

1                                   A bill to be entitled  
 2           An act relating to adoption; amending s. 63.022, F.S.;  
 3           revising legislative intent to allow legal custodians to  
 4           participate in certain private adoption plans; amending s.  
 5           63.032, F.S.; revising definitions; amending s. 63.039,  
 6           F.S.; revising duties of adoption entity to prospective  
 7           parents; amending s. 63.052, F.S.; revising conditions  
 8           under which an adoption entity is the guardian of a minor;  
 9           authorizing the court to retain jurisdiction of a minor  
 10          until the adoption is finalized within or outside of the  
 11          state; amending s. 63.053, F.S.; providing conditions  
 12          under which an unmarried biological father shall lose  
 13          parental rights; amending s. 63.054, F.S.; providing that  
 14          an adoption entity has no obligation to search for a  
 15          registrant who has failed to report certain changes in  
 16          status; providing an exception; revising conditions under  
 17          which a petitioner for termination of parental rights is  
 18          required to submit an application for a search of the  
 19          Florida Putative Father Registry; revising conditions for  
 20          an unmarried biological father to initiate an action under  
 21          s. 63.087, F.S.; requiring compliance by a petitioner for  
 22          termination of parental rights with search requirements  
 23          relating to the identity of a man whose consent is  
 24          required; amending s. 63.062, F.S.; revising provisions  
 25          relating to notice of petition to terminate parental  
 26          rights pending adoption, required consent, and change of  
 27          venue; amending s. 63.064, F.S.; authorizing the court to  
 28          waive the requirement that consent for adoption be

29 | obtained within a certain time period from a parent  
30 | declared incompetent, under certain circumstances;  
31 | requiring the court to consider the best interest of the  
32 | child in making such determination; amending s. 63.082,  
33 | F.S.; revising requirements for executing a consent for  
34 | adoption or affidavit of nonpaternity; revising  
35 | requirements for withdrawing a consent for adoption;  
36 | amending s. 63.085, F.S.; revising provision relating to  
37 | who may sign a valid consent for adoption; amending s.  
38 | 63.087, F.S.; revising provisions governing the  
39 | proceedings for terminating parental rights pending  
40 | adoption; revising the venue requirements for filing a  
41 | petition to terminate parental rights; revising  
42 | requirements for a petition to terminate parental rights  
43 | pending adoption; revising conditions for service of a  
44 | summons and copy of the petition; requiring an answer to a  
45 | petition to be timely filed and providing that failure to  
46 | do so constitutes grounds for termination of parental  
47 | rights; requiring appearance at hearing on the petition  
48 | and providing that failure to do so constitutes grounds  
49 | for termination of parental rights; amending s. 63.088,  
50 | F.S.; providing diligent search and court inquiry  
51 | requirements for identifying and locating a person who is  
52 | required to consent to an adoption or receive notice of  
53 | proceedings to terminate parental rights; providing that  
54 | failure to timely respond or appear constitutes grounds to  
55 | terminate parental rights pending adoption; revising the  
56 | inquiries required for diligent search; requiring a person

57 |       contacted by a petitioner or adoption entity to release  
58 |       certain information; providing an exception; amending s.  
59 |       63.089, F.S.; revising hearing requirements for  
60 |       terminating parental rights; revising grounds upon which  
61 |       parental rights may be terminated; revising conditions for  
62 |       making a finding of abandonment; revising dismissal of  
63 |       petition procedures; revising requirements for issuing and  
64 |       voiding a judgment terminating parental rights; amending  
65 |       s. 63.092, F.S.; revising report and preliminary study  
66 |       requirements for placement of a minor by an adoption  
67 |       entity; amending s. 63.097, F.S.; revising the fees,  
68 |       costs, and expenses that may be assessed by an adoption  
69 |       entity; amending s. 63.102, F.S.; revising requirements  
70 |       for filing a petition for adoption; amending s. 63.112,  
71 |       F.S.; revising requirements for the petition documents for  
72 |       an adoption; amending s. 63.122, F.S.; permitting certain  
73 |       information to be deleted from the notice of hearing to  
74 |       protect privacy rights; amending s. 63.125, F.S.;  
75 |       providing for certain licensed professionals to contribute  
76 |       to final home investigation reports; amending s. 63.132,  
77 |       F.S.; revising requirements for the affidavit of expenses  
78 |       and receipts; revising applicability; amending s. 63.135,  
79 |       F.S.; revising requirements for information provided to  
80 |       the court for adoption proceedings; amending s. 63.142,  
81 |       F.S.; requiring further proceedings if a petition for  
82 |       adoption is dismissed; revising conditions under which a  
83 |       judgment terminating parental rights is voidable; amending  
84 |       s. 63.152, F.S.; requiring the clerk of the court to

85 | transmit the statement of adoption to the registrar of  
 86 | vital statistics in the state where the adoptee was born;  
 87 | amending s. 63.162, F.S.; revising requirements concerning  
 88 | the disclosure of information pertaining to an adoption;  
 89 | amending s. 63.172, F.S.; providing for the right of  
 90 | inheritance with respect to adoption; amending s. 63.192,  
 91 | F.S.; revising provisions relating to recognition of  
 92 | foreign judgment or decree affecting adoption; providing  
 93 | conditions for termination of parental rights; amending s.  
 94 | 63.207, F.S.; authorizing a petition for declaratory  
 95 | statement to be consolidated with a petition for adoption;  
 96 | permitting parents to finalize adoption in their home  
 97 | state; providing an exception to applicability of the  
 98 | Interstate Compact on the Placement of Children; amending  
 99 | s. 63.212, F.S.; providing an exception to applicability  
 100 | of the Interstate Compact on the Placement of Children;  
 101 | revising provisions relating to prohibitions with respect  
 102 | to adoptions; amending s. 63.213, F.S.; revising  
 103 | provisions relating to legal representation in preplanned  
 104 | adoption agreements; revising a definition; amending s.  
 105 | 63.235, F.S.; revising applicability; providing an  
 106 | effective date.

107 |  
 108 | Be It Enacted by the Legislature of the State of Florida:  
 109 |

110 | Section 1. Paragraph (e) of subsection (4) and subsection  
 111 | (5) of section 63.022, Florida Statutes, are amended to read:  
 112 | 63.022 Legislative intent.--

113 (4) The basic safeguards intended to be provided by this  
 114 chapter are that:

115 (e) A sufficient period of time elapses during which the  
 116 minor has lived within the proposed adoptive home under the  
 117 guidance of an adoption entity, except stepparent or relative  
 118 adoptions ~~or adoptions of a relative~~.

119 (5) It is the intent of the Legislature to provide for  
 120 cooperation between private adoption entities and the Department  
 121 of Children and Family Services in matters relating to permanent  
 122 placement options for children in the care of the department  
 123 whose parent or legal custodian wishes ~~birth parents wish~~ to  
 124 participate in a private adoption plan with a qualified family.

125 Section 2. Section 63.032, Florida Statutes, is amended to  
 126 read:

127 63.032 Definitions.--As used in this chapter, the term:

128 (1) "Abandoned" means a situation in which the parent or  
 129 person having legal custody of a child, while being able, makes  
 130 minimal or no provision for the child's support or ~~and~~ makes  
 131 minimal ~~little~~ or no effort to communicate with the child, which  
 132 situation is sufficient to evince an intent to reject parental  
 133 responsibilities. If, in the opinion of the court, the efforts  
 134 of such parent or person having legal custody of the child to  
 135 support and communicate with the child are only marginal efforts  
 136 that do not evince a settled purpose to assume all parental  
 137 duties, the court may declare the child to be abandoned. In  
 138 making this decision, the court may consider the conduct of a  
 139 father towards the child's mother during her pregnancy.

140 (2) "Adoption" means the act of creating the legal  
 141 relationship between parent and child where it did not exist,  
 142 thereby declaring the child to be legally the child of the  
 143 adoptive parents and their heir at law and entitled to all the  
 144 rights and privileges and subject to all the obligations of a  
 145 child born to such adoptive parents in lawful wedlock.

146 (3) "Adoption entity" means the department, an agency, a  
 147 child-caring agency registered under s. 409.176, an  
 148 intermediary, ~~or~~ a child-placing agency licensed in another  
 149 state, or an attorney licensed to practice law in another state  
 150 which is placing a child from another state ~~qualified by the~~  
 151 ~~department to place children~~ in the State of Florida.

152 (4) "Adoption plan" means an arrangement made by a birth  
 153 parent or other individual having a legal right to custody of a  
 154 minor child, born or to be born, with an adoption entity in  
 155 furtherance of the placement of the minor for adoption.

156 ~~(5)~~(4) "Adult" means a person who is not a minor.

157 ~~(6)~~(5) "Agency" means any child-placing agency licensed by  
 158 the department pursuant to s. 63.202 to place minors for  
 159 adoption.

160 ~~(7)~~(6) "Child" means a son or daughter, whether by birth  
 161 or adoption.

162 ~~(8)~~(7) "Court" means any circuit court of this state and,  
 163 when the context requires, the court of any state that is  
 164 empowered to grant petitions for adoption.

165 ~~(9)~~(8) "Department" means the Department of Children and  
 166 Family Services.

167        ~~(10)(9)~~ "Intermediary" means an attorney who is licensed  
 168 or authorized to practice in this state and who is placing or  
 169 intends to place a child for adoption, including placing  
 170 children born in another state with citizens of this state or  
 171 country or placing children born in this state with citizens of  
 172 another state or country.

173        ~~(11)(10)~~ "Legal custody" means a legal status created by  
 174 court order or letter of guardianship which vests in a custodian  
 175 of the person or guardian, whether an agency or an individual,  
 176 the right to have physical custody of the child and the right  
 177 and duty to protect, train, and discipline the child and to  
 178 provide him or her with food, shelter, education, and ordinary  
 179 medical, dental, psychiatric, and psychological care. The legal  
 180 custodian is the person or entity in whom the legal right to  
 181 custody is vested ~~has the meaning ascribed in s. 39.01.~~

182        ~~(12)(11)~~ "Minor" means a person under the age of 18 years.

183        ~~(13)(12)~~ "Parent" means a woman who gives birth to a child  
 184 and a man whose consent to the adoption of the child would be  
 185 required under s. 63.062. If a child has been legally adopted,  
 186 the term "parent" means the adoptive mother or father of the  
 187 child. The terms "parent," "mother," and "father" do not include  
 188 an individual whose parental relationship to the child has been  
 189 legally terminated ~~has the same meaning ascribed in s. 39.01.~~

190        ~~(14)(13)~~ "Person" includes a natural person, corporation,  
 191 government or governmental subdivision or agency, business  
 192 trust, estate, trust, partnership, or association, and any other  
 193 legal entity.

194        ~~(15)(14)~~ "Relative" means a person related by blood or  
 195 affinity to the person being adopted within the third degree of  
 196 consanguinity.

197        ~~(16)(15)~~ "To place" or "placement" means the process of a  
 198 parent or legal guardian surrendering a child for adoption and  
 199 the prospective adoptive parents receiving and adopting the  
 200 child, and includes all actions by any person or adoption entity  
 201 participating in the process.

202        ~~(17)(16)~~ "Primarily lives and works in Florida" includes a  
 203 person who lives and works in this state at least 6 months of  
 204 the year, military personnel who designate Florida as their  
 205 place of residence in accordance with the Servicemembers Civil  
 206 Relief Act of 2003, or United States citizens living in a  
 207 foreign country who designate Florida as their place of  
 208 residence. ~~"Placement" means the process of a parent or legal~~  
 209 ~~guardian surrendering a child for adoption and the prospective~~  
 210 ~~adoptive parents receiving and adopting the child and all~~  
 211 ~~actions by any adoption entity participating in placing the~~  
 212 ~~child.~~

213        ~~(18)(17)~~ "Primarily lives and works outside Florida" means  
 214 a person who lives and works outside this state at least 6  
 215 months of the year, military personnel who designate a state  
 216 other than Florida as their place of residence in accordance  
 217 with the Servicemembers Civil Relief Act of 2003 and who do not  
 218 reside in Florida 6 months of the year ~~Soldiers' and Sailors'~~  
 219 ~~Civil Relief Act of 1940,~~ or United States citizens ~~employees of~~  
 220 ~~the United States Department of State~~ living in a foreign  
 221 country who designate a state other than Florida as their place



222 of residence and who do not reside in Florida 6 months of the  
 223 year.

224 ~~(19)(18)~~ "Suitability of the intended placement" includes  
 225 the fitness of the intended placement, with primary  
 226 consideration being given to the best interest of the child.

227 ~~(20)(19)~~ "Unmarried biological father" means the child's  
 228 biological father who is not married to the child's mother at  
 229 the time of conception or birth of the child and who has not  
 230 been declared by a court of competent jurisdiction to be the  
 231 legal father of the child.

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

236 Section 3. Paragraphs (g) and (i) of subsection (1) of  
 237 section 63.039, Florida Statutes, are amended to read:

238 63.039 Duty of adoption entity to prospective adoptive  
 239 parents; sanctions.--

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

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

250 (i) Obtain the written waiver of venue if applicable  
 251 ~~required under s. 63.062 in cases in which venue for the~~  
 252 ~~termination of parental rights will be located in a county other~~  
 253 ~~than the county where a parent whose rights are to be terminated~~  
 254 ~~resides.~~

255 Section 4. Subsections (1) and (7) of section 63.052,  
 256 Florida Statutes, are amended to read:

257 63.052 Guardians designated; proof of commitment.--

258 (1) For minors who have been placed for adoption with ~~and~~  
 259 ~~permanently committed to~~ an adoption entity, other than an  
 260 intermediary, such adoption entity shall be the guardian of the  
 261 person of the minor and has the responsibility and authority to  
 262 provide for the needs and welfare of the minor.

263 (7) The court retains jurisdiction of a minor who has been  
 264 placed for adoption until the adoption is finalized within or  
 265 outside of this state ~~final~~. After a minor is placed with an  
 266 adoption entity or prospective adoptive parent, the court may  
 267 review the status of the minor and the progress toward permanent  
 268 adoptive placement.

269 Section 5. Subsection (1) of section 63.053, Florida  
 270 Statutes, is amended to read:

271 63.053 Rights and responsibilities of an unmarried  
 272 biological father; legislative findings.--

273 (1) In enacting the provisions contained in this chapter,  
 274 the Legislature prescribes the conditions for determining  
 275 whether an unmarried biological father's actions are  
 276 sufficiently prompt and substantial so as to require protection  
 277 of a constitutional right. If an unmarried biological father

278 fails to take the actions that are available to him to establish  
 279 a relationship with his child, his parental interest shall ~~may~~  
 280 be lost entirely, ~~or greatly diminished,~~ by his failure to  
 281 timely comply with the available legal steps to substantiate a  
 282 parental interest.

283 Section 6. Subsections (6), (7), (8), and (13) of section  
 284 63.054, Florida Statutes, are amended to read:

285 63.054 Actions required by an unmarried biological father  
 286 to establish parental rights; Florida Putative Father  
 287 Registry.--

288 (6) It is the obligation of the registrant or, if  
 289 designated under subsection (4), his designated agent or  
 290 representative to notify and update the Office of Vital  
 291 Statistics of any change of address or change in the designation  
 292 of an agent or representative. The failure of a registrant, or  
 293 designated agent or representative, to report any such change is  
 294 at the registrant's own risk and shall not serve as a valid  
 295 defense based upon lack of notice and the adoption entity or  
 296 petitioner shall have no further obligation to search for the  
 297 registrant, unless the person petitioning for termination of  
 298 parental rights or adoption has actual ~~or constructive~~ notice of  
 299 the registrant's address and whereabouts from another source.

300 (7) In each proceeding for termination of parental rights  
 301 or each adoption proceeding wherein parental rights are being  
 302 terminated simultaneously with entry of the final judgment of  
 303 adoption, as in stepparent and relative adoptions filed under  
 304 this chapter, the petitioner must contact the Office of Vital  
 305 Statistics of the Department of Health by submitting an

306 application for a search of the Florida Putative Father  
 307 Registry. The petitioner shall provide the same information, if  
 308 known, on the search application form which the registrant is  
 309 required to furnish under subsection (3). Thereafter, the Office  
 310 of Vital Statistics must issue a certificate signed by the State  
 311 Registrar certifying:

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

316 (b) That a diligent search has been made of the registry  
 317 of registrants who may be the unmarried biological father of the  
 318 subject child and that no matching registration has been located  
 319 in the registry.

320  
 321 The ~~This~~ certificate must be filed with the court in the  
 322 proceeding to terminate parental rights or the adoption  
 323 proceeding. If a termination of parental rights and an adoption  
 324 proceeding are being adjudicated separately ~~simultaneously~~, the  
 325 Florida Putative Father Registry need only be searched once.

326 (8) If an unmarried biological father whose consent to  
 327 adoption is required does not know the county in which the birth  
 328 mother resides, gave birth, or intends to give birth, he may  
 329 initiate an action in any county in the state, in accordance  
 330 with s. 63.087 ~~subject to the birth mother's right to change~~  
 331 ~~venue to the county where she resides.~~

332 (13) The filing of a claim of paternity with the Florida  
 333 Putative Father Registry does not excuse or waive the obligation

334 of a petitioner to comply with the requirements for conducting a  
 335 diligent search and inquiry with respect to the identity of any  
 336 man whose consent is required pursuant to s. 63.062 ~~an unmarried~~  
 337 ~~biological father or legal father which are set forth in this~~  
 338 ~~chapter.~~

339 Section 7. Section 63.062, Florida Statutes, is amended to  
 340 read:

341 63.062 Persons required to consent to adoption; affidavit  
 342 of nonpaternity; waiver of venue.--

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

348 (a) The mother of the minor, if her parental rights have  
 349 not been previously terminated.

350 (b) The father of the minor, if his parental rights have  
 351 not been previously terminated, and if:

352 1. The minor was conceived or born while the father was  
 353 married to the mother;

354 2. The minor is his child by adoption prior to the filing  
 355 of a petition for termination of parental rights;

356 3. The minor has been established by court proceeding to  
 357 be his child prior to the filing of a petition for termination  
 358 of parental rights and has complied with the requirements of  
 359 subsection (2);

360 4. He has filed an affidavit of paternity pursuant to s.  
 361 382.013(2)(c) prior to the filing of a petition for termination

362 of parental rights and has complied with the requirements of  
 363 subsection (2); or

364 5. In the case of an unmarried biological father, he has  
 365 acknowledged in writing, signed in the presence of a competent  
 366 witness, that he is the father of the minor, has filed such  
 367 acknowledgment with the Office of Vital Statistics of the  
 368 Department of Health within the required timeframes, and has  
 369 complied with the requirements of subsection (2).

370 (c) The minor, if 12 years of age or older, unless the  
 371 court in the best interest of the minor dispenses with the  
 372 minor's consent.

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

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

378 (2) In accordance with subsection (1), the consent of an  
 379 unmarried biological father shall be required ~~necessary~~ only if  
 380 the unmarried biological father has complied with the  
 381 requirements of this subsection.

382 (a)1. With regard to a child who is placed with adoptive  
 383 parents more than 6 months after the child's birth, an unmarried  
 384 biological father must have developed a substantial relationship  
 385 with the child, taken some measure of responsibility for the  
 386 child and the child's future, and demonstrated a full commitment  
 387 to the responsibilities of parenthood by providing financial  
 388 support to the child in accordance with the unmarried biological  
 389 father's ability, if not prevented from doing so by the person

390 or authorized agency having lawful custody of the child, and  
 391 either:

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

396 b. Maintained regular communication with the child or with  
 397 the person or agency having the care or custody of the child,  
 398 when physically or financially unable to visit the child and ~~or~~  
 399 when not prevented from doing so by the birth mother or person  
 400 or authorized agency having lawful custody of the child.

401 2. The mere fact that an unmarried biological father  
 402 expresses a desire to fulfill his responsibilities towards his  
 403 child which is unsupported by acts evidencing this intent does  
 404 not preclude a finding by the court that the unmarried  
 405 biological father failed to comply with the requirements of this  
 406 subsection.

407 3. An unmarried biological father who openly lived with  
 408 the child for at least 6 months within the 1-year period  
 409 following the birth of the child and immediately preceding  
 410 placement of the child with adoptive parents and who openly held  
 411 himself out to be the father of the child during that period  
 412 shall be deemed to have developed a substantial relationship  
 413 with the child and to have otherwise met the requirements of  
 414 this paragraph.

415 (b) With regard to a child who is younger than 6 months of  
 416 age at the time the child is placed with the adoptive parents,  
 417 an unmarried biological father must have demonstrated a full

418 | commitment to his parental responsibility by having performed  
419 | all of the following acts prior to the time the mother executes  
420 | her consent for adoption or a petition for termination of  
421 | parental rights has been filed, whichever is earlier:

422 |       1. Filed a notarized claim of paternity form with the  
423 | Florida Putative Father Registry within the Office of Vital  
424 | Statistics of the Department of Health, which form shall be  
425 | maintained in the confidential registry established for that  
426 | purpose and shall be considered filed when the notice is entered  
427 | in the registry of notices from unmarried biological fathers.

428 |       2. Upon service of a notice of an intended adoption plan  
429 | or a petition for termination of parental rights pending  
430 | adoption, timely executed and filed an affidavit in that  
431 | proceeding stating that he is personally fully able and willing  
432 | to take responsibility for the child, setting forth his plans  
433 | for care of the child, and agreeing to a court order of child  
434 | support and a contribution to the payment of living and medical  
435 | expenses incurred for the mother's pregnancy and the child's  
436 | birth in accordance with his ability to pay.

437 |       3. If he had knowledge of the pregnancy, paid a fair and  
438 | reasonable amount of the expenses incurred in connection with  
439 | the mother's pregnancy and the child's birth, in accordance with  
440 | his financial ability and when not prevented from doing so by  
441 | the birth mother or person or authorized agency having lawful  
442 | custody of the child.

443 |       (c) The petitioner shall file with the court a certificate  
444 | from the Office of Vital Statistics stating that a diligent  
445 | search has been made of the Florida Putative Father Registry of



446 notices from unmarried biological fathers described in  
447 subparagraph (b)1. and that no filing has been found pertaining  
448 to the father of the child in question or, if a filing is found,  
449 stating the name of the putative father and the time and date of  
450 filing. That certificate shall be filed with the court prior to  
451 the entry of a final judgment of termination of parental rights.

452 (d) An unmarried biological father who does not comply  
453 with each of the conditions provided in this subsection is  
454 deemed to have irrevocably waived and surrendered any rights in  
455 relation to the child, including the right to notice of any  
456 judicial proceeding in connection with the adoption of the  
457 child, and his consent to the adoption of the child is not  
458 required.

459 (3)(a) Pursuant to chapter 48, an adoption entity may  
460 serve upon any unmarried biological father identified by the  
461 mother or identified by a diligent search of the Florida  
462 Putative Father Registry, or upon an entity whose consent is  
463 required, a notice of intended adoption plan at any time prior  
464 to the birth of the child or placement of the child in the  
465 adoptive home, ~~including prior to the birth of the child~~. The  
466 notice of intended adoption plan must specifically state that if  
467 the unmarried biological father desires to contest the adoption  
468 plan, he must file with the court, within 30 days after service,  
469 a verified response that contains a pledge of commitment to the  
470 child in substantial compliance with subparagraph (2)(b)2. The  
471 notice of intended adoption plan shall notify the unmarried  
472 biological father that, if he has not already done so, he must  
473 file a claim of paternity form with the Office of Vital

474 Statistics within 30 days after service upon him and must  
475 provide the adoption entity with a copy of the verified response  
476 filed with the court and the claim of paternity form filed with  
477 the Office of Vital Statistics. If the party served with the  
478 notice of intended adoption plan is an entity, the entity must  
479 file, within 30 days after service, a verified response setting  
480 forth a legal basis for contesting the intended adoption plan,  
481 specifically addressing the best interest of the child. If the  
482 unmarried biological father or adoption entity whose consent is  
483 required fails to properly file a verified response with the  
484 court and, in the case of an unmarried biological father, a  
485 claim of paternity form with the Office of Vital Statistics  
486 within 30 days after service upon that unmarried biological  
487 father or entity whose consent is required, the consent of that  
488 unmarried biological father or entity shall not ~~no longer~~ be  
489 required under this chapter and that party shall be deemed to  
490 have irrevocably waived any claim of rights to the child. Each  
491 notice of intended adoption plan served upon an unmarried  
492 biological father must include instructions as to the procedure  
493 the unmarried biological father must follow to submit a claim of  
494 paternity form to the Office of Vital Statistics and the address  
495 to which the registration must be directed.

496 (b) ~~If the birth mother identifies a man who she believes~~  
497 ~~is the unmarried biological father of her child, the adoption~~  
498 ~~entity may provide a notice of intended adoption plan pursuant~~  
499 ~~to paragraph (a).~~ If the mother identifies a potential unmarried  
500 biological father whose location is unknown, the adoption entity  
501 that has been retained to terminate any parental rights that may

502 be asserted by the potential unmarried biological father must  
 503 therefore make a good faith effort to locate him ~~shall conduct a~~  
 504 ~~diligent search pursuant to s. 63.088. If, upon completion of a~~  
 505 ~~diligent search,~~ the potential unmarried biological father's  
 506 location remains unknown and a search of the Florida Putative  
 507 Father Registry fails to provide an address for him, ~~reveal a~~  
 508 ~~match, the adoption entity shall request in the petition for~~  
 509 ~~termination of parental rights pending adoption that the court~~  
 510 ~~declare the diligent search to be in compliance with s. 63.088~~  
 511 ~~and to further declare that the adoption entity shall have no~~  
 512 further obligation to ~~provide notice to~~ the potential unmarried  
 513 biological father and that the potential unmarried biological  
 514 father's consent to the adoption shall not be required.

515 (4) Any person whose consent is required under paragraph  
 516 (1)(b), or any other man, ~~paragraphs (1)(c)-(e)~~ may execute an  
 517 irrevocable affidavit of nonpaternity in lieu of a consent under  
 518 this section and by doing so waives notice to all court  
 519 proceedings after the date of execution. An affidavit of  
 520 nonpaternity must be executed as provided in s. 63.082. The  
 521 affidavit of nonpaternity may be executed prior to the birth of  
 522 the child. The person executing the affidavit must receive  
 523 disclosure under s. 63.085 prior to signing the affidavit.

524 (5) A person who signs a consent to adoption or an  
 525 affidavit of nonpaternity must be given reasonable notice of his  
 526 or her right to select a person who does not have an employment,  
 527 professional, or personal relationship with the adoption entity  
 528 or the prospective adoptive parents to be present when the

529 consent to adoption or affidavit of nonpaternity is executed and  
 530 to sign the consent or affidavit as a witness.

531 (6) The petitioner must make good faith and diligent  
 532 efforts as provided under s. 63.088 to notify, and obtain  
 533 written consent from, the persons required to consent to  
 534 adoption under this section.

535 (7) If parental rights to the minor have previously been  
 536 terminated, the adoption entity with which the minor has been  
 537 placed for subsequent adoption may provide consent to the  
 538 adoption. In such case, no other consent is required. The  
 539 consent of the department shall be waived upon a determination  
 540 by the court that such consent is being unreasonably withheld,  
 541 provided that the petitioner has filed with the court a  
 542 favorable preliminary adoptive home study performed by a  
 543 licensed child-placing agency, a child-caring agency registered  
 544 under s. 409.176, or a licensed professional or agency described  
 545 in s. 61.20(2).

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

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

549 (b) Written notice of the final hearing on the adoption  
 550 has been provided to the parents, if any, or proof of service of  
 551 process has been filed, showing notice has been served on the  
 552 parents as provided in this chapter.

553 (9) A petition for termination of parental rights shall be  
 554 filed in the appropriate county as determined under s.  
 555 63.087(2). If a ~~the~~ ~~parent~~ ~~or~~ ~~parents~~ whose consent is required  
 556 objects ~~rights are to be terminated~~ ~~object~~ to venue ~~in the~~

557 ~~county where the action was filed~~, the court may transfer venue  
 558 to a proper venue consistent with the provisions of this chapter  
 559 and the provisions of chapter 47 ~~the action to the county where~~  
 560 ~~the objecting parent or parents reside~~, unless the objecting  
 561 parent has previously executed a waiver of venue.

562 (10) The waiver of venue must be a separate document  
 563 containing no consents, disclosures, or other information  
 564 unrelated to venue.

565 Section 8. Subsection (3) of section 63.064, Florida  
 566 Statutes, is amended to read:

567 63.064 Persons whose consent to an adoption may be  
 568 waived.--The court may waive the consent of the following  
 569 individuals to an adoption:

570 (3) A parent who has been judicially declared incompetent  
 571 and for whom restoration of competency is medically improbable  
 572 within a reasonable period of time. The court shall consider the  
 573 best interests of the child in making this determination.

574 Section 9. Paragraph (c) of subsection (1) and subsections  
 575 (4), (5), (6), and (7) of section 63.082, Florida Statutes, are  
 576 amended to read:

577 63.082 Execution of consent to adoption or affidavit of  
 578 nonpaternity; family social and medical history; withdrawal of  
 579 consent.--

580 (1)

581 (c) A consent or an affidavit of nonpaternity executed by  
 582 a minor parent who is 14 years of age or younger must be  
 583 witnessed by a parent, stepparent, legal or designated guardian,  
 584 or court-appointed guardian ad litem.

585 (4)(a) An affidavit of nonpaternity may be executed before  
 586 the birth of the minor; however, the consent to an adoption  
 587 shall not be executed before the birth of the minor.

588 (b) A consent to the adoption of a minor who is to be  
 589 placed for adoption shall not be executed by the birth mother  
 590 sooner than 48 hours after the minor's birth or the day the  
 591 birth mother has been notified in writing, either on her patient  
 592 chart or in release paperwork, that she is fit to be released  
 593 from the licensed hospital or birth center, whichever is  
 594 earlier. A consent by any man ~~a biological father or legal~~  
 595 ~~father~~ may be executed at any time after the birth of the child.  
 596 A consent executed under this paragraph is valid upon execution  
 597 and may be withdrawn only if the court finds that it was  
 598 obtained by fraud or duress.

599 (c) When the minor to be adopted is older than 6 months of  
 600 age at the time of the execution of the consent, the consent to  
 601 adoption is valid upon execution; however, it is subject to a 3-  
 602 day revocation period ~~or may be revoked at any time prior to the~~  
 603 ~~placement of the minor with the prospective adoptive parents,~~  
 604 ~~whichever is later.~~ If a consent has been executed, this  
 605 subsection may not be construed to provide a birth parent with  
 606 more than 3 days to revoke the consent once the child has been  
 607 placed with the prospective adoptive parents.

608 (d) The consent to adoption or the affidavit of  
 609 nonpaternity must be signed in the presence of two witnesses and  
 610 be acknowledged before a notary public who is not signing as one  
 611 of the witnesses. The notary public must legibly note on the  
 612 consent or the affidavit the date and time of execution. The

613 witnesses' names must be typed or printed underneath their  
 614 signatures. The witnesses' home or business addresses must be  
 615 included. The person who signs the consent or the affidavit has  
 616 the right to have at least one of the witnesses be an individual  
 617 who does not have an employment, professional, or personal  
 618 relationship with the adoption entity or the prospective  
 619 adoptive parents. The adoption entity must give reasonable  
 620 notice to the person signing the consent or affidavit of the  
 621 right to select a witness of his or her own choosing. The person  
 622 who signs the consent or affidavit must acknowledge in writing  
 623 on the consent or affidavit that such notice was given and  
 624 indicate the witness, if any, who was selected by the person  
 625 signing the consent or affidavit. The adoption entity must  
 626 include its name, address, and telephone number on the consent  
 627 to adoption or affidavit of nonpaternity.

628 (e) A consent to adoption being executed by the birth  
 629 parent must be in at least 12-point boldfaced type in  
 630 substantially the following form:

631  
 632 CONSENT TO ADOPTION

633  
 634 YOU HAVE THE RIGHT TO SELECT AT LEAST ONE PERSON WHO  
 635 DOES NOT HAVE AN EMPLOYMENT, PROFESSIONAL, OR PERSONAL  
 636 RELATIONSHIP WITH THE ADOPTION ENTITY OR THE  
 637 PROSPECTIVE ADOPTIVE PARENTS TO BE PRESENT WHEN THIS  
 638 AFFIDAVIT IS EXECUTED AND TO SIGN IT AS A WITNESS. YOU  
 639 MUST ACKNOWLEDGE ON THIS FORM THAT YOU WERE NOTIFIED

640 OF THIS RIGHT AND YOU MUST INDICATE THE WITNESS OR  
 641 WITNESSES YOU SELECTED, IF ANY.

642  
 643 YOU DO NOT HAVE TO SIGN THIS CONSENT FORM. YOU MAY DO  
 644 ANY OF THE FOLLOWING INSTEAD OF SIGNING THIS CONSENT  
 645 OR BEFORE SIGNING THIS CONSENT:

- 646
- 647 1. CONSULT WITH AN ATTORNEY;
- 648 2. HOLD, CARE FOR, AND FEED THE CHILD UNLESS
- 649 OTHERWISE LEGALLY PROHIBITED;
- 650 3. PLACE THE CHILD IN FOSTER CARE OR WITH ANY
- 651 FRIEND OR FAMILY MEMBER YOU CHOOSE WHO IS WILLING TO
- 652 CARE FOR THE CHILD;
- 653 4. TAKE THE CHILD HOME UNLESS OTHERWISE LEGALLY
- 654 PROHIBITED; AND
- 655 5. FIND OUT ABOUT THE COMMUNITY RESOURCES THAT
- 656 ARE AVAILABLE TO YOU IF YOU DO NOT GO THROUGH WITH THE
- 657 ADOPTION.

658  
 659 IF YOU DO SIGN THIS CONSENT, YOU ARE GIVING UP ALL  
 660 RIGHTS TO YOUR CHILD. YOUR CONSENT IS VALID, BINDING,  
 661 AND IRREVOCABLE EXCEPT UNDER SPECIFIC LEGAL  
 662 CIRCUMSTANCES. IF YOU ARE GIVING UP YOUR RIGHTS TO A  
 663 NEWBORN CHILD WHO IS TO BE IMMEDIATELY PLACED FOR  
 664 ADOPTION UPON THE CHILD'S RELEASE FROM A LICENSED  
 665 HOSPITAL OR BIRTH CENTER FOLLOWING BIRTH, A WAITING  
 666 PERIOD WILL BE IMPOSED UPON THE BIRTH MOTHER BEFORE  
 667 SHE MAY SIGN THE CONSENT FOR ADOPTION. A BIRTH MOTHER



668 MUST WAIT 48 HOURS FROM THE TIME OF BIRTH, OR UNTIL  
 669 THE DAY THE BIRTH MOTHER HAS BEEN NOTIFIED IN WRITING,  
 670 EITHER ON HER PATIENT CHART OR IN RELEASE PAPERS, THAT  
 671 SHE IS FIT TO BE RELEASED FROM A LICENSED HOSPITAL OR  
 672 BIRTH CENTER, WHICHEVER IS SOONER, BEFORE THE CONSENT  
 673 FOR ADOPTION MAY BE EXECUTED. ANY MAN ~~A BIOLOGICAL~~  
 674 ~~FATHER~~ MAY EXECUTE A CONSENT AT ANY TIME AFTER THE  
 675 BIRTH OF THE CHILD. ONCE YOU HAVE SIGNED THE CONSENT,  
 676 IT IS VALID, BINDING, AND IRREVOCABLE AND CANNOT BE  
 677 WITHDRAWN UNLESS A COURT FINDS THAT IT WAS OBTAINED BY  
 678 FRAUD OR DURESS.

679  
 680 IF YOU BELIEVE THAT YOUR CONSENT WAS OBTAINED BY FRAUD  
 681 OR DURESS AND YOU WISH TO REVOKE THAT CONSENT, YOU  
 682 MUST:

- 683
- 684 1. NOTIFY THE ADOPTION ENTITY, BY WRITING A
  - 685 LETTER, THAT YOU WISH TO WITHDRAW YOUR CONSENT; AND
  - 686 2. PROVE IN COURT THAT THE CONSENT WAS OBTAINED
  - 687 BY FRAUD OR DURESS.
- 688

689 This statement of rights is not required for the adoption of a  
 690 relative, an adult, a stepchild, or a child older than 6 months  
 691 of age. A consent form for the adoption of a child older than 6  
 692 months of age at the time of execution of consent must contain a  
 693 statement outlining the revocation rights provided in paragraph  
 694 (c).

695 (5) A copy or duplicate original of each consent signed  
 696 pursuant to this chapter ~~in an action for termination of~~  
 697 ~~parental rights pending adoption~~ must be provided to the person  
 698 who executed the consent to adoption. The copy must be hand  
 699 delivered, with a written acknowledgment of receipt signed by  
 700 the person whose consent is required at the time of execution.  
 701 If a copy of a consent cannot be provided as required in this  
 702 subsection, the adoption entity must execute an affidavit  
 703 stating why the copy of the consent was not delivered. The  
 704 original consent and acknowledgment of receipt, or an affidavit  
 705 stating why the copy of the consent was not delivered, must be  
 706 filed with the petition for termination of parental rights  
 707 pending adoption.

708 (6)(a) If a birth parent executes a consent for placement  
 709 of a minor with an adoption entity or qualified prospective  
 710 adoptive parents and the minor child is in the custody of the  
 711 department, but parental rights have not yet been terminated,  
 712 the adoption consent shall be valid, binding, and enforceable by  
 713 the court and shall be the basis for a transfer of custody  
 714 pursuant to the consent.

715 (b) Upon execution of the consent of the birth parent, the  
 716 adoption entity shall be permitted to intervene in the  
 717 dependency case as a party in interest and shall provide the  
 718 court having jurisdiction over the minor pursuant to the shelter  
 719 or dependency petition filed by the department with a copy of  
 720 the preliminary home study of the prospective adoptive parents  
 721 and any other evidence of the suitability of the placement. The  
 722 preliminary home study shall be maintained with strictest

723 confidentiality within the dependency court file and the  
724 department's file. A preliminary home study must be provided to  
725 the court in all cases in which an adoption entity has  
726 intervened pursuant to this section.

727 (c) Upon a determination by the court that the prospective  
728 adoptive parents have met the requirements of this chapter ~~are~~  
729 ~~properly qualified~~ to adopt the minor child and that the  
730 adoption appears to be in the best interest of the minor child,  
731 the court shall immediately order the transfer of custody of the  
732 minor child to the prospective adoptive parents, under the  
733 supervision of the adoption entity. Thereafter, the adoption  
734 entity shall file a separate, independent termination of  
735 parental rights proceeding or an adoption proceeding in an  
736 appropriate venue in accordance with ss. 63.087 and 63.102, and  
737 the court having jurisdiction over the minor in the dependency  
738 action shall relinquish its jurisdiction to the court where the  
739 adoption entity's proceeding is filed. The adoption entity shall  
740 thereafter provide monthly supervision reports to the court, if  
741 required, ~~department~~ until finalization of the adoption.

742 (d) In determining whether the best interest of the child  
743 will be served by transferring the custody of the minor child to  
744 the prospective adoptive parent selected by the birth parent,  
745 the court shall give consideration to the rights of the birth  
746 parent to determine an appropriate placement for the child, the  
747 permanency offered, the child's bonding with any potential  
748 adoptive home that the child has been residing in, and the  
749 importance of maintaining sibling relationships, if possible.

750 (7)(a) A consent that is being withdrawn under paragraph  
 751 (4)(c) may be withdrawn ~~at any time prior to the minor's~~  
 752 ~~placement with the prospective adoptive parents or~~ by notifying  
 753 the adoption entity in writing by certified United States mail,  
 754 return receipt requested, not later than 3 business days after  
 755 execution of the consent. As used in this subsection, the term  
 756 "business day" means any day on which the United States Postal  
 757 Service accepts certified mail for delivery.

758 (b) Upon receiving timely written notice pursuant to  
 759 paragraph (a) from a person whose consent to adoption is  
 760 required of that person's desire to withdraw consent to  
 761 adoption, the adoption entity must contact the prospective  
 762 adoptive parent to arrange a time certain for the adoption  
 763 entity to regain physical custody of the minor, unless, upon a  
 764 motion for emergency hearing by the adoption entity, the court  
 765 determines in written findings that placement of the minor with  
 766 the person who had legal or physical custody of the child  
 767 immediately prior to placement of the child for adoption may not  
 768 be in the minor's best interest ~~withdrawing consent may endanger~~  
 769 ~~the minor, or~~ that the person who desires to withdraw consent to  
 770 the adoption would not be required to consent to the adoption,  
 771 or that the person may be ~~has been~~ determined to have abandoned  
 772 the child or may otherwise be subject to the consent being  
 773 waived pursuant to this chapter.

774 (c) If the court makes any of the findings specified in  
 775 paragraph (b) ~~finds that such placement may endanger the minor,~~  
 776 the court must enter an order regarding continued placement of  
 777 the minor. The order shall direct continued placement with the

778 prospective adoptive parents pending further proceedings if they  
 779 desire such continued placement. If they do not desire continued  
 780 placement, the order shall include, but not be limited to,  
 781 whether temporary placement in foster care, with the person who  
 782 had legal or physical custody of the child immediately prior to  
 783 placement of the child for adoption, or with a relative, is in  
 784 the child's best interest and is appropriate, whether an  
 785 investigation by the department is recommended, ~~and whether a~~  
 786 ~~relative is available for the temporary placement.~~

787 (d) If the person withdrawing a required consent claims to  
 788 be the father of the minor but has not been established to be  
 789 the father by marriage, court order, or scientific testing, the  
 790 court may order scientific paternity testing upon a showing that  
 791 said testing is in the minor's best interest ~~and reserve ruling~~  
 792 ~~on removal of the minor until the results of such testing have~~  
 793 ~~been filed with the court.~~

794 ~~(e) The adoption entity must return the minor within 3~~  
 795 ~~business days after timely and proper notification of the~~  
 796 ~~withdrawal of consent or after the court determines that~~  
 797 ~~withdrawal is valid and binding upon consideration of an~~  
 798 ~~emergency motion, as filed pursuant to paragraph (b), to the~~  
 799 ~~physical custody of the person withdrawing consent or the person~~  
 800 ~~directed by the court. If the person seeking to validly withdraw~~  
 801 ~~consent claims to be the father of the minor but has not been~~  
 802 ~~established to be the father by marriage, court order, or~~  
 803 ~~scientific testing, the adoption entity may return the minor to~~  
 804 ~~the care and custody of the mother, if she desires such~~

805 ~~placement, and the mother is not otherwise prohibited by law~~  
 806 ~~from having custody of the child.~~

807 (e)~~(f)~~ Following the revocation period for withdrawal of  
 808 consent described in paragraph (a), or the placement of the  
 809 child with the prospective adoptive parents, whichever occurs  
 810 later, consent may be withdrawn only when the court finds that  
 811 the consent was obtained by fraud or duress.

812 (f)~~(g)~~ An affidavit of nonpaternity may be withdrawn only  
 813 if the court finds that the affidavit was obtained by fraud or  
 814 duress.

815 Section 10. Section 63.085, Florida Statutes, is amended  
 816 to read:

817 63.085 Disclosure by adoption entity.--

818 (1) DISCLOSURE REQUIRED TO PARENTS AND PROSPECTIVE  
 819 ADOPTIVE PARENTS.--Not later than 14 days after a person seeking  
 820 to adopt a minor or a person seeking to place a minor for  
 821 adoption contacts an adoption entity in person or provides the  
 822 adoption entity with a mailing address, the entity must provide  
 823 a written disclosure statement to that person if the entity  
 824 agrees or continues to work with such person. If an adoption  
 825 entity is assisting in the effort to terminate the parental  
 826 rights of a parent who did not initiate ~~the~~ contact with the  
 827 adoption entity, the written disclosure must be provided within  
 828 14 days after that parent is identified and located. For  
 829 purposes of providing the written disclosure, a person is  
 830 considered to be seeking to place a minor for adoption when that  
 831 person has sought information or advice from the adoption entity  
 832 regarding the option of adoptive placement. The written

833 disclosure statement must be in substantially the following  
 834 form:

835  
 836 ADOPTION DISCLOSURE

837  
 838 THE STATE OF FLORIDA REQUIRES THAT THIS FORM BE  
 839 PROVIDED TO ALL PERSONS CONSIDERING ADOPTING A MINOR  
 840 OR SEEKING TO PLACE A MINOR FOR ADOPTION, TO ADVISE  
 841 THEM OF THE FOLLOWING FACTS REGARDING ADOPTION UNDER  
 842 FLORIDA LAW:

843  
 844 1. The name, address, and telephone number of  
 845 the adoption entity providing this disclosure is:

846 Name:

847 Address:

848 Telephone Number:

849  
 850 2. The adoption entity does not provide legal  
 851 representation or advice to birth parents, and birth  
 852 parents have the right to consult with an attorney of  
 853 their own choosing to advise them.

854 3. With the exception of an adoption by a  
 855 stepparent or relative, a child cannot be placed into  
 856 a prospective adoptive home unless the prospective  
 857 adoptive parents have received a favorable preliminary  
 858 home study, including criminal and child abuse  
 859 clearances.

860           4. A valid consent for adoption may not be  
861 signed by the birth mother until 48 hours after the  
862 birth of the child, or the day the birth mother is  
863 notified, in writing, that she is fit for discharge  
864 from the licensed hospital or birth center. Any man A  
865 ~~putative father~~ may sign a valid consent for adoption  
866 at any time after the birth of the child.

867           5. A consent for adoption signed before the  
868 child attains the age of 6 months is binding and  
869 irrevocable from the moment it is signed unless it can  
870 be proven in court that the consent was obtained by  
871 fraud or duress. A consent for adoption signed after  
872 the child attains the age of 6 months is valid from  
873 the moment it is signed; however, it may be revoked  
874 until the child is placed in an adoptive home, or up  
875 to 3 business days after it was signed, whichever  
876 period is longer.

877           6. A consent for adoption is not valid if the  
878 signature of the person who signed the consent was  
879 obtained by fraud or duress.

880           7. There are alternatives to adoption, including  
881 foster care, relative care, and parenting the child.  
882 There may be services and sources of financial  
883 assistance in the community available to birth parents  
884 if they choose to parent the child.

885           8. A birth parent has the right to have a  
886 witness of his or her choice, who is unconnected with  
887 the adoption entity or the adoptive parents, to be



888 present and witness the signing of the consent or  
 889 affidavit of nonpaternity.

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

894 10. A birth parent has a right to receive  
 895 supportive counseling from a counselor, social worker,  
 896 physician, clergy, or attorney, and such counseling  
 897 would be beneficial to the birth parent.

898 11. The payment of living or medical expenses by  
 899 the prospective adoptive parents prior to the birth of  
 900 the child does not, in any way, obligate the birth  
 901 parent to sign the consent for adoption.

902  
 903 (2) ACKNOWLEDGMENT OF DISCLOSURE.--The adoption entity  
 904 must obtain a written statement acknowledging receipt of the  
 905 disclosure required under subsection (1) and signed by the  
 906 persons receiving the disclosure or, if it is not possible to  
 907 obtain such an acknowledgment, the adoption entity must execute  
 908 an affidavit stating why an acknowledgment could not be  
 909 obtained. If the disclosure was delivered by certified United  
 910 States mail, return receipt requested, a return receipt signed  
 911 by the person from whom acknowledgment is required is sufficient  
 912 to meet the requirements of this subsection. A copy of the  
 913 acknowledgment of receipt of the disclosure must be provided to  
 914 the person signing it. A copy of the acknowledgment or affidavit  
 915 executed by the adoption entity in lieu of the acknowledgment

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916 must be maintained in the file of the adoption entity. The  
 917 original acknowledgment or affidavit must be filed with the  
 918 court.

919 (3) REVOCATION OF CONSENT.--Failure to meet the  
 920 requirements of subsection (1) or subsection (2) does not  
 921 constitute grounds for revocation of a consent to adoption or  
 922 withdrawal of an affidavit of nonpaternity unless the extent and  
 923 circumstances of such a failure result in a material failure of  
 924 fundamental fairness in the administration of due process, or  
 925 the failure constitutes or contributes materially to fraud or  
 926 duress in obtaining a consent to adoption or affidavit of  
 927 nonpaternity.

928 Section 11. Section 63.087, Florida Statutes, is amended  
 929 to read:

930 63.087 Proceeding to terminate parental rights pending  
 931 adoption; general provisions.--

932 (1) JURISDICTION.--A court of this state which is  
 933 competent to decide child welfare or custody matters has  
 934 jurisdiction to hear all matters arising from a proceeding to  
 935 terminate parental rights pending adoption. The minor's presence  
 936 within the state confers jurisdiction on the court in  
 937 proceedings under this chapter and over a parent or guardian if  
 938 due notice has been given.

939 (2) VENUE.--

940 (a) A petition to terminate parental rights pending  
 941 adoption must be filed:

942 1. In the county where the child resides; or

943           2. ~~If the child does not reside in the State of Florida,~~  
 944 In the county where the adoption entity is located.~~;~~

945           ~~3. In the county where the adoption entity is located; or~~

946           ~~4. If neither parent resides in the state, in the county~~  
 947 ~~where the adoption entity is located. The fact of the minor's~~  
 948 ~~presence within the state confers jurisdiction on the court in~~  
 949 ~~proceedings in the minor's case under this chapter, or to a~~  
 950 ~~parent or guardian if due notice has been given.~~

951           (b) If a petition for termination of parental rights has  
 952 been filed and a parent whose consent is required ~~rights are to~~  
 953 ~~be terminated~~ objects to venue, there must be a hearing in which  
 954 the court shall determine whether that parent intends to assert  
 955 legally recognized grounds to contest a termination of parental  
 956 rights and, if so, the court may ~~shall immediately~~ transfer  
 957 venue to a proper venue pursuant to this section ~~the county~~  
 958 ~~where that parent resides or resided at the time of the~~  
 959 ~~execution of the consent.~~ For purposes of selecting venue, the  
 960 court shall consider the ease of access to the court for the  
 961 parents and factors set forth in s. 47.122 ~~parent who intends to~~  
 962 ~~contest a termination of parental rights.~~

963           (c) If there is a transfer of venue, the court may  
 964 determine which party shall bear the cost of venue transfer.

965  
 966 For purposes of the hearing under this subsection, witnesses  
 967 located in another jurisdiction may testify by deposition or  
 968 testify by telephone, audiovisual means, or other electronic  
 969 means before a designated court or at another location.  
 970 Documentary evidence transmitted from another location by

971 technological means that do not produce an original writing may  
 972 not be excluded from evidence on an objection based on the means  
 973 of transmission. The court on its own motion may otherwise  
 974 prescribe the manner in which and the terms upon which the  
 975 testimony is taken.

976 (3) PREREQUISITE FOR ADOPTION.--A petition for adoption  
 977 may not be filed until after the date the court enters the  
 978 judgment terminating parental rights pending adoption ~~under this~~  
 979 ~~chapter or under chapter 39~~. Adoptions of relatives, adult  
 980 adoptions, or adoptions of stepchildren shall not be required to  
 981 file a separate termination of parental rights proceeding  
 982 pending adoption. In such cases, the petitioner may file a joint  
 983 petition for termination of parental rights and adoption  
 984 attaching all required consents, affidavits, notices, and  
 985 acknowledgments ~~shall be attached to the petition for adoption~~  
 986 ~~or filed separately in the adoption proceeding~~. All provisions  
 987 of this chapter apply to these joint petitions unless otherwise  
 988 excepted in this chapter.

989 (4) PETITION.--

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

993 (b) The petition may be filed by a parent or person having  
 994 physical or legal custody of the minor. The petition may be  
 995 filed by an adoption entity only if a parent or person having  
 996 physical or legal custody who has executed a consent to adoption  
 997 pursuant to s. 63.082 also consents in writing to the adoption

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998 | entity filing the petition. The original of such consent must be  
 999 | filed with the petition.

1000 |       (c) The petition must be entitled: "In the Matter of the  
 1001 | Termination of Parental Rights for the Proposed Adoption of a  
 1002 | Minor Child."

1003 |       (d) The petition to terminate parental rights pending  
 1004 | adoption must be in writing and signed by the petitioner under  
 1005 | oath stating the petitioner's good faith in filing the petition.  
 1006 | A written consent to adoption, affidavit of nonpaternity, or  
 1007 | affidavit of diligent search under s. 63.088, for each person  
 1008 | whose consent to adoption is required under s. 63.062, must be  
 1009 | executed and attached.

1010 |       (e) The petition must include:

1011 |       1. The minor's name, gender, date of birth, and place of  
 1012 | birth. The petition must contain all names by which the minor is  
 1013 | or has been known, excluding the minor's prospective adoptive  
 1014 | name but including the minor's legal name at the time of the  
 1015 | filing of the petition. In the case of an infant child whose  
 1016 | adoptive name appears on the original birth certificate, the  
 1017 | adoptive name shall not be included in the petition, nor shall  
 1018 | it be included elsewhere in the termination of parental rights  
 1019 | proceeding, unless the proceedings are filed in accordance with  
 1020 | s. 63.102(6).

1021 |       2. All information required by the Uniform Child Custody  
 1022 | Jurisdiction and Enforcement Act and the Indian Child Welfare  
 1023 | Act, except the names and address of the adoptive parents.

1024 |       3. A statement of the grounds under s. 63.089 upon which  
 1025 | the petition is based.

1026 4. The name, address, and telephone number of any adoption  
 1027 entity seeking to place the minor for adoption.

1028 5. The name, address, and telephone number of the division  
 1029 of the circuit court in which the petition is to be filed.

1030 6. A certification of compliance with the requirements of  
 1031 s. 63.0425 regarding notice to grandparents of an impending  
 1032 adoption.

1033 (5) SUMMONS TO BE ISSUED.--The petitioner shall cause a  
 1034 summons to be issued substantially in the form provided in Form  
 1035 1.902, Florida Rules of Civil Procedure. The summons and a copy  
 1036 of the petition and summons shall be served upon any person who  
 1037 executed a whose consent to adoption or affidavit of  
 1038 nonpaternity has been provided but who has not waived service of  
 1039 the pleadings and notice of the hearing thereon and also upon  
 1040 any person whose consent to adoption is required pursuant to s.  
 1041 63.062 but who has not provided that consent or an affidavit of  
 1042 nonpaternity.

1043 (6) ANSWER AND APPEARANCE REQUIRED.--An answer to the  
 1044 petition ~~or any pleading requiring an answer~~ shall be timely  
 1045 filed in accordance with the Florida Rules of Civil Procedure.  
 1046 Failure to timely file an answer shall constitute a written  
 1047 ~~response or to appear at the hearing on the petition constitutes~~  
 1048 grounds upon which the court may terminate parental rights.  
 1049 Failure to appear at the hearing shall also constitute grounds  
 1050 upon which the court may terminate parental rights. The  
 1051 ~~petitioner shall provide notice of the final hearing by United~~  
 1052 ~~States mail to any person who has been served with the summons~~  
 1053 ~~and petition for termination of parental rights within the~~

1054 ~~specified time periods. Notwithstanding the filing of any answer~~  
 1055 ~~or any pleading,~~ Any person present at the hearing to terminate  
 1056 parental rights pending adoption whose consent to adoption is  
 1057 required under s. 63.062 may ~~must~~:

1058 (a) Be advised by the court that he or she has a right to  
 1059 ask that the hearing be reset for a later date so that the  
 1060 person may consult with an attorney. ~~;~~ and

1061 (b) Be given an opportunity to admit or deny the  
 1062 allegations in the petition.

1063 Section 12. Section 63.088, Florida Statutes, is amended  
 1064 to read:

1065 63.088 Proceeding to terminate parental rights pending  
 1066 adoption; notice and service; diligent search.--

1067 (1) NOTICE REQUIRED.--An unmarried biological father, by  
 1068 virtue of the fact that he has engaged in a sexual relationship  
 1069 with a woman, is deemed to be on notice that a pregnancy and an  
 1070 adoption proceeding regarding that child may occur and that he  
 1071 has a duty to protect his own rights and interest. He is,  
 1072 therefore, entitled to notice of a birth or adoption proceeding  
 1073 with regard to that child only as provided in this chapter.

1074 (2) LOCATION UNKNOWN; IDENTITY KNOWN ~~INITIATE LOCATION~~  
 1075 ~~PROCEDURES~~.--When the location of a person whose consent to an  
 1076 adoption is required is unknown ~~but is not known~~, the adoption  
 1077 entity must begin the inquiry and diligent search process  
 1078 required by this section within a reasonable time period after  
 1079 the date on which the person seeking to place a minor for  
 1080 adoption has evidenced in writing to the adoption entity a  
 1081 desire to place the minor for adoption with that entity, or not

1082 later than 30 days after the date any money is provided as  
 1083 permitted under this chapter by the adoption entity for the  
 1084 benefit of the person seeking to place a minor for adoption.

1085 (3) LOCATION AND IDENTITY KNOWN.--Before the court may  
 1086 determine that a minor is available for adoption, and in  
 1087 addition to the other requirements set forth in this chapter,  
 1088 each person whose consent is required under s. 63.062, who has  
 1089 not executed a consent or an affidavit of nonpaternity, and  
 1090 whose location and identity have been determined by compliance  
 1091 with the procedures in this section must be ~~personally~~ served,  
 1092 pursuant to chapter 48, at least 20 days before the hearing with  
 1093 a summons and a copy of the petition to terminate parental  
 1094 rights pending adoption as provided in s. 63.087(5) and with  
 1095 notice in substantially the following form:

1096  
 1097 NOTICE OF PETITION AND HEARING  
 1098 TO TERMINATE PARENTAL RIGHTS  
 1099 PENDING ADOPTION  
 1100

1101 A petition to terminate parental rights pending  
 1102 adoption has been filed. A copy of the petition is  
 1103 being served with this notice. There will be a hearing  
 1104 on the petition to terminate parental rights pending  
 1105 adoption on (date) at (time) before (judge)  
 1106 at (location, including complete name and street  
 1107 address of the courthouse) . The court has set aside  
 1108 (amount of time) for this hearing.  
 1109



1110 UNDER SECTION 63.089, FLORIDA STATUTES, FAILURE TO  
 1111 TIMELY FILE AN ANSWER TO THE PETITION ~~A WRITTEN~~  
 1112 ~~RESPONSE TO THIS NOTICE~~ WITH THE COURT AND OR TO  
 1113 APPEAR AT THIS HEARING CONSTITUTES GROUNDS UPON WHICH  
 1114 THE COURT SHALL END ANY PARENTAL RIGHTS YOU MAY HAVE  
 1115 OR ASSERT REGARDING THE MINOR CHILD.

1117 (4) REQUIRED INQUIRY.--In proceedings initiated under s.  
 1118 63.087, the court must conduct an inquiry of the person who is  
 1119 placing the minor for adoption and of any relative or person  
 1120 having legal custody of the minor who is present at the hearing  
 1121 and likely to have the following information regarding the  
 1122 identity of the father of the minor, if his parental rights have  
 1123 not been previously terminated, and if:

1124 (a) The minor was conceived or born while the father was  
 1125 married to the mother;

1126 (b) The minor is his child by adoption, prior to the  
 1127 filing of a petition for termination of parental rights;

1128 (c) The minor has been established by court proceeding to  
 1129 be his child prior to the filing of a petition for termination  
 1130 of parental rights and has complied with the requirements of  
 1131 63.062(2);

1132 (d) He has filed an affidavit of paternity pursuant to s.  
 1133 382.013(2)(c) prior to the filing of a petition for termination  
 1134 of parental rights and has complied with the requirements of s.  
 1135 63.062(2); or

1136 (e) In the case of an unmarried biological father, he has  
 1137 acknowledged in writing, signed in the presence of a competent

1138 witness, that he is the father of the minor, has filed such  
 1139 acknowledgment with the Office of Vital Statistics of the  
 1140 Department of Health within the required timeframes, and has  
 1141 complied with the requirements of s. 63.062(2).

1142 ~~(a) Any person to whom the mother of the minor was married~~  
 1143 ~~at any time when conception of the minor may have occurred or at~~  
 1144 ~~the time of the birth of the minor;~~

1145 ~~(b) Any person who has been declared by a court to be the~~  
 1146 ~~father of the minor;~~

1147 ~~(c) Any man who has adopted the minor;~~

1148 ~~(d) Any man with whom the mother was cohabiting at any~~  
 1149 ~~time when conception of the minor may have occurred; and~~

1150 ~~(e) Any person who has acknowledged or claimed paternity~~  
 1151 ~~of the minor.~~

1152  
 1153 The information required under this subsection may be provided  
 1154 to the court in the form of a sworn affidavit by a person having  
 1155 personal knowledge of the facts, addressing each inquiry  
 1156 enumerated in this subsection, except that, if the inquiry  
 1157 identifies a father under paragraph (a), paragraph (b), or  
 1158 paragraph (c), the inquiry shall not continue further. The  
 1159 inquiry required under this subsection may be conducted before  
 1160 the birth of the minor.

1161 (5) LOCATION UNKNOWN; IDENTITY KNOWN.--If the inquiry by  
 1162 the court under subsection (4) identifies any person whose  
 1163 consent to adoption is required under s. 63.062 and who has not  
 1164 executed a consent to adoption or an affidavit of nonpaternity,  
 1165 and the location of the person from whom consent is required is

1166 | unknown, the adoption entity must conduct a diligent search for  
 1167 | that person which must include inquiries concerning:  
 1168 |       (a) The person's current address, or any previous address,  
 1169 | through an inquiry of the United States Postal Service through  
 1170 | the Freedom of Information Act;  
 1171 |       (b) The last known employment of the person, including the  
 1172 | name and address of the person's employer;  
 1173 |       (c) Regulatory agencies, including those regulating  
 1174 | licensing in the area where the person last resided;  
 1175 |       (d) Names and addresses of relatives to the extent such  
 1176 | can be reasonably obtained from the petitioner or other sources,  
 1177 | contacts with those relatives, and inquiry as to the person's  
 1178 | last known address. The petitioner shall pursue any leads of any  
 1179 | addresses to which the person may have moved;  
 1180 |       (e) Information as to whether or not the person may have  
 1181 | died and, if so, the date and location;  
 1182 |       (f) Telephone listings in the area where the person last  
 1183 | resided;  
 1184 |       (g) Inquiries of law enforcement agencies in the area  
 1185 | where the person last resided;  
 1186 |       (h) Highway patrol records in the state where the person  
 1187 | last resided;  
 1188 |       (i) Department of Corrections records in the state where  
 1189 | the person last resided;  
 1190 |       (j) Hospitals in the area where the person last resided;  
 1191 |       (k) Records of utility companies, including water, sewer,  
 1192 | cable television, and electric companies, in the area where the  
 1193 | person last resided;

1194 (l) Records of the Armed Forces of the United States as to  
 1195 whether there is any information as to the person;

1196 (m) Records of the tax assessor and tax collector in the  
 1197 area where the person last resided; and

1198 (n) Search of one Internet databank locator service.

1199

1200 Any person contacted by a petitioner or adoption entity who is  
 1201 requesting information pursuant to this subsection must release  
 1202 the requested information to the petitioner or adoption entity,  
 1203 except when prohibited by law, without the necessity of a  
 1204 subpoena or a court order. An affidavit of diligent search  
 1205 ~~executed by the petitioner and the adoption entity~~ must be filed  
 1206 with the court ~~confirming completion of each aspect of the~~  
 1207 ~~diligent search enumerated in this subsection and specifying the~~  
 1208 ~~results.~~ The diligent search required under this subsection may  
 1209 be conducted before the birth of the minor.

1210 (6) CONSTRUCTIVE SERVICE.--This subsection only applies  
 1211 if, as to any person whose consent is required under s. 63.062  
 1212 and who has not executed a consent to adoption or an affidavit  
 1213 of nonpaternity, the location of the person is unknown and the  
 1214 inquiry under subsection (4) fails to locate the person. The  
 1215 unlocated person must be served notice under subsection (3) by  
 1216 constructive service in the manner provided in chapter 49. The  
 1217 notice shall be published in the county where the person was  
 1218 last known to have resided. The notice, in addition to all  
 1219 information required under chapter 49, must include a physical  
 1220 description, including, but not limited to, age, race, hair and  
 1221 eye color, and approximate height and weight of the person, the

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1222 minor's date of birth, and the place of birth of the minor.  
 1223 Constructive service by publication shall not be required to  
 1224 provide notice to any ~~an~~ identified or unidentified ~~birth~~ father  
 1225 whose consent is not required pursuant to ss. 63.062 and 63.064.

1226 Section 13. Paragraph (b) of subsection (2), paragraphs  
 1227 (d) and (f) of subsection (3), subsections (4) and (5), and  
 1228 paragraph (c) of subsection (7) of section 63.089, Florida  
 1229 Statutes, are amended to read:

1230 63.089 Proceeding to terminate parental rights pending  
 1231 adoption; hearing; grounds; dismissal of petition; judgment.--

1232 (2) HEARING PREREQUISITES.--The court may hold the hearing  
 1233 only when:

1234 (b) For each notice and petition that must be served under  
 1235 ss. 63.087 and 63.088:

1236 1. At least 20 days have elapsed since the date of  
 1237 ~~personal~~ service of process and an affidavit of service has been  
 1238 filed with the court;

1239 2. At least 30 days have elapsed since the first date of  
 1240 publication of constructive service and an affidavit of service  
 1241 has been filed with the court; or

1242 3. An affidavit of nonpaternity, consent for adoption, or  
 1243 other document which affirmatively waives service has been  
 1244 executed and filed with the court;

1245 (3) GROUNDS FOR TERMINATING PARENTAL RIGHTS PENDING  
 1246 ADOPTION.--The court may enter a judgment terminating parental  
 1247 rights pending adoption if the court determines by clear and  
 1248 convincing evidence, supported by written findings of fact, that

1249 each person whose consent to adoption is required under s.  
 1250 63.062:

1251 (d) Has been properly served notice of the proceeding in  
 1252 accordance with the requirements of this chapter and has failed  
 1253 to file a written answer and failed to ~~or~~ appear at the  
 1254 evidentiary hearing resulting in the judgment terminating  
 1255 parental rights pending adoption;

1256 (f) Is a parent of the person to be adopted, which parent  
 1257 has been judicially declared incapacitated and for whom  
 1258 restoration of competency to a degree that would enable the  
 1259 parent to fulfill parental responsibilities by providing for the  
 1260 physical and emotional needs of the minor child is with  
 1261 ~~restoration of competency~~ found to be medically improbable  
 1262 within a reasonable period of time;

1263 (4) FINDING OF ABANDONMENT.--A finding of abandonment  
 1264 resulting in a termination of parental rights must be based upon  
 1265 clear and convincing evidence that a parent or person having  
 1266 legal custody has abandoned the child in accordance with the  
 1267 definition contained in s. 63.032(1). A finding of abandonment  
 1268 may be based upon physical or emotional abuse or failure a  
 1269 ~~refusal~~ to provide reasonable financial support, when able, to a  
 1270 birth mother during her pregnancy. If, in the opinion of the  
 1271 court, the efforts of a parent or person having legal custody of  
 1272 the child to support and communicate with the child are only  
 1273 marginal efforts that do not evince a settled purpose to assume  
 1274 all parental duties, the court may declare the child to be  
 1275 abandoned. In making this decision, the court may consider the

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1276 | conduct of a father toward the child's mother during her  
 1277 | pregnancy.

1278 |       (a) In making a determination of abandonment at a hearing  
 1279 | for termination of parental rights pursuant to this chapter, the  
 1280 | court must consider, among other relevant factors not  
 1281 | inconsistent with this section:

1282 |           1. Whether the actions alleged to constitute abandonment  
 1283 | demonstrate a willful disregard for the safety or welfare of the  
 1284 | child or unborn child;

1285 |           2. Whether the person alleged to have abandoned the child,  
 1286 | while being able, failed to provide financial support;

1287 |           3. Whether the person alleged to have abandoned the child,  
 1288 | while being able, failed to pay for medical treatment; and

1289 |           4. Whether the amount of support provided or medical  
 1290 | expenses paid was appropriate, taking into consideration the  
 1291 | needs of the child and relative means and resources available to  
 1292 | the person alleged to have abandoned the child.

1293 |       (b) The child has been abandoned when the parent of a  
 1294 | child is incarcerated on or after October 1, 2001, in a state or  
 1295 | federal correctional institution and:

1296 |           1. The period of time for which the parent has been or is  
 1297 | expected to be incarcerated will constitute a significant  
 1298 | ~~substantial~~ portion of the child's minority ~~period of time~~  
 1299 | ~~before the child will attain the age of 18 years;~~

1300 |           2. The incarcerated parent has been determined by the  
 1301 | court to be a violent career criminal as defined in s. 775.084,  
 1302 | a habitual violent felony offender as defined in s. 775.084,  
 1303 | convicted of child abuse as defined in s. 827.03, or a sexual

1304 predator as defined in s. 775.21; has been convicted of first  
 1305 degree or second degree murder in violation of s. 782.04 or a  
 1306 sexual battery that constitutes a capital, life, or first degree  
 1307 felony violation of s. 794.011; or has been convicted of an  
 1308 offense in another jurisdiction which is substantially similar  
 1309 to one of the offenses listed in this subparagraph. As used in  
 1310 this section, the term "substantially similar offense" means any  
 1311 offense that is substantially similar in elements and penalties  
 1312 to one of those listed in this subparagraph, and that is in  
 1313 violation of a law of any other jurisdiction, whether that of  
 1314 another state, the District of Columbia, the United States or  
 1315 any possession or territory thereof, or any foreign  
 1316 jurisdiction; or

1317 3. The court determines by clear and convincing evidence  
 1318 that continuing the parental relationship with the incarcerated  
 1319 parent would be harmful to the child and, for this reason, that  
 1320 termination of the parental rights of the incarcerated parent is  
 1321 in the best interest of the child.

1322 (5) DISMISSAL OF PETITION.--If the court does not find by  
 1323 clear and convincing evidence that parental rights of a parent  
 1324 should be terminated pending adoption, the court must dismiss  
 1325 the petition and that parent's parental rights that were the  
 1326 subject of such petition shall remain in full force under the  
 1327 law. The order must include written findings in support of the  
 1328 dismissal, including findings as to the criteria in subsection  
 1329 (4) if rejecting a claim of abandonment. Parental rights may not  
 1330 be terminated based upon a consent that the court finds has been  
 1331 timely withdrawn under s. 63.082 or a consent to adoption or



1332 affidavit of nonpaternity that the court finds was obtained by  
 1333 fraud or duress. The court must enter an order based upon  
 1334 written findings providing for the placement of the minor. The  
 1335 court may order scientific testing to determine the paternity of  
 1336 the minor at any time during which the court has jurisdiction  
 1337 over the minor, upon a showing that such testing is in the best  
 1338 interest of the child. Further proceedings, if any, regarding  
 1339 the minor must be brought in a separate custody action under  
 1340 chapter 61, a dependency action under chapter 39, or a paternity  
 1341 action under chapter 742.

1342 (7) RELIEF FROM JUDGMENT TERMINATING PARENTAL RIGHTS.--

1343 (c) At the preliminary hearing, the court, upon the motion  
 1344 of any party or upon its own motion, may order scientific  
 1345 testing to determine the paternity of the minor if the person  
 1346 seeking to set aside the judgment is a person whose consent is  
 1347 required ~~alleging to be the child's father~~ and that fact has not  
 1348 previously been determined by legitimacy or scientific testing  
 1349 and if the testing is in the child's best interest. The court  
 1350 may order visitation with a person for whom scientific testing  
 1351 for paternity has been ordered and who has previously  
 1352 established a bonded relationship with the child.

1353 Section 14. Subsections (1) and (3) of section 63.092,  
 1354 Florida Statutes, are amended to read:

1355 63.092 Report to the court of intended placement by an  
 1356 adoption entity; at-risk placement; preliminary study.--

1357 (1) REPORT TO THE COURT.--The adoption entity must report  
 1358 any intended placement of a minor for adoption with any person  
 1359 who is not a relative or a stepparent if the adoption entity has

1360 knowledge of, or participates in, such intended placement. The  
 1361 report must be made to the court before the minor is placed in  
 1362 the home or within 48 hours thereafter. Failure to file the  
 1363 report of intended placement within the specified timeframe  
 1364 shall not constitute grounds to deny the petition for  
 1365 termination of parental rights or adoption if the report is  
 1366 subsequently filed and no party is prejudiced by the failure to  
 1367 file the report in a timely manner.

1368 (3) PRELIMINARY HOME STUDY.--Before placing the minor in  
 1369 the intended adoptive home, a preliminary home study must be  
 1370 performed by a licensed child-placing agency, a child-caring  
 1371 agency registered under s. 409.176, or a psychologist, clinical  
 1372 social worker, marriage and family therapist, or mental health  
 1373 counselor qualified and licensed to perform home studies in the  
 1374 state or country where the adoptive parents reside ~~licensed~~  
 1375 ~~professional, or agency described in s. 61.20(2)~~, unless the  
 1376 adoptee is an adult or the petitioner is a stepparent or a  
 1377 relative. If the adoptee is an adult or the petitioner is a  
 1378 stepparent or a relative, a preliminary home study may be  
 1379 required by the court for good cause shown to assist in  
 1380 determining whether the adoption is in the best interest of the  
 1381 adoptee and is in accordance with state law. The department is  
 1382 required to perform the preliminary home study only if there is  
 1383 no licensed child-placing agency, child-caring agency registered  
 1384 under s. 409.176, licensed professional, or agency described in  
 1385 s. 61.20(2), in the county where the prospective adoptive  
 1386 parents reside. The preliminary home study must be made to  
 1387 determine the suitability of the intended adoptive parents and

1388 may be completed prior to identification of a prospective  
 1389 adoptive minor. A favorable preliminary home study is valid for  
 1390 1 year after the date of its completion. Upon its completion, a  
 1391 copy of the home study must be provided to the intended adoptive  
 1392 parents who were the subject of the home study. Unless prior  
 1393 court approval is obtained, a minor may not be placed in an  
 1394 intended adoptive home before a favorable preliminary home study  
 1395 is completed unless the adoptive home is also a licensed foster  
 1396 home under s. 409.175. The preliminary home study must include,  
 1397 at a minimum:

- 1398 (a) An interview with the intended adoptive parents;
- 1399 (b) Records checks of the department's central abuse  
 1400 registry and criminal records correspondence checks pursuant to  
 1401 s. 435.045 through the Department of Law Enforcement on the  
 1402 intended adoptive parents;
- 1403 (c) An assessment of the physical environment of the home;
- 1404 (d) A determination of the financial security of the  
 1405 intended adoptive parents;
- 1406 (e) Documentation of counseling and education of the  
 1407 intended adoptive parents on adoptive parenting;
- 1408 (f) Documentation that information on adoption and the  
 1409 adoption process has been provided to the intended adoptive  
 1410 parents;
- 1411 (g) Documentation that information on support services  
 1412 available in the community has been provided to the intended  
 1413 adoptive parents; and
- 1414 (h) A copy of each prospective adoptive parent's signed  
 1415 acknowledgment of receipt of disclosure required by s. 63.085.

1416  
 1417 If the preliminary home study is favorable, a minor may be  
 1418 placed in the home pending entry of the judgment of adoption. A  
 1419 minor may not be placed in the home if the preliminary home  
 1420 study is unfavorable. If the preliminary home study is  
 1421 unfavorable, the adoption entity may, within 20 days after  
 1422 receipt of a copy of the written recommendation, petition the  
 1423 court to determine the suitability of the intended adoptive  
 1424 home. A determination as to suitability under this subsection  
 1425 does not act as a presumption of suitability at the final  
 1426 hearing. In determining the suitability of the intended adoptive  
 1427 home, the court must consider the totality of the circumstances  
 1428 in the home. No minor may be placed in a home in which there  
 1429 resides any person determined by the court to be a sexual  
 1430 predator as defined in s. 775.21 or to have been convicted of an  
 1431 offense listed in s. 63.089(4)(b)2.

1432 Section 15. Subsection (1), paragraphs (b) and (f) of  
 1433 subsection (2), paragraph (a) of subsection (3), and paragraph  
 1434 (c) of subsection (5) of section 63.097, Florida Statutes, are  
 1435 amended to read:

1436 63.097 Fees.--

1437 (1) When the adoption entity is an agency, fees may be  
 1438 assessed if they are approved by the department within the  
 1439 process of licensing the agency. ~~and if they are for:~~

- 1440 ~~(a) Foster care expenses;~~
- 1441 ~~(b) Preplacement and postplacement social services; and~~
- 1442 ~~(c) Agency facility and administrative costs.~~

1443 (2) The following fees, costs, and expenses may be  
 1444 assessed by the adoption entity or paid by the adoption entity  
 1445 on behalf of the prospective adoptive parents:

1446 (b) Reasonable and necessary medical expenses. Such  
 1447 expenses may be paid during the pregnancy and for a period of up  
 1448 to 6 weeks postpartum, unless otherwise approved by the court  
 1449 based on a finding of extraordinary circumstances.

1450 (f) The following professional fees:

1451 1. A reasonable hourly fee or flat fee necessary to  
 1452 provide legal representation to the adoptive parents, birth  
 1453 parents, or adoption entity in a proceeding filed under this  
 1454 chapter.

1455 2. A reasonable hourly fee or flat fee for contact with  
 1456 the parent related to the adoption. In determining a reasonable  
 1457 hourly fee under this subparagraph, the court must consider if  
 1458 the tasks done were clerical or of such a nature that the matter  
 1459 could have been handled by support staff at a lesser rate than  
 1460 the rate for legal representation charged under subparagraph 1.  
 1461 Such tasks include, but need not be limited to, transportation,  
 1462 transmitting funds, arranging appointments, and securing  
 1463 accommodations.

1464 3. A reasonable hourly fee for counseling services  
 1465 provided to a parent or a prospective adoptive parent by a  
 1466 psychologist licensed under chapter 490 or a clinical social  
 1467 worker, marriage and family therapist, or mental health  
 1468 counselor licensed under chapter 491, or a counselor who is  
 1469 employed by an adoption entity accredited by the Council on

1470 Accreditation of Services for Children and Families to provide  
 1471 pregnancy counseling and supportive services.

1472 (3) Approval of the court is not required until the total  
 1473 of amounts permitted under subsection (2) exceeds:

1474 (a) \$5,000 in legal ~~or other~~ fees per law firm;

1475 (5) The following fees, costs, and expenses are  
 1476 prohibited:

1477 (c) Any fee on the affidavit which does not specify the  
 1478 service that was provided and for which the fee is being  
 1479 charged, such as a fee for facilitation, acquisition, or other  
 1480 similar service, an hourly fee, or a fee which does not identify  
 1481 the date the service was provided, the time required to provide  
 1482 the service, the person or entity providing the service, and the  
 1483 hourly fee charged.

1484 Section 16. Subsections (1), (2), (3) and (5) of section  
 1485 63.102, Florida Statutes, are amended to read:

1486 63.102 Filing of petition for adoption or declaratory  
 1487 statement; venue; proceeding for approval of fees and costs.--

1488 (1) PETITION FOR ADOPTION.--A petition for adoption may  
 1489 not be filed until after the entry of the judgment or decree  
 1490 terminating parental rights ~~pending adoption under this chapter~~,  
 1491 unless the adoptee is an adult or, the petitioner is a  
 1492 stepparent or a relative, ~~or the minor has been the subject of a~~  
 1493 ~~judgment terminating parental rights under chapter 39~~. After a  
 1494 judgment terminating parental rights has been entered, a  
 1495 proceeding for adoption may be commenced by filing a petition  
 1496 entitled, "In the Matter of the Adoption of \_\_\_\_\_" in the  
 1497 circuit court. The person to be adopted shall be designated in

1498 the caption in the name by which he or she is to be known if the  
 1499 petition is granted. At the request of any party, the ~~Any~~ name  
 1500 by which the minor was previously known may not be disclosed in  
 1501 the petition, the notice of hearing, ~~or~~ the judgment of adoption  
 1502 in accordance with s. 63.122(3), or the court docket in  
 1503 accordance with 63.162(3).

1504 (2) VENUE.--A petition for adoption or for a declaratory  
 1505 statement as to the adoption contract may ~~shall~~ be filed in the  
 1506 county where the petition for termination of parental rights was  
 1507 granted, in unless the court, in accordance with s. 47.122,  
 1508 ~~changes the venue to~~ the county where the petitioner or  
 1509 petitioners or the minor resides, or in the county where the  
 1510 adoption entity ~~with which the minor has been placed~~ is located.  
 1511 The circuit court in this state may ~~must~~ retain jurisdiction  
 1512 over the matter until a final judgment is entered on the  
 1513 adoption. The Uniform Child Custody Jurisdiction and Enforcement  
 1514 Act does not apply until a final judgment is entered on the  
 1515 adoption.

1516 (3) FILING OF ADOPTION PETITION REQUIRED.--Except in cases  
 1517 of placements by the department, unless leave of court is  
 1518 granted for good cause shown, a petition for adoption shall be  
 1519 filed not later than 60 days after entry of the final judgment  
 1520 terminating parental rights.

1521 (5) ~~PRIOR~~ APPROVAL OF FEES AND COSTS.--A proceeding for  
 1522 ~~prior~~ approval of fees and costs may be commenced any time after  
 1523 an agreement is reached with ~~between~~ the birth mother or ~~and~~ the  
 1524 adoptive parents by filing a petition or motion ~~for declaratory~~

1525 ~~statement~~ on the agreement entitled "In the Matter of the  
 1526 Proposed Adoption of a Minor Child" in the circuit court.

1527 (a) The petition must be filed by the adoption entity with  
 1528 the consent of the parties to the agreement.

1529 (b) A contract for the payment of fees, costs, and  
 1530 expenses permitted under this chapter must be in writing, and  
 1531 any person who enters into the contract has 3 business days in  
 1532 which to cancel the contract unless placement of the child has  
 1533 occurred. To cancel the contract, the person must notify the  
 1534 adoption entity in writing by certified United States mail,  
 1535 return receipt requested, no later than 3 business days after  
 1536 signing the contract. For the purposes of this subsection, the  
 1537 term "business day" means a day on which the United States  
 1538 Postal Service accepts certified mail for delivery. If the  
 1539 contract is canceled within the first 3 business days, the  
 1540 person who cancels the contract does not owe any legal,  
 1541 intermediary, or other fees, but may be responsible for the  
 1542 adoption entity's actual costs during that time.

1543 (c) The court may grant approval only of fees and expenses  
 1544 permitted under s. 63.097. A prior approval of prospective fees  
 1545 and costs shall create a presumption that these items will  
 1546 subsequently be approved by the court under s. 63.132. The  
 1547 court, under s. 63.132, may order an adoption entity to refund  
 1548 any amounts paid under this subsection that are subsequently  
 1549 found by the court to be greater than fees, costs, and expenses  
 1550 actually incurred.



1551 (d) The contract may not require, and the court may not  
 1552 approve, any amount that constitutes payment for locating a  
 1553 minor for adoption, excepted as permitted under s. 63.212(1)(f).

1554 (e) A declaratory statement as to the adoption contract,  
 1555 regardless of when filed, shall be consolidated with any related  
 1556 petition for adoption. The clerk of the court shall only assess  
 1557 one filing fee that includes the adoption action, the  
 1558 declaratory statement petition, and the petition for termination  
 1559 of parental rights.

1560 (f) Prior approval of fees and costs by the court does not  
 1561 obligate the parent to ultimately relinquish the minor for  
 1562 adoption.

1563 Section 17. Paragraph (a) of subsection (2) of section  
 1564 63.112, Florida Statutes, is amended to read:

1565 63.112 Petition for adoption; description; report or  
 1566 recommendation, exceptions; mailing.--

1567 (2) The following documents are required to be filed with  
 1568 the clerk of the court at the time the petition is filed:

1569 (a) A certified copy of the court judgment terminating  
 1570 parental rights ~~under chapter 39 or under this chapter~~ or, if  
 1571 the adoptee is an adult or a minor relative or stepchild of the  
 1572 petitioner, the required consent, unless such consent is excused  
 1573 by the court.

1574 Section 18. Subsection (3) of section 63.122, Florida  
 1575 Statutes, is amended to read:

1576 63.122 Notice of hearing on petition.--

1577 (3) Upon a showing by the petitioner that the privacy,  
 1578 safety, or ~~and~~ welfare of the petitioner, parent, or minor may

1579 be endangered, the court may order the names, addresses, or  
 1580 other identifying information of the petitioner, parent, or  
 1581 minor, or all both, to be deleted from the notice of hearing and  
 1582 from the copy of the petition attached thereto, provided the  
 1583 substantive rights of any person will not thereby be affected.

1584 Section 19. Subsection (4) of section 63.125, Florida  
 1585 Statutes, is amended to read:

1586 63.125 Final home investigation.--

1587 (4) The department, the licensed child-placing agency, or  
 1588 the professional making the required investigation may request  
 1589 other state agencies, licensed professionals qualified to  
 1590 conduct home studies, or child-placing agencies within or  
 1591 outside this state to make investigations of designated parts of  
 1592 the inquiry and to make a written report to the department, the  
 1593 professional, or other person or agency.

1594 Section 20. Subsections (1) and (4) of section 63.132,  
 1595 Florida Statutes, are amended to read:

1596 63.132 Affidavit of expenses and receipts.--

1597 (1) Before the hearing on the petition for adoption, the  
 1598 prospective adoptive parent and any adoption entity must file  
 1599 ~~two copies of an affidavit under this section.~~

1600 ~~(a) The affidavit must be signed by the adoption entity~~  
 1601 ~~and the prospective adoptive parents. A copy of the affidavit~~  
 1602 ~~must be provided to the adoptive parents at the time the~~  
 1603 ~~affidavit is executed.~~

1604 ~~(b) The affidavit must~~ itemizing ~~itemize~~ all disbursements  
 1605 and receipts of anything of value, including all ~~professional~~  
 1606 ~~and legal~~ fees, made or agreed to be made by or on behalf of the

1607 prospective adoptive parent and any adoption entity in  
 1608 connection with the placement of ~~adoption or in connection with~~  
 1609 ~~any prior proceeding to terminate parental rights which involved~~  
 1610 the minor who is the subject of the petition for adoption. The  
 1611 ~~affidavit must also include, for each legal or counseling fee~~  
 1612 ~~itemized, the service provided for which the fee is being~~  
 1613 ~~charged, the date the service was provided, the time required to~~  
 1614 ~~provide the service if the service was charged by the hour, the~~  
 1615 ~~person or entity that provided the service, and the hourly fee~~  
 1616 ~~charged.~~

1617 (e) The affidavit must show any expenses or receipts  
 1618 incurred in connection with:

1619 (a)~~1.~~ The birth of the minor.

1620 (b)~~2.~~ The placement of the minor with the petitioner.

1621 (c)~~3.~~ The medical or hospital care received by the mother  
 1622 or by the minor during the mother's prenatal care and  
 1623 confinement.

1624 (d)~~4.~~ The living expenses of the birth mother. The living  
 1625 expenses must be itemized in detail to apprise the court of the  
 1626 exact expenses incurred.

1627 (e)~~5.~~ The services relating to the adoption or to the  
 1628 placement of the minor for adoption that were received by or on  
 1629 behalf of the petitioner, the adoption entity, either parent,  
 1630 the minor, or any other person.

1631 (f) All fees charged in connection with the placement of  
 1632 the minor.

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1634 The affidavit must state whether any of these expenses were paid  
 1635 for by collateral sources, including, but not limited to, health  
 1636 insurance, Medicaid, Medicare, or public assistance.

1637 (4) This section does not apply to an adoption by a  
 1638 stepparent or an adoption of a relative or adult, the  
 1639 finalization of an adoption of a minor child whose parents'  
 1640 rights were terminated pursuant to chapter 39, or the  
 1641 domestication of an adoption decree of a minor child adopted in  
 1642 a foreign country.

1643 Section 21. Section 63.135, Florida Statutes, is amended  
 1644 to read:

1645 63.135 Information under oath to be submitted to the  
 1646 court.--The adoption entity or petitioner must file a Uniform  
 1647 Child Custody Jurisdictional Enforcement Act (UCCJEA) affidavit  
 1648 in a termination of parental rights

1649 ~~(1) Each party in an adoption proceeding, in the first~~  
 1650 ~~pleading or in an affidavit attached to that pleading, shall~~  
 1651 ~~give information under oath as to the child's present address,~~  
 1652 ~~the places where the child has lived within the last 5 years,~~  
 1653 ~~and the names and present addresses of the persons with whom the~~  
 1654 ~~child has lived during that period. In the pleading or affidavit~~  
 1655 ~~each party shall further declare under oath whether:~~

1656 ~~(a) The party has participated as a party or witness or in~~  
 1657 ~~any other capacity in any other litigation concerning the~~  
 1658 ~~custody of the same child in this or any other state;~~

1659 ~~(b) The party has information of any custody proceeding~~  
 1660 ~~concerning the child pending in a court of this or any other~~  
 1661 ~~state; and~~

1662           ~~(c) The party knows of any person not a party to the~~  
 1663 ~~proceedings who has physical custody of the child or claims to~~  
 1664 ~~have custody or visitation rights with respect to the child.~~

1665           ~~(2) If the declaration as to any item specified in~~  
 1666 ~~subsection (1) is in the affirmative, the declarant shall give~~  
 1667 ~~additional information under oath as required by the court. The~~  
 1668 ~~court may examine the parties under oath about details of the~~  
 1669 ~~information furnished and other matters pertinent to the court's~~  
 1670 ~~jurisdiction and judgment of adoption.~~

1671           ~~(3) Each party has a continuing duty to inform the court~~  
 1672 ~~of any custody proceeding concerning the child in this or any~~  
 1673 ~~other state about which he or she obtained information during~~  
 1674 ~~this proceeding.~~

1675           Section 22. Paragraph (a) of subsection (3) and subsection  
 1676 (4) of section 63.142, Florida Statutes, are amended to read:

1677           63.142 Hearing; judgment of adoption.--

1678           (3) DISMISSAL.--

1679           (a) If the petition is dismissed, further proceedings, if  
 1680 any, regarding the minor must be brought in a separate custody  
 1681 action under chapter 61, a dependency action under chapter 39,  
 1682 or a paternity action under chapter 742 ~~the court shall~~  
 1683 ~~determine the person that is to have custody of the minor.~~

1684           (4) JUDGMENT.--At the conclusion of the hearing, after the  
 1685 court determines that the date for a parent to file an appeal of  
 1686 a valid judgment terminating that parent's parental rights has  
 1687 passed and no appeal, pursuant to the Florida Rules of Appellate  
 1688 Procedure, is pending and that the adoption is in the best  
 1689 interest of the person to be adopted, a judgment of adoption

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1690 shall be entered. A judgment terminating parental rights pending  
 1691 adoption is voidable and any later judgment of adoption of that  
 1692 minor is voidable if, upon a parent's motion for relief from  
 1693 judgment, the court finds that the adoption fails to  
 1694 substantially meet the requirements of this chapter. The motion  
 1695 must be filed within a reasonable time, but not later than 1  
 1696 year after the date the judgment terminating parental rights was  
 1697 entered.

1698 Section 23. Section 63.152, Florida Statutes, is amended  
 1699 to read:

1700 63.152 Application for new birth record.--Within 30 days  
 1701 after entry of a judgment of adoption, the clerk of the court  
 1702 shall transmit a certified statement of the entry to the state  
 1703 registrar of vital statistics in the state where the adoptee was  
 1704 born on a form provided by the registrar of this state. A new  
 1705 birth record containing the necessary information supplied by  
 1706 the certificate shall be issued by the registrar on application  
 1707 of the adopting parents or the adopted person.

1708 Section 24. Subsection (3), paragraph (a) of subsection  
 1709 (4), and subsection (7) of section 63.162, Florida Statutes, are  
 1710 amended, and subsection (8) is added to said section, to read:

1711 63.162 Hearings and records in adoption proceedings;  
 1712 confidential nature.--

1713 (3) The court files, records, and papers in the adoption  
 1714 of a minor shall be indexed only in the names ~~name~~ of the  
 1715 petitioners ~~petitioner~~, and the names ~~name~~ of the petitioners  
 1716 and minors ~~minor~~ shall not be noted on any docket, index, or  
 1717 other record outside the court file, except that closed agency

1718 files may be cross-referenced in the original and adoptive names  
 1719 of the minor. The index shall not be subject to the public  
 1720 records law nor subject to public inspection.

1721 (4) A person may not disclose from the records the name  
 1722 and identity of a birth parent, an adoptive parent, or an  
 1723 adoptee unless:

1724 (a) The birth parent authorizes in writing the release of  
 1725 his or her name and files the release with the adoption entity,  
 1726 an adoption reunion registry, the department, or the court;

1727 (6) Subject to the provisions of subsection (4),  
 1728 identifying information regarding the birth parents, adoptive  
 1729 parents, and adoptee may not be disclosed unless a birth parent,  
 1730 adoptive parent, or adoptee has authorized in writing the  
 1731 release of such information concerning himself or herself.  
 1732 Specific names or identifying information must not be given in a  
 1733 family medical history. All nonidentifying information,  
 1734 including the family medical history and social history of the  
 1735 adoptee and the birth parents, when available, must be furnished  
 1736 to the adoptive parents before the adoption becomes final and to  
 1737 the adoptee, upon the adoptee's request, after he or she reaches  
 1738 majority. Upon the request of the adoptive parents, all  
 1739 nonidentifying information obtained before or after the adoption  
 1740 has become final must be furnished to the adoptive parents.

1741 (7) The court may, upon petition of an adult adoptee, for  
 1742 good cause shown, appoint an intermediary or a licensed child-  
 1743 placing agency to contact a birth parent who has not registered  
 1744 with the adoption registry pursuant to s. 63.165 and advise them  
 1745 of the adoptee's request to open the file and the adoption

1746 registry and offer them the opportunity to waive their  
 1747 confidentiality and consent to the opening of their records  
 1748 availability of same.

1749 (8) As a result of any proceeding under s. 382.015, this  
 1750 section, or any other proceeding to unseal an original birth  
 1751 certificate, the Office of Vital Statistics is authorized to  
 1752 release an original sealed birth certificate only to the  
 1753 department. Within 10 days after the department's receipt of an  
 1754 order or other documentation authorizing unsealing of the  
 1755 original birth certificate, the department shall make a written  
 1756 request for the birth certificate from the Office of Vital  
 1757 Statistics. Upon receipt of the department's request, the Office  
 1758 of Vital Statistics shall release the original sealed birth  
 1759 certificate to the department in such a manner as to ensure  
 1760 confidentiality.

1761 Section 25. Paragraph (c) of subsection (1) of section  
 1762 63.172, Florida Statutes, is amended to read:

1763 63.172 Effect of judgment of adoption.--

1764 (1) A judgment of adoption, whether entered by a court of  
 1765 this state, another state, or of any other place, has the  
 1766 following effect:

1767 (c) ~~Except for rights of inheritance,~~ It creates the  
 1768 relationship between the adopted person and the petitioner and  
 1769 all relatives of the petitioner that would have existed if the  
 1770 adopted person were a blood descendant of the petitioner born  
 1771 within wedlock. This relationship shall be created for all  
 1772 purposes, including the rights of inheritance and applicability  
 1773 of statutes, documents, and instruments, whether executed before



1774 or after entry of the adoption judgment, that do not expressly  
 1775 exclude an adopted person from their operation or effect.

1776 Section 26. Section 63.192, Florida Statutes, is amended  
 1777 to read:

1778 63.192 Recognition of foreign judgment or decree affecting  
 1779 adoption.--A judgment or decree granting legal guardianship for  
 1780 purposes of adoption or ~~of court~~ terminating the relationship of  
 1781 parents ~~parent~~ and child or establishing the relationship by  
 1782 adoption issued pursuant to due process of law by a court or an  
 1783 authorized body of any other jurisdiction within or without the  
 1784 United States shall be recognized in this state, and the rights  
 1785 and obligations of the parties ~~on matters within the~~  
 1786 jurisdiction of this state shall be determined as though the  
 1787 judgment or decree were issued by a court of this state. A  
 1788 judgment or decree of court or authorized body terminating the  
 1789 relationship of a parent and child, whether independent,  
 1790 incorporated in an adoption decree, or incorporated in a legal  
 1791 guardianship order issued pursuant to due process of law of any  
 1792 other jurisdiction within or without the United States, shall be  
 1793 deemed to effectively terminate parental rights for purposes of  
 1794 a proceeding on a petition for adoption in this state. When a  
 1795 minor child has been made available for adoption in a foreign  
 1796 state or foreign country and the parental rights of the minor  
 1797 child's parents have been terminated or the child has been  
 1798 declared to be abandoned or orphaned, no additional termination  
 1799 of parental rights proceeding need occur and the adoption may be  
 1800 finalized according to the procedures set forth in this section.

1801 Section 27. Paragraph (b) of subsection (1) and subsection  
 1802 (3) of section 63.207, Florida Statutes, are amended to read:

1803 63.207 Out-of-state placement.--

1804 (1) Unless the parent placing a minor for adoption files  
 1805 an affidavit that the parent chooses to place the minor outside  
 1806 the state, giving the reason for that placement, or the minor is  
 1807 to be placed with a relative or with a stepparent, or the minor  
 1808 is a special needs child, as defined in s. 409.166, or for other  
 1809 good cause shown, an adoption entity may not:

1810 (b) Place or attempt to place a minor for the purpose of  
 1811 adoption with a family who primarily lives and works outside  
 1812 Florida in another state. If an adoption entity is acting under  
 1813 this subsection, the adoption entity must file a petition for  
 1814 declaratory statement pursuant to s. 63.102 for ~~prior~~ approval  
 1815 of fees and costs. The court shall review the costs pursuant to  
 1816 s. 63.097. The petition for declaratory statement may ~~must~~ be  
 1817 consolidated with ~~converted to~~ a petition for an adoption upon  
 1818 placement of the minor in the home. When a minor is placed for  
 1819 adoption with prospective adoptive parents who primarily live  
 1820 and work outside this state, the circuit court in this state may  
 1821 retain jurisdiction over the matter until the adoption becomes  
 1822 final. The prospective adoptive parents may finalize the  
 1823 adoption in this state or their home state.

1824 (3) When applicable, the Interstate Compact on the  
 1825 Placement of Children authorized in s. 409.401 shall be used in  
 1826 placing children outside the state for adoption, unless excused  
 1827 by the court for good cause shown.

1828 Section 28. Subsection (1), paragraph (c) of subsection  
 1829 (2), and subsection (7) of section 63.212, Florida Statutes, are  
 1830 amended to read:

1831 63.212 Prohibited acts; penalties for violation.--

1832 (1) It is unlawful for any person:

1833 (a) To place or attempt to place a minor for adoption with  
 1834 a person who primarily lives and works outside this state unless  
 1835 all of the requirements of the Interstate Compact for the  
 1836 Placement of Children, when applicable, have been met, unless  
 1837 excused by the court for good cause shown.

1838 (b) Except an adoption entity, to place or attempt to  
 1839 place within the state a minor for adoption unless the minor is  
 1840 placed with a relative or with a stepparent. This prohibition,  
 1841 however, does not apply to a person who is placing or attempting  
 1842 to place a minor for the purpose of adoption with the adoption  
 1843 entity or the prospective adoptive parents.

1844 (c) To sell or surrender, or to arrange for the sale or  
 1845 surrender of, a minor to another person for money or anything of  
 1846 value or to receive such minor child for such payment or thing  
 1847 of value. If a minor is being adopted by a relative or by a  
 1848 stepparent, or is being adopted through an adoption entity, this  
 1849 paragraph does not prohibit the person who is contemplating  
 1850 adopting the child from paying, under ss. 63.097 and 63.132, the  
 1851 actual prenatal care and living expenses of the mother of the  
 1852 child to be adopted, or from paying, under ss. 63.097 and  
 1853 63.132, the actual living and medical expenses of such mother  
 1854 ~~for a reasonable time, not to exceed 6 weeks, if medical needs~~  
 1855 ~~require such support, after the birth of the minor.~~

1856 (d) Having the rights and duties of a parent with respect  
 1857 to the care and custody of a minor to assign or transfer such  
 1858 parental rights for the purpose of, incidental to, or otherwise  
 1859 connected with, selling or offering to sell such rights and  
 1860 duties.

1861 (e) To assist in the commission of any act prohibited in  
 1862 paragraphs (a)-(d). In the case of a stepparent adoption, this  
 1863 paragraph does not preclude the forgiveness of vested child  
 1864 support arrearages owed by a parent.

1865 (f) Except an adoption entity, to charge or accept any fee  
 1866 or compensation of any nature from anyone for making a referral  
 1867 in connection with an adoption or providing adoption,  
 1868 facilitating, matching, or placement services.

1869 (g) Except an adoption entity, to advertise or offer to  
 1870 the public, in any way, by any medium whatever that a minor is  
 1871 available for adoption or that a minor is sought for adoption;  
 1872 and, further, it is unlawful for any person to publish or  
 1873 broadcast any such advertisement without including a Florida  
 1874 license number of the agency or attorney placing the  
 1875 advertisement.

1876 (h) To contract for the purchase, sale, or transfer of  
 1877 custody or parental rights in connection with any child, in  
 1878 connection with any fetus yet unborn, or in connection with any  
 1879 fetus identified in any way but not yet conceived, in return for  
 1880 any valuable consideration. Any such contract is void and  
 1881 unenforceable as against the public policy of this state.  
 1882 However, fees, costs, and other incidental payments made in  
 1883 accordance with statutory provisions for adoption, foster care,

1884 and child welfare are permitted, and a person may agree to pay  
 1885 expenses in connection with a preplanned adoption agreement as  
 1886 specified below, but the payment of such expenses may not be  
 1887 conditioned upon the transfer of parental rights. Each petition  
 1888 for adoption which is filed in connection with a preplanned  
 1889 adoption agreement must clearly identify the adoption as a  
 1890 preplanned adoption arrangement and must include a copy of the  
 1891 preplanned adoption agreement for review by the court.

1892 (2)

1893 ~~(c) It is unlawful for any person who knows that the~~  
 1894 ~~parent whose rights are to be terminated intends to object to~~  
 1895 ~~said termination to intentionally file the petition for~~  
 1896 ~~termination of parental rights in a county inconsistent with the~~  
 1897 ~~required venue under such circumstances.~~

1898  
 1899 Any person who willfully violates any provision of this  
 1900 subsection commits a misdemeanor of the second degree,  
 1901 punishable as provided in s. 775.082 or s. 775.083. In addition,  
 1902 such person is liable for damages caused by such acts or  
 1903 omissions, including reasonable attorney's fees and costs.  
 1904 Damages may be awarded through restitution in any related  
 1905 criminal prosecution or by filing a separate civil action.

1906 (7) It is unlawful for any adoptive parent or adoption  
 1907 entity to obtain a preliminary home study or final home  
 1908 investigation and fail to disclose the existence of the study or  
 1909 investigation to the court when required by law to do so.

1910 Section 29. Subsection (4) and paragraph (c) of subsection  
 1911 (6) of section 63.213, Florida Statutes, are amended to read:

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1912 63.213 Preplanned adoption agreement.--

1913 (4) An attorney who represents an intended father and  
 1914 intended mother or any other attorney with whom that attorney is  
 1915 associated shall not represent simultaneously a female who is or  
 1916 proposes to be a volunteer mother in the same ~~any matter~~  
 1917 ~~relating to a preplanned adoption agreement or~~ preplanned  
 1918 adoption arrangement.

1919 (6) As used in this section, the term:

1920 (c) "Fertility technique" means artificial embryonation,  
 1921 artificial insemination, whether in vivo or in vitro, ~~egg~~  
 1922 ~~donation, or embryo adoption.~~

1923 Section 30. Section 63.235, Florida Statutes, is amended  
 1924 to read:

1925 63.235 Petitions filed before effective date; governing  
 1926 law.--Any petition for termination of parental rights ~~adoption~~  
 1927 filed before the effective date of this act shall be governed by  
 1928 the law in effect at the time the petition was filed.

1929 Section 31. This act shall take effect upon becoming law.