ or by a stepparent, or is being adopted through an
 3255 adoption entity, this paragraph does not prohibit the person who
 3256 is contemplating adopting the child from paying, under ss.
 3257 63.097 and 63.132, the actual prenatal care and living expenses
 3258 of the mother of the child to be adopted, or from paying, under
 3259 ss. 63.097 and 63.132, the actual living and medical expenses of
 3260 such mother for a reasonable time, not to exceed 6 weeks, if



3261 medical needs require such support, after the birth of the
3262 minor.

3263 (d) Having the rights and duties of a parent with respect
3264 to the care and custody of a minor to assign or transfer such
3265 parental rights for the purpose of, incidental to, or otherwise
3266 connected with, selling or offering to sell such rights and
3267 duties.

3268 (e) To assist in the commission of any act prohibited in
3269 paragraphs(a)-(d). In the case of a stepparent adoption, this
3270 paragraph does not preclude the forgiveness of vested child
3271 support arrearages owed by a parent.

3272 (f) Except an adoption entity, to charge or accept any fee
3273 or compensation of any nature from anyone for making a referral
3274 in connection with an adoption.

3275 (g) Except an adoption entity, to advertise or offer to
3276 the public, in any way, by any medium whatever that a minor is
3277 available for adoption or that a minor is sought for adoption;
3278 and, further, it is unlawful for any person to publish or
3279 broadcast any such advertisement without including a Florida
3280 license number of the agency or attorney placing the
3281 advertisement.

3282 (h) To contract for the purchase, sale, or transfer of
3283 custody or parental rights in connection with any child, in
3284 connection with any fetus yet unborn, or in connection with any
3285 fetus identified in any way but not yet conceived, in return for
3286 any valuable consideration. Any such contract is void and
3287 unenforceable as against the public policy of this state.
3288 However, fees, costs, and other incidental payments made in



3289 accordance with statutory provisions for adoption, foster care,
3290 and child welfare are permitted, and a person may agree to pay
3291 expenses in connection with a preplanned adoption agreement as
3292 specified below, but the payment of such expenses may not be
3293 conditioned upon the transfer of parental rights. Each petition
3294 for adoption which is filed in connection with a preplanned
3295 adoption agreement must clearly identify the adoption as a
3296 preplanned adoption arrangement and must include a copy of the
3297 preplanned adoption agreement for review by the court.

3298 ~~1. Individuals may enter into a preplanned adoption~~
3299 ~~arrangement as specified herein, but such arrangement shall not~~
3300 ~~in any way:~~

3301 ~~a. Effect final transfer of custody of a child or final~~
3302 ~~adoption of a child, without review and approval of the~~
3303 ~~department and the court, and without compliance with other~~
3304 ~~applicable provisions of law.~~

3305 ~~b. Constitute consent of a mother to place her child for~~
3306 ~~adoption until 7 days following birth, and unless the court~~
3307 ~~making the custody determination or approving the adoption~~
3308 ~~determines that the mother was aware of her right to rescind~~
3309 ~~within the 7-day period following birth but chose not to rescind~~
3310 ~~such consent.~~

3311 ~~2. A preplanned adoption arrangement shall be based upon a~~
3312 ~~preplanned adoption agreement that must include, but need not be~~
3313 ~~limited to, the following terms:~~

3314 ~~a. That the volunteer mother agrees to become pregnant by~~
3315 ~~the fertility technique specified in the agreement, to bear the~~
3316 ~~child, and to terminate any parental rights and responsibilities~~



3317 ~~to the child she might have through a written consent executed~~
3318 ~~at the same time as the preplanned adoption agreement, subject~~
3319 ~~to a right of rescission by the volunteer mother any time within~~
3320 ~~7 days after the birth of the child.~~

3321 ~~b. That the volunteer mother agrees to submit to~~
3322 ~~reasonable medical evaluation and treatment and to adhere to~~
3323 ~~reasonable medical instructions about her prenatal health.~~

3324 ~~e. That the volunteer mother acknowledges that she is~~
3325 ~~aware that she will assume parental rights and responsibilities~~
3326 ~~for the child born to her as otherwise provided by law for a~~
3327 ~~mother, if the intended father and intended mother terminate the~~
3328 ~~agreement before final transfer of custody is completed, or if a~~
3329 ~~court determines that a parent clearly specified by the~~
3330 ~~preplanned adoption agreement to be the biological parent is not~~
3331 ~~the biological parent, or if the preplanned adoption is not~~
3332 ~~approved by the court pursuant to the Florida Adoption Act.~~

3333 ~~d. That an intended father who is also the biological~~
3334 ~~father acknowledges that he is aware that he will assume~~
3335 ~~parental rights and responsibilities for the child as otherwise~~
3336 ~~provided by law for a father, if the agreement is terminated for~~
3337 ~~any reason by any party before final transfer of custody is~~
3338 ~~completed or if the planned adoption is not approved by the~~
3339 ~~court pursuant to the Florida Adoption Act.~~

3340 ~~e. That the intended father and intended mother~~
3341 ~~acknowledge that they may not receive custody or the parental~~
3342 ~~rights under the agreement if the volunteer mother terminates~~
3343 ~~the agreement or if the volunteer mother rescinds her consent to~~
3344 ~~place her child for adoption within 7 days after birth.~~



3345 ~~f. That the intended father and intended mother may agree~~
3346 ~~to pay all reasonable legal, medical, psychological, or~~
3347 ~~psychiatric expenses of the volunteer mother related to the~~
3348 ~~preplanned adoption arrangement, and may agree to pay the~~
3349 ~~reasonable living expenses of the volunteer mother. No other~~
3350 ~~compensation, whether in cash or in kind, shall be made pursuant~~
3351 ~~to a preplanned adoption arrangement.~~

3352 ~~g. That the intended father and intended mother agree to~~
3353 ~~accept custody of and to assert full parental rights and~~
3354 ~~responsibilities for the child immediately upon the child's~~
3355 ~~birth, regardless of any impairment to the child.~~

3356 ~~h. That the intended father and intended mother shall have~~
3357 ~~the right to specify the blood and tissue typing tests to be~~
3358 ~~performed if the agreement specifies that at least one of them~~
3359 ~~is intended to be the biological parent of the child.~~

3360 ~~i. That the agreement may be terminated at any time by any~~
3361 ~~of the parties.~~

3362 ~~3. A preplanned adoption agreement shall not contain any~~
3363 ~~provision:~~

3364 ~~a. To reduce any amount paid to the volunteer mother if~~
3365 ~~the child is stillborn or is born alive but impaired, or to~~
3366 ~~provide for the payment of a supplement or bonus for any reason.~~

3367 ~~b. Requiring the termination of the volunteer mother's~~
3368 ~~pregnancy.~~

3369 ~~4. An attorney who represents an intended father and~~
3370 ~~intended mother or any other attorney with whom that attorney is~~
3371 ~~associated shall not represent simultaneously a female who is or~~
3372 ~~proposes to be a volunteer mother in any matter relating to a~~



3373 ~~preplanned adoption agreement or preplanned adoption~~
3374 ~~arrangement.~~

3375 ~~5. Payment to agents, finders, and intermediaries,~~
3376 ~~including attorneys and physicians, as a finder's fee for~~
3377 ~~finding volunteer mothers or matching a volunteer mother and~~
3378 ~~intended father and intended mother is prohibited. Doctors,~~
3379 ~~psychologists, attorneys, and other professionals may receive~~
3380 ~~reasonable compensation for their professional services, such as~~
3381 ~~providing medical services and procedures, legal advice in~~
3382 ~~structuring and negotiating a preplanned adoption agreement, or~~
3383 ~~counseling.~~

3384 ~~6. As used in this paragraph, the term:~~

3385 ~~a. "Blood and tissue typing tests" include, but are not~~
3386 ~~limited to, tests of red cell antigens, red cell isoenzymes,~~
3387 ~~human leukocyte antigens, and serum proteins.~~

3388 ~~b. "Child" means the child or children conceived by means~~
3389 ~~of an insemination that is part of a preplanned adoption~~
3390 ~~arrangement.~~

3391 ~~c. "Fertility technique" means artificial embryonation,~~
3392 ~~artificial insemination, whether in vivo or in vitro, egg~~
3393 ~~donation, or embryo adoption.~~

3394 ~~d. "Intended father" means a male who, as evidenced by a~~
3395 ~~preplanned adoption agreement, intends to have the parental~~
3396 ~~rights and responsibilities for a child conceived through a~~
3397 ~~fertility technique, regardless of whether the child is~~
3398 ~~biologically related to the male.~~

3399 ~~e. "Intended mother" means a female who, as evidenced by a~~
3400 ~~preplanned adoption agreement, intends to have the parental~~



3401 ~~rights and responsibilities for a child conceived through a~~
3402 ~~fertility technique, regardless of whether the child is~~
3403 ~~biologically related to the female.~~

3404 ~~f. "Parties" means the intended father and intended~~
3405 ~~mother, the volunteer mother and her husband, if she has a~~
3406 ~~husband, who are all parties to the preplanned adoption~~
3407 ~~agreement.~~

3408 ~~g. "Preplanned adoption agreement" means a written~~
3409 ~~agreement among the parties that specifies the intent of the~~
3410 ~~parties as to their rights and responsibilities in the~~
3411 ~~preplanned adoption arrangement, consistent with the provisions~~
3412 ~~of this act.~~

3413 ~~h. "Preplanned adoption arrangement" means the arrangement~~
3414 ~~through which the parties enter into an agreement for the~~
3415 ~~volunteer mother to bear the child, for payment by the intended~~
3416 ~~father and intended mother of the expenses allowed by this act,~~
3417 ~~for the intended father and intended mother to assert full~~
3418 ~~parental rights and responsibilities to the child if consent to~~
3419 ~~adoption is not rescinded after birth by the volunteer mother,~~
3420 ~~and for the volunteer mother to terminate, subject to a right of~~
3421 ~~rescission, in favor of the intended father and intended mother~~
3422 ~~all her parental rights and responsibilities to the child.~~

3423 ~~i. "Volunteer mother" means a female person at least 18~~
3424 ~~years of age who voluntarily agrees, subject to a right of~~
3425 ~~rescission, that if she should become pregnant pursuant to a~~
3426 ~~preplanned adoption arrangement, she will terminate in favor of~~
3427 ~~the intended father and intended mother her parental rights and~~
3428 ~~responsibilities to the child.~~



3429 (4) It is unlawful for any adoption entity to fail to
3430 report to the court, within a reasonable time period ~~prior to~~
3431 ~~placement~~, the intended placement of a minor for purposes of
3432 adoption with any person not a stepparent or a relative ~~within~~
3433 ~~the third degree~~, if the adoption entity participates in such
3434 intended placement.

3435 (7) It is unlawful for any adoption entity to obtain a
3436 preliminary home study or final home investigation and fail to
3437 disclose the existence of the study or investigation to the
3438 court when required by law to do so.

3439 (8) Unless otherwise indicated, a person who willfully and
3440 with criminal intent violates any provision of this section,
3441 excluding paragraph (1)(g), commits a felony of the third
3442 degree, punishable as provided in s. 775.082, s. 775.083, or s.
3443 775.084. A person who willfully and with criminal intent
3444 violates paragraph (1)(g) commits a misdemeanor of the second
3445 degree, punishable as provided in s. 775.083; and each day of
3446 continuing violation shall be considered a separate offense.

3447 Section 36. Section 63.213, Florida Statutes, is created
3448 to read:

3449 63.213 Preplanned adoption agreement.--

3450 (1) Individuals may enter into a preplanned adoption
3451 arrangement as specified in this section, but such arrangement
3452 may not in any way:

3453 (a) Effect final transfer of custody of a child or final
3454 adoption of a child without review and approval of the court and
3455 without compliance with other applicable provisions of law.



3456 (b) Constitute consent of a mother to place her child for
3457 adoption until 48 hours following birth and unless the court
3458 making the custody determination or approving the adoption
3459 determines that the mother was aware of her right to rescind
3460 within the 48-hour period following birth but chose not to
3461 rescind such consent.

3462 (2) A preplanned adoption agreement must include, but need
3463 not be limited to, the following terms:

3464 (a) That the volunteer mother agrees to become pregnant by
3465 the fertility technique specified in the agreement, to bear the
3466 child, and to terminate any parental rights and responsibilities
3467 to the child she might have through a written consent executed
3468 at the same time as the preplanned adoption agreement, subject
3469 to a right of rescission by the volunteer mother any time within
3470 48 hours after the birth of the child.

3471 (b) That the volunteer mother agrees to submit to
3472 reasonable medical evaluation and treatment and to adhere to
3473 reasonable medical instructions about her prenatal health.

3474 (c) That the volunteer mother acknowledges that she is
3475 aware that she will assume parental rights and responsibilities
3476 for the child born to her as otherwise provided by law for a
3477 mother if the intended father and intended mother terminate the
3478 agreement before final transfer of custody is completed, if a
3479 court determines that a parent clearly specified by the
3480 preplanned adoption agreement to be the biological parent is not
3481 the biological parent, or if the preplanned adoption is not
3482 approved by the court pursuant to the Florida Adoption Act.



3483 (d) That an intended father who is also the biological
3484 father acknowledges that he is aware that he will assume
3485 parental rights and responsibilities for the child as otherwise
3486 provided by law for a father if the agreement is terminated for
3487 any reason by any party before final transfer of custody is
3488 completed or if the planned adoption is not approved by the
3489 court pursuant to the Florida Adoption Act.

3490 (e) That the intended father and intended mother
3491 acknowledge that they may not receive custody or the parental
3492 rights under the agreement if the volunteer mother terminates
3493 the agreement or if the volunteer mother rescinds her consent to
3494 place her child for adoption within 48 hours after birth.

3495 (f) That the intended father and intended mother may agree
3496 to pay all reasonable legal, medical, psychological, or
3497 psychiatric expenses of the volunteer mother related to the
3498 preplanned adoption arrangement and may agree to pay the
3499 reasonable living expenses and wages lost due to the pregnancy
3500 and birth of the volunteer mother and reasonable compensation
3501 for inconvenience, discomfort, and medical risk. No other
3502 compensation, whether in cash or in kind, shall be made pursuant
3503 to a preplanned adoption arrangement.

3504 (g) That the intended father and intended mother agree to
3505 accept custody of and to assert full parental rights and
3506 responsibilities for the child immediately upon the child's
3507 birth, regardless of any impairment to the child.

3508 (h) That the intended father and intended mother shall
3509 have the right to specify the blood and tissue typing tests to



3510 be performed if the agreement specifies that at least one of
3511 them is intended to be the biological parent of the child.

3512 (i) That the agreement may be terminated at any time by
3513 any of the parties.

3514 (3) A preplanned adoption agreement shall not contain any
3515 provision:

3516 (a) To reduce any amount paid to the volunteer mother if
3517 the child is stillborn or is born alive but impaired, or to
3518 provide for the payment of a supplement or bonus for any reason.

3519 (b) Requiring the termination of the volunteer mother's
3520 pregnancy.

3521 (4) An attorney who represents an intended father and
3522 intended mother or any other attorney with whom that attorney is
3523 associated shall not represent simultaneously a female who is or
3524 proposes to be a volunteer mother in any matter relating to a
3525 preplanned adoption agreement or preplanned adoption
3526 arrangement.

3527 (5) Payment to agents, finders, and intermediaries,
3528 including attorneys and physicians, as a finder's fee for
3529 finding volunteer mothers or matching a volunteer mother and
3530 intended father and intended mother is prohibited. Doctors,
3531 psychologists, attorneys, and other professionals may receive
3532 reasonable compensation for their professional services, such as
3533 providing medical services and procedures, legal advice in
3534 structuring and negotiating a preplanned adoption agreement, or
3535 counseling.

3536 (6) As used in this section, the term:



3537 (a) "Blood and tissue typing tests" include, but are not
3538 limited to, tests of red cell antigens, red cell isoenzymes,
3539 human leukocyte antigens, and serum proteins.

3540 (b) "Child" means the child or children conceived by means
3541 of an insemination that is part of a preplanned adoption
3542 arrangement.

3543 (c) "Fertility technique" means artificial embryonation,
3544 artificial insemination, whether in vivo or in vitro, egg
3545 donation, or embryo adoption.

3546 (d) "Intended father" means a male who, as evidenced by a
3547 preplanned adoption agreement, intends to assert the parental
3548 rights and responsibilities for a child conceived through a
3549 fertility technique, regardless of whether the child is
3550 biologically related to the male.

3551 (e) "Intended mother" means a female who, as evidenced by
3552 a preplanned adoption agreement, intends to assert the parental
3553 rights and responsibilities for a child conceived through a
3554 fertility technique, regardless of whether the child is
3555 biologically related to the female.

3556 (f) "Party" means the intended father, the intended
3557 mother, the volunteer mother, or the volunteer mother's
3558 husband, if she has a husband.

3559 (g) "Preplanned adoption agreement" means a written
3560 agreement among the parties that specifies the intent of the
3561 parties as to their rights and responsibilities in the
3562 preplanned adoption arrangement, consistent with the provisions
3563 of this section.



3564 (h) "Preplanned adoption arrangement" means the
 3565 arrangement through which the parties enter into an agreement
 3566 for the volunteer mother to bear the child, for payment by the
 3567 intended father and intended mother of the expenses allowed by
 3568 this section, for the intended father and intended mother to
 3569 assert full parental rights and responsibilities to the child if
 3570 consent to adoption is not rescinded after birth by the
 3571 volunteer mother, and for the volunteer mother to terminate,
 3572 subject to a right of rescission, all her parental rights and
 3573 responsibilities to the child in favor of the intended father
 3574 and intended mother.

3575 (i) "Volunteer mother" means a female at least 18 years of
 3576 age who voluntarily agrees, subject to a right of rescission,
 3577 that if she should become pregnant pursuant to a preplanned
 3578 adoption arrangement, she will terminate her parental rights and
 3579 responsibilities to the child in favor of the intended father
 3580 and intended mother.

3581 Section 37. Section 63.219, Florida Statutes, is amended
 3582 to read:

3583 63.219 Sanctions.--Upon a finding by the court that an
 3584 adoption entity has willfully violated any substantive provision
 3585 of this chapter relative to the rights of the parties to the
 3586 adoption and legality of the adoption process, the court is
 3587 authorized to prohibit the adoption entity from placing a minor
 3588 for adoption in the future in this state.

3589 Section 38. Section 63.235, Florida Statutes, is amended
 3590 to read:



3591 63.235 Petitions filed before October 1, 2003 ~~2001~~;
3592 governing law.--Any petition for adoption filed before October
3593 1, 2003 ~~2001~~, shall be governed by the law in effect at the time
3594 the petition was filed.

3595 Section 39. This act shall take effect October 1, 2003.
3596