

1 A bill to be entitled
2 An act relating to adoption; amending s. 49.011, F.S.;
3 providing for service of process by publication for
4 termination of parental rights under ch. 63, F.S.;
5 amending s. 63.022, F.S.; revising legislative intent
6 concerning cooperation between the Department of Children
7 and Family Services and private adoption entities;
8 amending s. 63.032, F.S.; redefining terms and defining
9 the term "primarily lives and works in Florida"; amending
10 s. 63.039, F.S.; requiring an adoption entity to provide
11 adoption disclosure forms to persons whose consent is
12 required for adoption; amending s. 63.0423, F.S.;
13 providing that a judgment of adoption is voidable under
14 certain circumstances involving provision of false
15 information; amending s. 63.0425, F.S.; providing a
16 grandparent's right to notice; amending s. 63.052, F.S.;
17 revising conditions for placement of a minor with an
18 adoption entity; providing that a court in this state
19 retains jurisdiction until the adoption is finalized
20 within or outside this state; amending s. 63.053, F.S.;
21 providing that if an unmarried biological father fails to
22 take the actions that are available to him to establish a
23 relationship with his child, his parental interest may be
24 lost entirely; amending s. 63.054, F.S.; providing that an
25 unmarried biological father who fails to register
26 paternity prior to the filing of a petition for
27 termination of parental rights may not file a paternity
28 claim under ch. 742, F.S.; providing that if an unmarried

29 biological father fails to report a change of address to
30 the Florida Putative Father Registry, the failure is not a
31 valid defense based upon lack of notice and the adoption
32 entity or adoption petitioner is not obligated to search
33 further for the registrant; requiring a petitioner in a
34 proceeding in which parental rights are terminated
35 simultaneously with entry of final judgment of adoption to
36 provide certain notice to the Office of Vital Statistics
37 of the Department of Health; providing procedures for a
38 search of the Florida Putative Father Registry when
39 termination of parental rights and an adoption proceeding
40 are adjudicated separately; amending s. 63.062, F.S. ;
41 revising provisions relating to service of notice to the
42 father of a minor under certain circumstances; revising
43 requirements for an unmarried biological father to be
44 determined to have a substantial relationship with the
45 child; providing that an adoption agency may file a notice
46 of an intended adoption plan at any time before the birth
47 of the child or before placing the child in the adoptive
48 home; providing for the proper venue to file a petition to
49 terminate parental rights; amending s. 63.063, F.S. ;
50 revising provisions relating to responsibilities of each
51 party pertaining to fraudulent actions; amending s.
52 63.082, F.S. ; providing that notice and consent provisions
53 do not apply in cases in which the child was conceived as
54 a result of a violation of certain criminal statutes;
55 revising consent requirements applicable to men; limiting
56 period for revocation of a consent to adopt to 3 business

57 | days if the child is older than 6 months of age;
58 | authorizing a court to transfer a child to the prospective
59 | adoptive parents under certain circumstances; requiring
60 | the adoption entity to file a petition for adoption or
61 | termination of parental rights after the transfer of the
62 | child; providing conditions under which a court must
63 | relinquish jurisdiction in a dependency proceeding;
64 | revising requirements for withdrawing a consent for
65 | adoption; amending s. 63.085, F.S.; revising requirements
66 | for required disclosures by an adoption entity; amending
67 | s. 63.087, F.S.; revising procedures to terminate parental
68 | rights pending an adoption; providing the proper venue in
69 | which to file a petition to terminate parental rights;
70 | requiring a person to answer the petition and to appear at
71 | the hearing for termination of parental rights; providing
72 | applicability; providing that failure to appear at certain
73 | hearings constitutes grounds for termination of parental
74 | rights; removing provision relating to procedure for
75 | notifying a petitioner of a final hearing; amending s.
76 | 63.088, F.S.; requiring the court to conduct an inquiry
77 | concerning the father of the child who is to be adopted;
78 | revising requirements for notice concerning the
79 | termination of parental rights; requiring persons
80 | contacted by a petitioner or adoption entity to release
81 | certain information; amending s. 63.089, F.S.; revising
82 | provisions relating to service of notice and petition
83 | regarding termination of parental rights and consent to
84 | adoption; revising conditions under which the court may

85 enter a judgment terminating parental rights; revising
86 conditions for making a finding of abandonment;
87 prohibiting a person who failed to establish parental
88 rights from challenging a judgment terminating parental
89 rights under certain circumstances; amending s. 63.092,
90 F.S.; revising conditions of and timeframe for an adoption
91 entity to report intent to place a minor for adoption to
92 the court; revising requirements regarding who must
93 perform a preliminary home study; amending s. 63.097,
94 F.S.; providing that certain additional fees, costs, and
95 expenses do not require court approval prior to payment;
96 amending s. 63.102, F.S.; revising procedures for the
97 filing of a petition for adoption; providing the proper
98 venue where the petition may be filed; amending s. 63.112,
99 F.S.; revising language requiring that certain documents
100 be filed at the same time the petition for adoption is
101 filed; amending s. 63.122, F.S.; providing that certain
102 information may be removed from the petition under certain
103 circumstances; deleting a provision authorizing the court
104 to order certain investigations in cases of adult
105 adoption; amending s. 63.125, F.S.; providing that certain
106 licensed professionals may conduct the final home
107 investigation; amending s. 63.132, F.S.; providing
108 exceptions to the requirement that the adoptive parent and
109 the adoption entity file an affidavit itemizing all
110 expenses and receipts; amending s. 63.135, F.S.; requiring
111 the adoption entity or petitioner to file an affidavit
112 under the Uniform Child Custody Jurisdiction and

113 Enforcement Act in a termination of parental rights
114 proceeding; deleting information required to be submitted
115 under oath to the court; amending s. 63.142, F.S.;
116 requiring that if an adoption petition is dismissed, any
117 further proceedings regarding the minor be brought in a
118 separate custody action under ch. 61, F.S., a dependency
119 action under ch. 39, F.S., or a paternity action under ch.
120 742, F.S.; revising conditions under which a judgment
121 terminating parental rights is voidable; amending s.
122 63.152, F.S.; requiring the clerk of court to transmit a
123 certified statement of the adoption to the state where the
124 child was born; amending s. 63.162, F.S.; revising
125 requirements concerning the disclosure of information
126 pertaining to an adoption; amending s. 63.192, F.S.;
127 requiring the courts of this state to recognize decrees of
128 termination of parental rights and adoptions from other
129 states and countries; amending s. 63.207, F.S.; permitting
130 prospective adoptive parents to finalize the adoption in
131 their home state; amending s. 63.212, F.S.; revising acts
132 that are unlawful pertaining to adoptions; providing
133 penalties; amending s. 63.213, F.S.; prohibiting an
134 attorney from representing the volunteer mother and the
135 intended father and mother in a preplanned adoption
136 arrangement; revising the definition of "fertility
137 technique"; creating s. 63.236, F.S.; providing that any
138 petition for termination of parental rights filed before
139 the effective date of the act is governed by the law in
140 effect at the time the petition was filed; amending s.

141 409.166, F.S.; redefining the term "special needs child";
 142 providing for participation by adoption intermediaries in
 143 the adoption program for special needs children
 144 administered by the Department of Children and Family
 145 Services; providing for waiver of adoption fees for
 146 intermediary-placed adoptions; amending s. 409.176, F.S.;
 147 providing that licensing provisions do not apply to
 148 organizations whose standards are similar to those of
 149 licensed child-placing agencies; providing
 150 responsibilities of a qualified association meeting
 151 standards of a statewide child care organization; amending
 152 s. 742.021, F.S.; requiring the clerk of court to issue
 153 certain notice in cases of complaints concerning
 154 determination of paternity; amending s. 742.10, F.S.;
 155 providing applicability of chs. 39 and 63, F.S., to
 156 jurisdiction and procedures for determination of paternity
 157 for children born out of wedlock; providing an effective
 158 date.

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

161
 162 Section 1. Subsection (13) of section 49.011, Florida
 163 Statutes, is amended to read:

164 49.011 Service of process by publication; cases in which
 165 allowed.--Service of process by publication may be made in any
 166 court on any person mentioned in s. 49.021 in any action or
 167 proceeding:

168 (13) For termination of parental rights pursuant to part
 169 IX of chapter 39 or chapter 63.

170 Section 2. Subsection (5) of section 63.022, Florida
 171 Statutes, is amended to read:

172 63.022 Legislative intent.--

173 (5) It is the intent of the Legislature to provide for
 174 cooperation between private adoption entities and the Department
 175 of Children and Family Services in matters relating to permanent
 176 placement options for children in the care of the department
 177 whose birth parent wishes ~~parents wish~~ to participate in a
 178 private adoption plan with a qualified family.

179 Section 3. Section 63.032, Florida Statutes, is amended to
 180 read:

181 63.032 Definitions.--As used in this chapter, the term:

182 (1) "Abandoned" means a situation in which the parent or
 183 person having legal custody of a child, while being able, makes
 184 no provision for the child's support and makes little or no
 185 effort to communicate with the child, which situation is
 186 sufficient to evince an intent to reject parental
 187 responsibilities. If, in the opinion of the court, the efforts
 188 of such parent or person having legal custody of the child to
 189 support and communicate with the child are only marginal efforts
 190 that do not evince a settled purpose to assume all parental
 191 duties, the court may declare the child to be abandoned. In
 192 making this decision, the court may consider the conduct of a
 193 father towards the child's mother during her pregnancy.

194 (2) "Adoption" means the act of creating the legal
 195 relationship between parent and child where it did not exist,

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196 | thereby declaring the child to be legally the child of the
 197 | adoptive parents and their heir at law and entitled to all the
 198 | rights and privileges and subject to all the obligations of a
 199 | child born to such adoptive parents in lawful wedlock.

200 | (3) "Adoption entity" means the department, an agency, a
 201 | child-caring agency registered under s. 409.176, an
 202 | intermediary, an attorney licensed in another state who is
 203 | placing a child from another state into this state, or a child-
 204 | placing agency licensed in another state that ~~which~~ is placing a
 205 | child from another state into this state and is qualified by the
 206 | department to place children in the State of Florida.

207 | ~~(4)-(20)~~ "Adoption plan" means an arrangement ~~arrangements~~
 208 | made by a birth parent or other individual having a legal right
 209 | to custody of a minor child, born or to be born, with an
 210 | adoption entity in furtherance of placing ~~the placement~~ of the
 211 | minor for adoption.

212 | ~~(5)-(4)~~ "Adult" means a person who is not a minor.

213 | ~~(6)-(5)~~ "Agency" means any child-placing agency licensed by
 214 | the department pursuant to s. 63.202 to place minors for
 215 | adoption.

216 | ~~(7)-(6)~~ "Child" means a minor son or daughter, whether by
 217 | birth or adoption.

218 | ~~(8)-(7)~~ "Court" means any circuit court of this state and,
 219 | when the context requires, the court of any state that is
 220 | empowered to grant petitions for adoption.

221 | ~~(9)-(8)~~ "Department" means the Department of Children and
 222 | Family Services.

223 ~~(10)-(9)~~ "Intermediary" means an attorney who is licensed
 224 or authorized to practice in this state and who is placing or
 225 intends to place a child for adoption, including placing
 226 children born in another state with citizens of this state or
 227 country or placing children born in this state with citizens of
 228 another state or country.

229 ~~(11)-(10)~~ "Legal custody" means a legal status created by
 230 court order or letter of guardianship that vests in a custodian
 231 or guardian of the child, whether an agency or an individual,
 232 the right to have physical custody of the child and the right
 233 and duty to protect, train, and discipline the child and to
 234 provide him or her with food, shelter, education, and ordinary
 235 medical, dental, psychiatric, and psychological care. The term
 236 "legal custodian" means the person or entity in whom the legal
 237 right to custody is vested ~~has the meaning ascribed in s. 39.01.~~

238 ~~(12)-(11)~~ "Minor" means a person under the age of 18 years.

239 ~~(13)-(12)~~ "Parent" means a woman who gives birth to a child
 240 or a man whose consent to the adoption of the child would be
 241 required under s. 63.062(1). If a child has been legally
 242 adopted, the term "parent" means the adoptive mother or father
 243 of the child. The term does not include an individual whose
 244 parental relationship to the child has been legally terminated
 245 or an alleged or prospective parent ~~has the same meaning~~
 246 ~~ascribed in s. 39.01.~~

247 ~~(14)-(13)~~ "Person" includes a natural person, corporation,
 248 government or governmental subdivision or agency, business
 249 trust, estate, trust, partnership, or association, and any other
 250 legal entity.

251 (15) "Placement" or "to place" means the process of a
 252 parent or legal guardian surrendering a child for adoption and
 253 the prospective adoptive parents receiving and adopting the
 254 child, and includes all actions by any person or adoption entity
 255 participating in the process.

256 (16) "Primarily lives and works in Florida" means that a
 257 person lives and works in this state at least 6 months and 1 day
 258 of the year, is a member of military personnel who designates
 259 Florida as his or her place of residence in accordance with the
 260 Servicemembers Civil Relief Act, Pub. L. No. 108-189, or is a
 261 citizen of the United States living in a foreign country who
 262 designates Florida as his or her place of residence.

263 ~~(16) "Placement" means the process of a parent or legal~~
 264 ~~guardian surrendering a child for adoption and the prospective~~
 265 ~~adoptive parents receiving and adopting the child and all~~
 266 ~~actions by any adoption entity participating in placing the~~
 267 ~~child.~~

268 (17) "Primarily lives and works outside Florida" means
 269 that a person who lives and works outside this state at least 6
 270 months and 1 day of the year, is a member of military personnel
 271 who designates a state other than ~~designate~~ Florida as his or
 272 her ~~their~~ place of residence in accordance with the
 273 Servicemembers Civil Relief Act, Pub. L. No. 108-189 ~~Soldiers'~~
 274 ~~and Sailors' Civil Relief Act of 1940, or is a citizen~~ employees
 275 of the United States ~~Department of State~~ living in a foreign
 276 country who designates ~~designate~~ a state other than Florida as
 277 his or her ~~their~~ place of residence.

278 ~~(18)-(14)~~ "Relative" means a person related by blood within
 279 the third degree of consanguinity, by adoption, or by marriage
 280 to the person being adopted ~~within the third degree of~~
 281 ~~consanguinity.~~

282 ~~(19)-(18)~~ "Suitability of the intended placement" includes
 283 the fitness of the intended placement, with primary
 284 consideration being given to the best interest of the child.

285 ~~(20)-(19)~~ "Unmarried biological father" means the child's
 286 biological father who is not married to the child's mother at
 287 the time of conception or birth of the child and who, prior to
 288 the filing of the petition to terminate parental rights, has not
 289 been declared by a court of competent jurisdiction to be the
 290 legal father of the child or has not executed an affidavit
 291 pursuant to s. 382.013(2)(c).

292 Section 4. Paragraph (i) of subsection (1) of section
 293 63.039, Florida Statutes, is amended, and paragraph (j) is added
 294 to that subsection, to read:

295 63.039 Duty of adoption entity to prospective adoptive
 296 parents; sanctions.--

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

303 (i) Obtain the written waiver of venue, if applicable,
 304 ~~required under s. 63.062 in cases in which venue for the~~
 305 ~~termination of parental rights will be located in a county other~~

306 ~~than the county where a parent whose rights are to be terminated~~
 307 ~~resides.~~

308 (j) Provide an adoption disclosure form to all persons
 309 whose consent is required under s. 63.062(1) and any unmarried
 310 biological father identified by the biological mother as a
 311 biological father of the child, when their identities and
 312 locations are known.

313 Section 5. Subsection (9) of section 63.0423, Florida
 314 Statutes, is amended to read:

315 63.0423 Procedures with respect to abandoned infants.--

316 (9) (a) A judgment terminating parental rights pending
 317 adoption involving a minor who was abandoned as described in
 318 this section is voidable, and any later judgment of adoption of
 319 that minor is voidable, if, upon the motion of a ~~birth~~ parent
 320 whose consent is required for adoption, the court finds that a
 321 person knowingly gave false information that prevented the ~~birth~~
 322 parent from timely making known his or her desire to assume
 323 parental responsibilities toward the minor or from exercising
 324 his or her parental rights. A motion under this subsection must
 325 be filed with the court originally entering the judgment. The
 326 motion must be filed within a reasonable time, but not later
 327 than 1 year after the entry of the judgment terminating parental
 328 rights.

329 (b) No later than 30 days after the filing of a motion
 330 under this subsection, the court shall conduct a preliminary
 331 hearing to determine what contact, if any, will be permitted
 332 between a ~~birth~~ parent and the child pending resolution of the
 333 motion. The ~~Such~~ contact may be allowed only if it is requested

334 by a parent who has appeared at the hearing and the court
 335 determines that it is in the best interest of the child. If the
 336 court orders contact between a ~~birth~~ parent and child, the order
 337 must be issued in writing as expeditiously as possible and must
 338 state with specificity the terms ~~any provisions~~ regarding
 339 contact with persons other than those with whom the child
 340 resides.

341 (c) At the preliminary hearing, the court, upon the motion
 342 of any party or upon its own motion, may order scientific
 343 testing to determine the paternity or maternity of the minor if
 344 the person seeking to set aside the judgment is alleging to be
 345 the child's ~~birth~~ parent but has not previously been determined
 346 by legal proceedings or scientific testing to be the ~~birth~~
 347 parent. Upon the filing of test results establishing that
 348 person's maternity or paternity of the abandoned infant, the
 349 court may order visitation as it deems appropriate and in the
 350 best interest of the child.

351 (d) Within 45 days after the preliminary hearing, the
 352 court shall conduct a final hearing on the motion to set aside
 353 the judgment and shall enter its written order as expeditiously
 354 as possible thereafter.

355 Section 6. Section 63.0425, Florida Statutes, is amended
 356 to read:

357 63.0425 Grandparent's right to notice ~~adopt~~.--

358 (1) When a child has lived with a grandparent for at least
 359 6 months within the 24-month period immediately preceding the
 360 filing of a petition for termination of parental rights pending
 361 adoption, the adoption entity shall provide notice to that

362 grandparent of the hearing on the petition for termination of
 363 parental rights pending adoption.

364 (2) This section shall not apply if the placement for
 365 adoption is a result of the death of the child's parent and a
 366 different preference is stated in the parent's will.

367 (3) This section shall not apply in stepparent adoptions.

368 (4) Nothing in this section shall contravene the
 369 provisions of s. 63.142(4).

370 Section 7. Subsections (1) and (7) of section 63.052,
 371 Florida Statutes, are amended to read:

372 63.052 Guardians designated; proof of commitment.--

373 (1) For minors who have been placed for adoption with ~~and~~
 374 ~~permanently committed to~~ an adoption entity, other than an
 375 intermediary, such adoption entity shall be the guardian of the
 376 person of the minor and has the responsibility and authority to
 377 provide for the needs and welfare of the minor.

378 (7) The court retains jurisdiction of a minor who has been
 379 placed for adoption until the adoption is finalized within or
 380 outside this state final. After a minor is placed with an
 381 adoption entity or prospective adoptive parent, the court may
 382 review the status of the minor and the progress toward permanent
 383 adoptive placement.

384 Section 8. Subsection (1) of section 63.053, Florida
 385 Statutes, is amended to read:

386 63.053 Rights and responsibilities of an unmarried
 387 biological father; legislative findings.--

388 (1) In enacting ~~the provisions contained in~~ this chapter,
 389 the Legislature prescribes the conditions for determining

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390 whether an unmarried biological father's actions are
391 sufficiently prompt and substantial so as to require protection
392 of a constitutional right. If an unmarried biological father
393 fails to take the actions that are available to him to establish
394 a relationship with his child, his parental interest may be lost
395 entirely, ~~or greatly diminished,~~ by his failure to timely comply
396 with the available legal steps to substantiate a parental
397 interest.

398 Section 9. Subsections (1), (6), and (7) of section
399 63.054, Florida Statutes, are amended to read:

400 63.054 Actions required by an unmarried biological father
401 to establish parental rights; Florida Putative Father
402 Registry.--

403 (1) In order to preserve the right to notice and consent
404 to an adoption under this chapter, an unmarried biological
405 father must, as the "registrant," file a notarized claim of
406 paternity form with the Florida Putative Father Registry
407 maintained by the Office of Vital Statistics of the Department
408 of Health and shall include therein confirmation of his
409 willingness and intent to support the child for whom paternity
410 is claimed in accordance with state law. The claim of paternity
411 may be filed at any time prior to the child's birth, but a claim
412 of paternity may not be filed after the date a petition is filed
413 for termination of parental rights. In each proceeding for
414 termination of parental rights, the petitioner shall submit to
415 the Office of Vital Statistics of the Department of Health a
416 copy of the petition for termination of parental rights. The
417 Office of Vital Statistics of the Department of Health shall not

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418 record a claim of paternity after the date that a petition for
419 termination of parental rights is filed. The failure of an
420 unmarried biological father to register his paternity prior to
421 the date a petition for termination of parental rights is filed
422 also bars him from filing a paternity claim under chapter 742.

423 (6) It is the obligation of the registrant or, if
424 designated under subsection (4), his designated agent or
425 representative to notify and update the Office of Vital
426 Statistics of any change of address or change in the designation
427 of an agent or representative. The failure of a registrant, or
428 designated agent or representative, to report any such change is
429 at the registrant's own risk and shall not serve as a valid
430 defense based upon lack of notice, and the adoption entity or
431 petitioner shall have no further obligation to search for the
432 registrant unless the person petitioning for termination of
433 parental rights or adoption has actual ~~or constructive~~ notice of
434 the registrant's address and whereabouts from another source.

435 (7) In each proceeding for termination of parental rights
436 or each adoption proceeding in which parental rights are being
437 terminated simultaneously with entry of the final judgment of
438 adoption, as in stepparent and relative adoptions filed under
439 this chapter, the petitioner must contact the Office of Vital
440 Statistics of the Department of Health by submitting an
441 application for a search of the Florida Putative Father
442 Registry. The petitioner shall provide the same information, if
443 known, on the search application form which the registrant is
444 required to furnish under subsection (3). Thereafter, the Office

445 of Vital Statistics must issue a certificate signed by the State
 446 Registrar certifying:

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

451 (b) That a diligent search has been made of the registry
 452 of registrants who may be the unmarried biological father of the
 453 subject child and that no matching registration has been located
 454 in the registry.

455
 456 The ~~This~~ certificate must be filed with the court in the
 457 proceeding to terminate parental rights or the adoption
 458 proceeding. If a termination of parental rights and an adoption
 459 proceeding are being adjudicated separately ~~simultaneously~~, the
 460 Florida Putative Father Registry need only be searched in the
 461 termination of parental rights proceeding ~~once~~.

462 Section 10. Paragraph (b) of subsection (1), subsection
 463 (2), paragraph (a) of subsection (3), and subsection (9) of
 464 section 63.062, Florida Statutes, are amended to read:

465 63.062 Persons required to consent to adoption; affidavit
 466 of nonpaternity; waiver of venue.--

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

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

473 1. The minor was conceived or born while the father was
 474 married to the mother;

475 2. The minor is his child by adoption;

476 3. The minor has been established by court judgment
 477 ~~proceeding~~ to be his child no later than the date that a
 478 petition is filed for termination of parental rights;

479 4. He has filed an affidavit of paternity pursuant to s.
 480 382.013(2)(c) no later than the date that a petition is filed
 481 for termination of parental rights; or

482 5. In the case of an unmarried biological father, he has
 483 acknowledged in writing, signed in the presence of a competent
 484 witness, that he is the father of the minor, has filed such
 485 acknowledgment with the Office of Vital Statistics of the
 486 Department of Health within the required timeframes, and has
 487 complied with the requirements of subsection (2).

488 (2) In accordance with subsection (1), the consent of an
 489 unmarried biological father shall be required ~~necessary~~ only if
 490 the unmarried biological father has complied with the
 491 requirements of this subsection.

492 (a)1. With regard to a child who is placed with adoptive
 493 parents more than 6 months after the child's birth, an unmarried
 494 biological father must have developed a substantial relationship
 495 with the child, taken some measure of responsibility for the
 496 child and the child's future, and demonstrated a full commitment
 497 to the responsibilities of parenthood by providing financial
 498 support to the child in accordance with the unmarried biological
 499 father's ability, if not prevented from doing so by the person

500 or authorized agency having lawful custody of the child, and
 501 either:

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

506 b. Maintained regular communication with the child or with
 507 the person or agency having the care or custody of the child,
 508 when physically or financially unable to visit the child and ~~or~~
 509 when not prevented from doing so by the birth mother or person
 510 or authorized agency having lawful custody of the child.

511 2. The mere fact that an unmarried biological father
 512 expresses a desire to fulfill his responsibilities towards his
 513 child which is unsupported by acts evidencing this intent does
 514 not preclude a finding by the court that the unmarried
 515 biological father failed to comply with the requirements of this
 516 subsection.

517 3. An unmarried biological father who openly lived with
 518 the child for at least 6 consecutive months within the 1-year
 519 period following the birth of the child and immediately
 520 preceding placement of the child with adoptive parents and who
 521 openly held himself out to be the father of the child during
 522 that period shall be deemed to have developed a substantial
 523 relationship with the child and to have otherwise met the
 524 requirements of this paragraph.

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

528 | commitment to his parental responsibility by having performed
529 | all of the following acts before ~~prior to the time~~ the mother
530 | executes her consent for adoption:

531 | 1. Filed a notarized claim of paternity form with the
532 | Florida Putative Father Registry within the Office of Vital
533 | Statistics of the Department of Health, which form shall be
534 | maintained in the confidential registry established for that
535 | purpose and shall be considered filed when the notice is entered
536 | in the registry of notices from unmarried biological fathers.

537 | 2. Upon service of a notice of an intended adoption plan
538 | or a petition for termination of parental rights pending
539 | adoption, timely executed and filed an affidavit in that
540 | proceeding stating that he is personally fully able and willing
541 | to take responsibility for the child, setting forth his plans
542 | for care of the child, and agreeing to a court order of child
543 | support and a contribution to the payment of living and medical
544 | expenses incurred for the mother's pregnancy and the child's
545 | birth in accordance with his ability to pay.

546 | 3. If he had knowledge of the pregnancy, paid a fair and
547 | reasonable amount of the expenses incurred in connection with
548 | the mother's pregnancy and the child's birth, in accordance with
549 | his financial ability and when not prevented from doing so by
550 | the birth mother or person or authorized agency having lawful
551 | custody of the child.

552 | (c) The petitioner shall file with the court a certificate
553 | from the Office of Vital Statistics stating that a diligent
554 | search has been made of the Florida Putative Father Registry of
555 | notices from unmarried biological fathers described in

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556 subparagraph (b)1. and that no filing has been found pertaining
557 to the father of the child in question or, if a filing is found,
558 stating the name of the putative father and the time and date of
559 filing. That certificate shall be filed with the court before
560 ~~prior to~~ the entry of a final judgment of termination of
561 parental rights.

562 (d) An unmarried biological father who does not comply
563 with each of the conditions provided in this subsection is
564 deemed to have waived and surrendered any rights in relation to
565 the child, including the right to notice of any judicial
566 proceeding in connection with the adoption of the child, and his
567 consent to the adoption of the child is not required.

568 (3) (a) Under ~~Pursuant to~~ chapter 48, an adoption entity
569 may serve upon any unmarried biological father identified by the
570 mother or identified by a diligent search of the Florida
571 Putative Father Registry, or upon an entity whose consent is
572 required, a notice of intended adoption plan at any time before
573 the child's birth or before placing ~~prior to the placement of~~
574 ~~the child in the adoptive home, including prior to the birth of~~
575 ~~the child~~. The notice of intended adoption plan must
576 specifically state that if the unmarried biological father
577 desires to contest the adoption plan, he must file with the
578 court, within 30 days after service, a verified response that
579 contains a pledge of commitment to the child in substantial
580 compliance with subparagraph (2) (b)2. The notice of intended
581 adoption plan shall notify the unmarried biological father that
582 he must file a claim of paternity form with the Office of Vital
583 Statistics within 30 days after service upon him and must

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584 provide the adoption entity with a copy of the verified response
585 filed with the court and the claim of paternity form filed with
586 the Office of Vital Statistics. If the party served with the
587 notice of intended adoption plan is an entity, the entity must
588 file, within 30 days after service, a verified response setting
589 forth a legal basis for contesting the intended adoption plan,
590 specifically addressing the best interest of the child. If the
591 unmarried biological father or entity whose consent is required
592 fails to properly file a verified response with the court and,
593 in the case of an unmarried biological father, a claim of
594 paternity form with the Office of Vital Statistics within 30
595 days after service upon that unmarried biological father or
596 entity whose consent is required, the consent of that unmarried
597 biological father or entity shall no longer be required under
598 this chapter and that party shall be deemed to have waived any
599 claim of rights to the child. Each notice of intended adoption
600 plan served upon an unmarried biological father must include
601 instructions as to the procedure the unmarried biological father
602 must follow to submit a claim of paternity form to the Office of
603 Vital Statistics and the address to which the registration must
604 be directed.

605 (9) A petition for termination of parental rights shall be
606 filed in the appropriate county as determined under s.
607 63.087(2). If any ~~the parent or parents~~ whose consent is
608 required objects ~~rights are to be terminated object~~ to venue in
609 the county where the action was filed, the court may transfer
610 venue to a proper venue consistent with this chapter and chapter
611 47 ~~the action to the county where the objecting parent or~~

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612 ~~parents reside~~, unless the objecting parent has previously
 613 executed a waiver of venue.

614 Section 11. Subsection (1) of section 63.063, Florida
 615 Statutes, is amended to read:

616 63.063 Responsibility of each party for his or her ~~their~~
 617 own actions; fraud or misrepresentation; statutory compliance.--

618 (1) Each parent of a child conceived or born outside of
 619 marriage is responsible for his or her own actions and is not
 620 excused from strict compliance with the provisions of this
 621 chapter based upon any action, statement, or omission of the
 622 other parent or a third party, except as provided in s.

623 63.062(2) (a) .

624 Section 12. Paragraph (d) of subsection (1), paragraphs
 625 (b), (c), and (e) of subsection (4), and subsections (5), (6),
 626 and (7) of section 63.082, Florida Statutes, are amended to
 627 read:

628 63.082 Execution of consent to adoption or affidavit of
 629 nonpaternity; family social and medical history; withdrawal of
 630 consent.--

631 (1)

632 (d) The notice and consent provisions of this chapter as
 633 they relate to the birth of a child or to legal fathers do not
 634 apply in cases in which the child is conceived as a result of a
 635 violation of the criminal laws of this or another state,
 636 including, but not limited to, sexual battery, unlawful sexual
 637 activity with certain minors under s. 794.05, lewd acts
 638 perpetrated upon a minor, or incest.

639 (4)

640 (b) A consent to the adoption of a minor who is to be
 641 placed for adoption shall not be executed by the birth mother
 642 sooner than 48 hours after the minor's birth or the day the
 643 birth mother has been notified in writing, either on her patient
 644 chart or in release paperwork, that she is fit to be released
 645 from the licensed hospital or birth center, whichever is
 646 earlier. A consent by any man ~~a biological father or legal~~
 647 ~~father~~ may be executed at any time after the birth of the child.
 648 A consent executed under this paragraph is valid upon execution
 649 and may be withdrawn only if the court finds that it was
 650 obtained by fraud or duress.

651 (c) When the minor to be adopted is older than 6 months of
 652 age at the time of the execution of the consent, the consent to
 653 adoption is valid upon execution; however, it is subject to a ~~3-~~
 654 day revocation period consisting of 3 business days ~~or may be~~
 655 ~~revoked at any time prior to the placement of the minor with the~~
 656 ~~prospective adoptive parents, whichever is later. If a consent~~
 657 ~~has been executed, this subsection may not be construed to~~
 658 ~~provide a birth parent with more than 3 days to revoke the~~
 659 ~~consent once the child has been placed with the prospective~~
 660 ~~adoptive parents.~~

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

664
 665 CONSENT TO ADOPTION
 666

667 YOU HAVE THE RIGHT TO SELECT AT LEAST ONE PERSON WHO DOES NOT
 668 HAVE AN EMPLOYMENT, PROFESSIONAL, OR PERSONAL RELATIONSHIP WITH
 669 THE ADOPTION ENTITY OR THE PROSPECTIVE ADOPTIVE PARENTS TO BE
 670 PRESENT WHEN THIS AFFIDAVIT IS EXECUTED AND TO SIGN IT AS A
 671 WITNESS. YOU MUST ACKNOWLEDGE ON THIS FORM THAT YOU WERE
 672 NOTIFIED OF THIS RIGHT AND YOU MUST INDICATE THE WITNESS OR
 673 WITNESSES YOU SELECTED, IF ANY.

674
 675 YOU DO NOT HAVE TO SIGN THIS CONSENT FORM. YOU MAY DO ANY OF THE
 676 FOLLOWING INSTEAD OF SIGNING THIS CONSENT OR BEFORE SIGNING THIS
 677 CONSENT:

- 678 1. CONSULT WITH AN ATTORNEY;
- 679 2. HOLD, CARE FOR, AND FEED THE CHILD UNLESS OTHERWISE
 680 LEGALLY PROHIBITED;
- 681 3. PLACE THE CHILD IN FOSTER CARE OR WITH ANY FRIEND OR
 682 FAMILY MEMBER YOU CHOOSE WHO IS WILLING TO CARE FOR THE CHILD;
- 683 4. TAKE THE CHILD HOME UNLESS OTHERWISE LEGALLY
 684 PROHIBITED; AND
- 685 5. FIND OUT ABOUT THE COMMUNITY RESOURCES THAT ARE
 686 AVAILABLE TO YOU IF YOU DO NOT GO THROUGH WITH THE ADOPTION.

687
 688 IF YOU DO SIGN THIS CONSENT, YOU ARE GIVING UP ALL RIGHTS TO
 689 YOUR CHILD. YOUR CONSENT IS VALID, BINDING, AND IRREVOCABLE
 690 EXCEPT UNDER SPECIFIC LEGAL CIRCUMSTANCES. IF YOU ARE GIVING UP
 691 YOUR RIGHTS TO A NEWBORN CHILD WHO IS TO BE IMMEDIATELY PLACED
 692 FOR ADOPTION UPON THE CHILD'S RELEASE FROM A LICENSED HOSPITAL
 693 OR BIRTH CENTER FOLLOWING BIRTH, A WAITING PERIOD WILL BE
 694 IMPOSED UPON THE BIRTH MOTHER BEFORE SHE MAY SIGN THE CONSENT

695 FOR ADOPTION. A BIRTH MOTHER MUST WAIT 48 HOURS FROM THE TIME OF
 696 BIRTH, OR UNTIL THE DAY THE BIRTH MOTHER HAS BEEN NOTIFIED IN
 697 WRITING, EITHER ON HER PATIENT CHART OR IN RELEASE PAPERS, THAT
 698 SHE IS FIT TO BE RELEASED FROM A LICENSED HOSPITAL OR BIRTH
 699 CENTER, WHICHEVER IS SOONER, BEFORE THE CONSENT FOR ADOPTION MAY
 700 BE EXECUTED. ANY MAN ~~A BIOLOGICAL FATHER~~ MAY EXECUTE A CONSENT
 701 AT ANY TIME AFTER THE BIRTH OF THE CHILD. ONCE YOU HAVE SIGNED
 702 THE CONSENT, IT IS VALID, BINDING, AND IRREVOCABLE AND CANNOT BE
 703 WITHDRAWN UNLESS A COURT FINDS THAT IT WAS OBTAINED BY FRAUD OR
 704 DURESS.

705
 706 IF YOU BELIEVE THAT YOUR CONSENT WAS OBTAINED BY FRAUD OR DURESS
 707 AND YOU WISH TO REVOKE THAT CONSENT, YOU MUST:

- 708 1. NOTIFY THE ADOPTION ENTITY, BY WRITING A LETTER, THAT
- 709 YOU WISH TO WITHDRAW YOUR CONSENT; AND
- 710 2. PROVE IN COURT THAT THE CONSENT WAS OBTAINED BY FRAUD
- 711 OR DURESS.

712
 713 This statement of rights is not required for the adoption of a
 714 relative, an adult, a stepchild, or a child older than 6 months
 715 of age. A consent form for the adoption of a child older than 6
 716 months of age at the time of execution of consent must contain a
 717 statement outlining the revocation rights provided in paragraph
 718 (c).

719 (5) A copy or duplicate original of each consent signed
 720 under this chapter ~~in an action for termination of parental~~
 721 ~~rights pending adoption~~ must be provided to the person who
 722 executed the consent to adoption. The copy must be hand

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723 delivered, with a written acknowledgment of receipt signed by
724 the person whose consent is required at the time of execution.
725 If a copy of a consent cannot be provided as required in this
726 subsection, the adoption entity must execute an affidavit
727 stating why the copy of the consent was not delivered. The
728 original consent and acknowledgment of receipt, or an affidavit
729 stating why the copy of the consent was not delivered, must be
730 filed with the petition for termination of parental rights
731 pending adoption.

732 (6) (a) If a ~~birth~~ parent executes a consent for placement
733 of a minor with an adoption entity or qualified prospective
734 adoptive parents and the minor child is in the custody of the
735 department, but parental rights have not yet been terminated,
736 the adoption consent shall be valid, binding, and enforceable by
737 the court and shall be the basis for a transfer of custody of
738 the child.

739 (b) Upon execution of the consent of the ~~birth~~ parent, the
740 adoption entity shall be permitted to intervene in the
741 dependency case as a party in interest and shall provide the
742 court having jurisdiction over the minor pursuant to the shelter
743 or dependency petition filed by the department with a copy of
744 the preliminary home study of the prospective adoptive parents
745 and any other evidence of the suitability of the placement. The
746 preliminary home study shall be maintained with strictest
747 confidentiality within the dependency court file and the
748 department's file. A preliminary home study must be provided to
749 the court in all cases in which an adoption entity has
750 intervened pursuant to this section.

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751 (c) Upon a determination by the court that the prospective
752 adoptive parents have met the requirements of this chapter ~~are~~
753 ~~properly qualified~~ to adopt the minor child and that the
754 adoption appears to be in the best interest of the minor child,
755 the court shall immediately order the transfer of custody of the
756 minor child to the prospective adoptive parents, under the
757 supervision of the adoption entity. Thereafter, the adoption
758 entity must file a petition for termination of parental rights
759 or a petition for adoption in the court having jurisdiction over
760 child welfare or custody in the county with the appropriate
761 venue according to s. 63.087 or s. 63.102. The court having
762 jurisdiction over the minor in the dependency proceeding shall
763 relinquish its jurisdiction to the court where the petition for
764 termination of parental rights or the petition for adoption is
765 filed. The adoption entity shall thereafter provide monthly
766 supervision reports to the court, if required, ~~department~~ until
767 finalization of the adoption.

768 (d) In determining whether the best interest of the child
769 will be served by transferring the custody of the minor child to
770 the prospective adoptive parent selected by the ~~birth~~ parent,
771 the court shall give consideration to the rights of the ~~birth~~
772 parent to determine an appropriate placement for the child, the
773 permanency offered, the child's bonding with any potential
774 adoptive home that the child has been residing in, and the
775 importance of maintaining sibling relationships, if possible.

776 (7) In the case of a child older than 6 months of age who
777 is placed with adoptive parents and for whom a parent is seeking
778 to withdraw consent under paragraph (4) (c) :

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779 (a) The parent seeking to withdraw consent must notify A
780 ~~consent that is being withdrawn under paragraph (4)(c) may be~~
781 ~~withdrawn at any time prior to the minor's placement with the~~
782 ~~prospective adoptive parents or by notifying~~ the adoption entity
783 in writing by certified United States mail, return receipt
784 requested, not later than 3 business days after execution of the
785 consent. As used in this subsection, the term "business day"
786 means any day on which the United States Postal Service accepts
787 certified mail for delivery.

788 (b) Upon receiving timely written notice from a person
789 whose consent to adoption is required of that person's desire to
790 withdraw consent to adoption, the adoption entity must contact
791 the prospective adoptive parent to arrange a time certain for
792 the adoption entity to regain physical custody of the minor,
793 unless, upon a motion for emergency hearing by the adoption
794 entity, the court determines in written findings that placement
795 of the minor with the person who had legal or physical custody
796 of the child immediately before placing the child for adoption
797 ~~withdrawing consent~~ may endanger the minor, or that the person
798 who desires to withdraw consent to the adoption would not be
799 required to consent to the adoption, ~~or~~ has been determined to
800 have abandoned the child, or is otherwise subject to a
801 determination that the person's consent is waived under this
802 chapter.

803 (c) If the court finds that the ~~such~~ placement may
804 endanger the minor, the court must enter an order regarding
805 continued placement of the minor. The order shall direct
806 continued placement with the prospective adoptive parents

807 pending further proceedings if they desire continued placement.
808 If the prospective adoptive parents do not desire continued
809 placement, the order shall include, but not be limited to,
810 whether temporary placement in foster care, with the person who
811 had legal or physical custody of the child immediately before
812 placing the child for adoption, or with a relative is in the
813 best interest of the child and is appropriate, whether an
814 investigation by the department is recommended, ~~and whether a~~
815 ~~relative is available for the temporary placement.~~

816 (d) If the person withdrawing consent claims to be the
817 father of the minor but has not been established to be the
818 father by marriage, court order, or scientific testing, the
819 court may order scientific paternity testing and reserve ruling
820 on removal of the minor until the results of such testing have
821 been filed with the court.

822 (e) The adoption entity must return the minor within 3
823 business days after timely and proper notification of the
824 withdrawal of consent or after the court determines that
825 withdrawal is valid and binding upon consideration of an
826 emergency motion, as filed pursuant to paragraph (b), to the
827 physical custody of the person withdrawing consent or the person
828 directed by the court. If the person seeking to validly withdraw
829 consent claims to be the father of the minor but has not been
830 established to be the father by marriage, court order, or
831 scientific testing, the adoption entity may return the minor to
832 the care and custody of the mother, if she desires such
833 placement, and the mother is not otherwise prohibited by law
834 from having custody of the child.

835 (f) Following the revocation period for withdrawal of
 836 consent described in paragraph (a), or the placement of the
 837 child with the prospective adoptive parents, whichever occurs
 838 later, consent may be withdrawn only when the court finds that
 839 the consent was obtained by fraud or duress.

840 (g) An affidavit of nonpaternity may be withdrawn only if
 841 the court finds that the affidavit was obtained by fraud or
 842 duress.

843 Section 13. Subsection (1) of section 63.085, Florida
 844 Statutes, is amended to read:

845 63.085 Disclosure by adoption entity.--

846 (1) DISCLOSURE REQUIRED TO PARENTS AND PROSPECTIVE
 847 ADOPTIVE PARENTS.--Not later than 14 days after a person seeking
 848 to adopt a minor or a person seeking to place a minor for
 849 adoption contacts an adoption entity in person or provides the
 850 adoption entity with a mailing address, the entity must provide
 851 a written disclosure statement to that person if the entity
 852 agrees or continues to work with the ~~such~~ person. The ~~If an~~
 853 adoption entity shall provide the written disclosure to any
 854 parent or any known and identified potential unmarried
 855 biological father ~~is assisting in the effort to terminate the~~
 856 ~~parental rights of a parent who did not initiate the contact~~
 857 ~~with the adoption entity, the written disclosure must be~~
 858 ~~provided~~ within 14 days after that parent or potential unmarried
 859 biological father is identified and located. For purposes of
 860 providing the written disclosure, a person is considered to be
 861 seeking to place a minor for adoption when that person has
 862 sought information or advice from the adoption entity regarding

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863 the option of adoptive placement. The written disclosure
864 statement must be in substantially the following form:

865

866 ADOPTION DISCLOSURE

867

868 THE STATE OF FLORIDA REQUIRES THAT THIS FORM BE PROVIDED TO ALL
869 PERSONS CONSIDERING ADOPTING A MINOR OR SEEKING TO PLACE A MINOR
870 FOR ADOPTION, TO ADVISE THEM OF THE FOLLOWING FACTS REGARDING
871 ADOPTION UNDER FLORIDA LAW:

872 1. The name, address, and telephone number of the adoption
873 entity providing this disclosure is:

874 Name:

875 Address:

876 Telephone Number:

877

878 2. The adoption entity does not provide legal
879 representation or advice to ~~birth~~ parents or anyone signing a
880 consent for adoption or affidavit of nonpaternity, and ~~birth~~
881 parents have the right to consult with an attorney of their own
882 choosing to advise them.

883 3. With the exception of an adoption by a stepparent or
884 relative, a child cannot be placed into a prospective adoptive
885 home unless the prospective adoptive parents have received a
886 favorable preliminary home study, including criminal and child
887 abuse clearances.

888 4. A valid consent for adoption may not be signed by the
889 birth mother until 48 hours after the birth of the child, or the
890 day the birth mother is notified, in writing, that she is fit

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891 for discharge from the licensed hospital or birth center. Any
892 man ~~A putative father~~ may sign a valid consent for adoption at
893 any time after the birth of the child.

894 5. A consent for adoption signed before the child attains
895 the age of 6 months is binding and irrevocable from the moment
896 it is signed unless it can be proven in court that the consent
897 was obtained by fraud or duress. A consent for adoption signed
898 after the child attains the age of 6 months is valid from the
899 moment it is signed; however, it may be revoked ~~until the child~~
900 ~~is placed in an adoptive home, or~~ up to 3 business days after it
901 was signed, ~~whichever period is longer.~~

902 6. A consent for adoption is not valid if the signature of
903 the person who signed the consent was obtained by fraud or
904 duress.

905 7. An unmarried biological father must act immediately in
906 order to protect his rights with regard to the child. He must
907 register his paternity with the Florida Putative Father Registry
908 maintained by the Office of Vital Statistics of the Department
909 of Health within the timeframes set forth in s. 63.062 and must
910 provide the child with financial and physical support by
911 assisting the mother during her pregnancy and providing for the
912 child after birth.

913 ~~8.7.~~ There are alternatives to adoption, including foster
914 care, relative care, and parenting the child. There may be
915 services and sources of financial assistance in the community
916 available to ~~birth~~ parents if they choose to parent the child.

917 ~~9.8.~~ A ~~birth~~ parent has the right to have a witness of his
918 or her choice, who is unconnected with the adoption entity or

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919 the adoptive parents, to be present and witness the signing of
 920 the consent or affidavit of nonpaternity.

921 ~~10.9.~~ A ~~birth~~ parent 14 years of age or younger must have
 922 a parent, legal guardian, or court-appointed guardian ad litem
 923 to assist and advise the ~~birth~~ parent as to the adoption plan.

924 ~~11.10.~~ A ~~birth~~ parent has a right to receive supportive
 925 counseling from a counselor, social worker, physician, clergy,
 926 or attorney, and such counseling would be beneficial to the
 927 ~~birth~~ parent.

928 ~~12.11.~~ The payment of living or medical expenses by the
 929 prospective adoptive parents prior to the birth of the child
 930 does not, in any way, obligate the ~~birth~~ parent to sign the
 931 consent for adoption.

932 Section 14. Section 63.087, Florida Statutes, is amended
 933 to read:

934 63.087 Proceeding to terminate parental rights pending
 935 adoption; general provisions.--

936 (1) JURISDICTION.--A court of this state that ~~which~~ is
 937 competent to decide child welfare or custody matters has
 938 jurisdiction to hear all matters arising from a proceeding to
 939 terminate parental rights pending adoption.

940 (2) VENUE.--

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

- 943 1. In the county where the child resides; or
- 944 2. ~~If the child does not reside in the State of Florida,~~
 945 In the county where the adoption entity is located;
- 946 3. ~~In the county where the adoption entity is located; or~~

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

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

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

966
967 For purposes of the hearing under this subsection, witnesses
968 located in another jurisdiction may testify by deposition or
969 testify by telephone, audiovisual means, or other electronic
970 means before a designated court or at another location.
971 Documentary evidence transmitted from another location by
972 technological means that do not produce an original writing may
973 not be excluded from evidence on an objection based on the means
974 of transmission. The court on its own motion may otherwise

975 | prescribe the manner in which and the terms upon which the
 976 | testimony is taken.

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

989 | (4) PETITION.--

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

994 | (b) The petition may be filed by a parent or person having
 995 | physical or legal custody of the minor. The petition may be
 996 | filed by an adoption entity only if a parent or person having
 997 | physical or legal custody who has executed a consent to adoption
 998 | pursuant to s. 63.082 also consents in writing to the adoption
 999 | entity filing the petition. The original of the ~~such~~ consent
 1000 | must be filed with the petition.

1001 (c) The petition must be entitled: "In the Matter of the
 1002 Termination of Parental Rights for the Proposed Adoption of a
 1003 Minor Child."

1004 (d) The petition to terminate parental rights pending
 1005 adoption must be in writing and signed by the petitioner under
 1006 oath stating the petitioner's good faith in filing the petition.
 1007 A written consent to adoption, affidavit of nonpaternity, or
 1008 affidavit of diligent search under s. 63.088, for each person
 1009 whose consent to adoption is required under s. 63.062, must be
 1010 executed and attached.

1011 (e) The petition must include:

1012 1. The minor's name, gender, date of birth, and place of
 1013 birth. The petition must contain all names by which the minor is
 1014 or has been known, excluding the minor's prospective adoptive
 1015 name but including the minor's legal name at the time of the
 1016 filing of the petition. In the case of an infant child whose
 1017 adoptive name appears on the original birth certificate, the
 1018 adoptive name shall not be included in the petition, nor shall
 1019 it be included elsewhere in the termination of parental rights
 1020 proceeding, except in the case of a petition for adoption filed
 1021 pursuant to s. 63.102(6).

1022 2. All information required by the Uniform Child Custody
 1023 Jurisdiction and Enforcement Act and the Indian Child Welfare
 1024 Act, except the names and addresses of the adoptive parents,
 1025 which shall be kept confidential as required by s. 63.162.

1026 3. A statement of the grounds under s. 63.089 upon which
 1027 the petition is based.

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1028 4. The name, address, and telephone number of any adoption
1029 entity seeking to place the minor for adoption.

1030 5. The name, address, and telephone number of the division
1031 of the circuit court in which the petition is to be filed.

1032 6. A certification of compliance with the requirements of
1033 s. 63.0425 regarding notice to grandparents of an impending
1034 adoption.

1035 (5) SUMMONS TO BE ISSUED.--The petitioner shall cause a
1036 summons to be issued substantially in the form provided in Form
1037 1.902, Florida Rules of Civil Procedure. The Petition and
1038 summons and a copy of the petition to terminate parental rights
1039 shall be served upon any person who executed a whose consent to
1040 adoption and has been provided but who has not waived service of
1041 the pleadings and notice of the hearing thereon and also upon
1042 any person whose consent to adoption is required under s. 63.062
1043 but who has not provided that consent or an affidavit of
1044 nonpaternity.

1045 (6) ANSWER AND APPEARANCE REQUIRED.--An answer to the
1046 petition or any pleading requiring an answer shall be filed in
1047 accordance with the Florida Family Law Rules of ~~Civil~~ Procedure.
1048 Failure to file a written response ~~or to appear at the hearing~~
1049 ~~on~~ the petition constitutes grounds upon which the court may
1050 terminate parental rights. Failure to appear at the hearing
1051 constitutes grounds upon which the court may terminate parental
1052 rights. ~~The petitioner shall provide notice of the final hearing~~
1053 ~~by United States mail to any person who has been served with the~~
1054 ~~summons and petition for termination of parental rights within~~
1055 ~~the specified time periods. Notwithstanding the filing of any~~

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1056 ~~answer or any pleading,~~ Any person present at the hearing to
 1057 terminate parental rights pending adoption whose consent to
 1058 adoption is required under s. 63.062 must:

1059 (a) Be advised by the court that he or she has a right to
 1060 ask that the hearing be reset for a later date so that the
 1061 person may consult with an attorney; and

1062 (b) Be given an opportunity to admit or deny the
 1063 allegations in the petition.

1064 Section 15. Section 63.088, Florida Statutes, is amended
 1065 to read:

1066 63.088 Proceeding to terminate parental rights pending
 1067 adoption; notice and service; diligent search.--

1068 (1) NOTICE REQUIRED.--An unmarried biological father, by
 1069 virtue of the fact that he has engaged in a sexual relationship
 1070 with a woman, is deemed to be on notice that a pregnancy and an
 1071 adoption proceeding regarding that child may occur and that he
 1072 has a duty to protect his own rights and interest. He is,
 1073 therefore, entitled to notice of a birth or adoption proceeding
 1074 with regard to that child only as provided in this chapter.

1075 (2) INITIATION OF ~~INITIATE~~ LOCATION PROCEDURES.--When the
 1076 location of a person whose consent to an adoption is required
 1077 ~~but~~ is unknown ~~not known~~, the adoption entity must begin the
 1078 inquiry and diligent search process required by this section
 1079 within a reasonable time period after the date on which the
 1080 person seeking to place a minor for adoption has evidenced in
 1081 writing to the adoption entity a desire to place the minor for
 1082 adoption with that entity, or not later than 30 days after the
 1083 date any money is provided as permitted under this chapter by

1084 the adoption entity for the benefit of the person seeking to
 1085 place a minor for adoption.

1086 (3) LOCATION AND IDENTITY KNOWN.--Before the court may
 1087 determine that a minor is available for adoption, and in
 1088 addition to the other requirements set forth in this chapter,
 1089 each person whose consent is required under s. 63.062, who has
 1090 not executed a consent for adoption or an affidavit of
 1091 nonpaternity, and whose location and identity have been
 1092 determined by compliance with the procedures in this section
 1093 must be personally served, pursuant to chapter 48, at least 20
 1094 days before the hearing with a copy of the petition to terminate
 1095 parental rights pending adoption and with notice in
 1096 substantially the following form:

1097
 1098 NOTICE OF PETITION AND HEARING
 1099 TO TERMINATE PARENTAL RIGHTS
 1100 PENDING ADOPTION
 1101

1102 A petition to terminate parental rights pending adoption
 1103 has been filed. A copy of the petition is being served with
 1104 this notice. There will be a hearing on the petition to
 1105 terminate parental rights pending adoption on (date) at
 1106 (time) before (judge) at (location, including
 1107 complete name and street address of the courthouse) . The
 1108 court has set aside (amount of time) for this hearing.
 1109
 1110

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

1116
 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:

1123 (a) Any person to whom the mother of the minor was married
 1124 at any time when conception of the minor may have occurred or at
 1125 the time of the birth of the minor;

1126 ~~(b) Any person who has been declared by a court to be the~~
 1127 ~~father of the minor;~~

1128 (b)(e) Any man who has adopted the minor;

1129 (c)(d) Any man who has been established by a court
 1130 judgment as the father of the minor child before the date that a
 1131 petition is filed for termination of parental rights ~~with whom~~
 1132 ~~the mother was cohabiting at any time when conception of the~~
 1133 ~~minor may have occurred; and~~

1134 (d)(e) Any man who has filed an affidavit of paternity
 1135 pursuant to s. 382.013(2)(c) before the date that a petition is
 1136 filed for termination of parental rights ~~person who has~~
 1137 ~~acknowledged or claimed paternity of the minor.~~

1138

1139 The information required under this subsection may be provided
1140 to the court in the form of a sworn affidavit by a person having
1141 personal knowledge of the facts, addressing each inquiry
1142 enumerated in this subsection, except that, if the inquiry
1143 identifies a father under paragraph (a), paragraph (b), or
1144 paragraph (c), the inquiry shall not continue further. The
1145 inquiry required under this subsection may be conducted before
1146 the birth of the minor.

1147 (5) LOCATION UNKNOWN; IDENTITY KNOWN.--If the inquiry by
1148 the court under subsection (4) identifies any person whose
1149 consent to adoption is required under s. 63.062 and who has not
1150 executed a consent to adoption or an affidavit of nonpaternity,
1151 and the location of the person from whom consent is required is
1152 unknown, the adoption entity must conduct a diligent search for
1153 that person which must include inquiries concerning:

1154 (a) The person's current address, or any previous address,
1155 through an inquiry of the United States Postal Service through
1156 the Freedom of Information Act;

1157 (b) The last known employment of the person, including the
1158 name and address of the person's employer;

1159 (c) Regulatory agencies, including those regulating
1160 licensing in the area where the person last resided;

1161 (d) Names and addresses of relatives to the extent such
1162 can be reasonably obtained from the petitioner or other sources,
1163 contacts with those relatives, and inquiry as to the person's
1164 last known address. The petitioner shall pursue any leads of any
1165 addresses to which the person may have moved;

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1166 (e) Information as to whether or not the person may have
 1167 died and, if so, the date and location;

1168 (f) Telephone listings in the area where the person last
 1169 resided;

1170 (g) Inquiries of law enforcement agencies in the area
 1171 where the person last resided;

1172 (h) Highway patrol records in the state where the person
 1173 last resided;

1174 (i) Department of Corrections records in the state where
 1175 the person last resided;

1176 (j) Hospitals in the area where the person last resided;

1177 (k) Records of utility companies, including water, sewer,
 1178 cable television, and electric companies, in the area where the
 1179 person last resided;

1180 (l) Records of the Armed Forces of the United States as to
 1181 whether there is any information as to the person;

1182 (m) Records of the tax assessor and tax collector in the
 1183 area where the person last resided; and

1184 (n) Search of one Internet databank locator service.
 1185

1186 A person contacted by a petitioner or adoption entity when
 1187 requesting information under this subsection must release the
 1188 requested information to the petitioner or adoption entity,
 1189 except when prohibited by law, without the necessity of a
 1190 subpoena or a court order. An affidavit of diligent search
 1191 ~~executed by the petitioner and the adoption entity~~ must be filed
 1192 with the court ~~confirming completion of each aspect of the~~
 1193 ~~diligent search enumerated in this subsection and specifying the~~

1194 ~~results~~. The diligent search required under this subsection may
 1195 be conducted before the birth of the minor.

1196 (6) CONSTRUCTIVE SERVICE.--This subsection only applies
 1197 if, as to any person whose consent is required under s. 63.062
 1198 and who has not executed a consent to adoption or an affidavit
 1199 of nonpaternity, the location of the person is unknown and the
 1200 inquiry under subsection (4) fails to locate the person. The
 1201 unlocated person must be served notice under subsection (3) by
 1202 constructive service in the manner provided in chapter 49. The
 1203 notice shall be published in the county where the person was
 1204 last known to have resided. The notice, in addition to all
 1205 information required under chapter 49, must include a physical
 1206 description, including, but not limited to, age, race, hair and
 1207 eye color, and approximate height and weight of the person, the
 1208 minor's date of birth, and the place of birth of the minor.
 1209 Constructive service by publication shall not be required to
 1210 provide notice to an identified birth father whose consent is
 1211 not required under ~~pursuant to~~ ss. 63.062 and 63.064.

1212 Section 16. Section 63.089, Florida Statutes, is amended
 1213 to read:

1214 63.089 Proceeding to terminate parental rights pending
 1215 adoption; hearing; grounds; dismissal of petition; judgment.--

1216 (1) HEARING.--The court may terminate parental rights
 1217 pending adoption only after a hearing.

1218 (2) HEARING PREREQUISITES.--The court may hold the hearing
 1219 only when:

1220 (a) For each person whose consent to adoption is required
 1221 under s. 63.062:

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1222 1. A consent under s. 63.082 has been executed and filed
1223 with the court;

1224 2. An affidavit of nonpaternity under s. 63.082 has been
1225 executed and filed with the court;

1226 3. Notice has been provided under ss. 63.087 and 63.088;
1227 or

1228 4. The certificate from the Office of Vital Statistics has
1229 been provided to the court stating that a diligent search has
1230 been made of the Florida Putative Father Registry created in s.
1231 63.054 and that no filing has been found pertaining to the
1232 father of the child in question or, if a filing is found,
1233 stating the name of the putative father and the time and date of
1234 the filing.

1235 (b) For each notice and petition that must be served under
1236 ss. 63.087 and 63.088:

1237 1. At least 20 days have elapsed since the date of
1238 individual ~~personal~~ service and an affidavit of service has been
1239 filed with the court;

1240 2. At least 30 days have elapsed since the first date of
1241 publication of constructive service and an affidavit of service
1242 has been filed with the court; or

1243 3. An affidavit of nonpaternity, consent for adoption, or
1244 other document that ~~which~~ affirmatively waives service has been
1245 executed and filed with the court;

1246 (c) The minor named in the petition has been born; and

1247 (d) The petition contains all information required under
1248 s. 63.087 and all affidavits of inquiry, diligent search, and

1249 service required under s. 63.088 have been obtained and filed
 1250 with the court.

1251 (3) GROUNDS FOR TERMINATING PARENTAL RIGHTS PENDING
 1252 ADOPTION.--The court may enter a judgment terminating parental
 1253 rights pending adoption or a judgment declaring that a person
 1254 has no parental rights if the court determines by clear and
 1255 convincing evidence, supported by written findings of fact, that
 1256 the each person whose consent to adoption is required ~~under s.~~
 1257 ~~63.062~~:

1258 (a) Has executed a valid consent under s. 63.082 and the
 1259 consent was obtained according to the requirements of this
 1260 chapter;

1261 (b) Has executed an affidavit of nonpaternity and the
 1262 affidavit was obtained according to the requirements of this
 1263 chapter;

1264 (c) Has been served with a notice of the intended adoption
 1265 plan in accordance with the provisions of s. 63.062(3) and has
 1266 failed to respond within the designated time period;

1267 (d) Failed to timely perfect his or her right to consent
 1268 pursuant to s. 63.062 because the person failed to register as
 1269 required by s. 63.054 and comply with s. 63.062(2)(b);

1270 (e) Failed to timely perfect his or her right to consent
 1271 pursuant to s. 63.062 because, in the case of a child who is
 1272 placed with the adoptive parents more than 6 months after the
 1273 child's birth, the person failed to register as required by s.
 1274 63.054 and comply with s. 63.062(2)(a);

1275 (f) ~~(d)~~ Has been properly served notice of the proceeding
 1276 in accordance with the requirements of this chapter and has

1277 failed to file a written answer or appear at the evidentiary
 1278 hearing resulting in the judgment terminating parental rights
 1279 pending adoption;

1280 (g)~~(e)~~ Has been properly served notice of the proceeding
 1281 in accordance with the requirements of this chapter and has been
 1282 determined under subsection (4) to have abandoned the minor as
 1283 defined in s. 63.032;

1284 (h)~~(f)~~ Is a parent of the person to be adopted, which
 1285 parent has been judicially declared incapacitated with
 1286 restoration of competency found to be medically improbable;

1287 (i)~~(g)~~ Is a person who has legal custody of the person to
 1288 be adopted, other than a parent, who has failed to respond in
 1289 writing to a request for consent for a period of 60 days or,
 1290 after examination of his or her written reasons for withholding
 1291 consent, is found by the court to be withholding his or her
 1292 consent unreasonably;

1293 (j)~~(h)~~ Has been properly served notice of the proceeding
 1294 in accordance with the requirements of this chapter, but has
 1295 been found by the court, after examining written reasons for the
 1296 withholding of consent, to be unreasonably withholding his or
 1297 her consent; or

1298 (k)~~(i)~~ Is the spouse of the person to be adopted who has
 1299 failed to consent, and the failure of the spouse to consent to
 1300 the adoption is excused by reason of prolonged and unexplained
 1301 absence, unavailability, incapacity, or circumstances that are
 1302 found by the court to constitute unreasonable withholding of
 1303 consent.

1304

1305 A person whose consent is not required may voluntarily waive any
 1306 and all parental rights that he or she may have to the child by
 1307 executing a consent for adoption or an affidavit of
 1308 nonpaternity.

1309 (4) FINDING OF ABANDONMENT.--A finding of abandonment
 1310 resulting in a termination of parental rights must be based upon
 1311 clear and convincing evidence that a parent or person having
 1312 legal custody has abandoned the child in accordance with the
 1313 definition contained in s. 63.032(1). A finding of abandonment
 1314 may be based upon emotional abuse or a refusal to provide
 1315 reasonable financial support, when able, to a birth mother
 1316 during her pregnancy. If, in the opinion of the court, the
 1317 efforts of a parent or person having legal custody of the child
 1318 to support and communicate with the child are only marginal
 1319 efforts that do not evince a settled purpose to assume all
 1320 parental duties, the court may declare the child to be
 1321 abandoned. In making this decision, the court may consider the
 1322 conduct of a father toward the child's mother during her
 1323 pregnancy.

1324 (a) In making a determination of abandonment at a hearing
 1325 for termination of parental rights under ~~pursuant to~~ this
 1326 chapter, the court must consider, among other relevant factors
 1327 not inconsistent with this section:

1328 1. Whether the actions alleged to constitute abandonment
 1329 demonstrate a willful disregard for the safety or welfare of the
 1330 child or the unborn child;

1331 2. Whether the person alleged to have abandoned the child,
 1332 while being able, failed to provide financial support;

1333 3. Whether the person alleged to have abandoned the child,
1334 while being able, failed to pay for medical treatment; and

1335 4. Whether the amount of support provided or medical
1336 expenses paid was appropriate, taking into consideration the
1337 needs of the child and relative means and resources available to
1338 the person alleged to have abandoned the child.

1339 (b) The child has been abandoned when the parent of a
1340 child is incarcerated on or after October 1, 2001, in a state or
1341 federal correctional institution and:

1342 1. The period of time for which the parent has been or is
1343 expected to be incarcerated constitutes ~~will constitute~~ a
1344 significant ~~substantial~~ portion of the child's minority. This
1345 period of time begins on the date that the parent enters into
1346 incarceration at any federal, state, or county correctional
1347 institution or facility ~~period of time before the child will~~
1348 ~~attain the age of 18 years;~~

1349 2. The incarcerated parent has been determined by the
1350 court to be a violent career criminal as defined in s. 775.084,
1351 a habitual violent felony offender as defined in s. 775.084,
1352 convicted of child abuse as defined in s. 827.03, or a sexual
1353 predator as defined in s. 775.21; has been convicted of first
1354 degree or second degree murder in violation of s. 782.04 or a
1355 sexual battery that constitutes a capital, life, or first degree
1356 felony violation of s. 794.011; or has been convicted of an
1357 offense in another jurisdiction which is substantially similar
1358 to one of the offenses listed in this subparagraph. As used in
1359 this section, the term "substantially similar offense" means any
1360 offense that is substantially similar in elements and penalties

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1361 to one of those listed in this subparagraph, and that is in
1362 violation of a law of any other jurisdiction, whether that of
1363 another state, the District of Columbia, the United States or
1364 any possession or territory thereof, or any foreign
1365 jurisdiction; or

1366 3. The court determines by clear and convincing evidence
1367 that continuing the parental relationship with the incarcerated
1368 parent would be harmful to the child and, for this reason, that
1369 termination of the parental rights of the incarcerated parent is
1370 in the best interest of the child.

1371 (5) DISMISSAL OF PETITION.--If the court does not find by
1372 clear and convincing evidence that parental rights of a parent
1373 should be terminated pending adoption, the court must dismiss
1374 the petition and that parent's parental rights that were the
1375 subject of such petition shall remain in full force under the
1376 law. The order must include written findings in support of the
1377 dismissal, including findings as to the criteria in subsection
1378 (4) if rejecting a claim of abandonment. Parental rights may not
1379 be terminated based upon a consent that the court finds has been
1380 timely withdrawn under s. 63.082 or a consent to adoption or
1381 affidavit of nonpaternity that the court finds was obtained by
1382 fraud or duress. The court must enter an order based upon
1383 written findings providing for the placement of the minor. The
1384 court may order scientific testing to determine the paternity of
1385 the minor at any time during which the court has jurisdiction
1386 over the minor. Further proceedings, if any, regarding the minor
1387 must be brought in a separate custody action under chapter 61, a

1388 dependency action under chapter 39, or a paternity action under
 1389 chapter 742.

1390 (6) JUDGMENT TERMINATING PARENTAL RIGHTS PENDING
 1391 ADOPTION.--

1392 (a) The judgment terminating parental rights pending
 1393 adoption must be in writing and contain findings of fact as to
 1394 the grounds for terminating parental rights pending adoption.

1395 (b) Within 7 days after filing, the court shall mail a
 1396 copy of the judgment to the department. The clerk shall execute
 1397 a certificate of the ~~such~~ mailing.

1398 (c) The judgment terminating parental rights pending
 1399 adoption legally frees the child for subsequent adoption,
 1400 adjudicates the child's status, and may not be challenged by a
 1401 person claiming parental status who did not establish parental
 1402 rights prior to the filing of the petition for termination,
 1403 except as specifically provided in this chapter.

1404 (7) RELIEF FROM JUDGMENT TERMINATING PARENTAL RIGHTS.--

1405 (a) A motion for relief from a judgment terminating
 1406 parental rights must be filed with the court originally entering
 1407 the judgment. The motion must be filed within a reasonable time,
 1408 but not later than 1 year after the entry of the judgment
 1409 terminating parental rights.

1410 (b) No later than 30 days after the filing of a motion
 1411 under this subsection, the court must conduct a preliminary
 1412 hearing to determine what contact, if any, shall be permitted
 1413 between a parent and the child pending resolution of the motion.
 1414 The ~~Such~~ contact shall be considered only if it is requested by
 1415 a parent who has appeared at the hearing. If the court orders

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1416 contact between a parent and child, the order must be issued in
1417 writing as expeditiously as possible and must state with
1418 specificity the terms ~~any provisions~~ regarding contact with
1419 persons other than those with whom the child resides.

1420 (c) At the preliminary hearing, the court, upon the motion
1421 of any party or upon its own motion, may order scientific
1422 testing to determine the paternity of the minor if the person
1423 seeking to set aside the judgment is alleging to be the child's
1424 father and that fact has not previously been determined by
1425 legitimacy or scientific testing. The court may order visitation
1426 with a person for whom scientific testing for paternity has been
1427 ordered and who has previously established a bonded relationship
1428 with the child.

1429 (d) Unless otherwise agreed between the parties or for
1430 good cause shown, the court shall conduct a final hearing on the
1431 motion for relief from judgment within 45 days after the filing
1432 and enter its written order as expeditiously as possible
1433 thereafter.

1434 (8) RECORDS; CONFIDENTIAL INFORMATION.--All papers and
1435 records pertaining to a petition to terminate parental rights
1436 pending adoption are related to the subsequent adoption of the
1437 minor and are subject to ~~the provisions of~~ s. 63.162. The
1438 confidentiality provisions of this chapter do not apply to the
1439 extent information regarding persons or proceedings must be made
1440 available as specified under s. 63.088.

1441 Section 17. Section 63.092, Florida Statutes, is amended
1442 to read:

1443 63.092 Report to the court of intended placement by an
1444 adoption entity; at-risk placement; preliminary study.--

1445 (1) REPORT TO THE COURT.--The adoption entity must report
1446 any intended placement of a minor for adoption with any person
1447 who is not a relative or a stepparent if the adoption entity ~~has~~
1448 ~~knowledge of, or~~ participates in the, ~~such~~ intended placement.
1449 The report must be made to the court before the minor is placed
1450 in the home or within 2 business days ~~48 hours~~ thereafter.

1451 (2) AT-RISK PLACEMENT.--If the minor is placed in the
1452 prospective adoptive home before the parental rights of the
1453 minor's parents are terminated under s. 63.089, the placement is
1454 an at-risk placement. If the placement is an at-risk placement,
1455 the prospective adoptive parents must acknowledge in writing
1456 before the minor may be placed in the prospective adoptive home
1457 that the placement is at risk. The prospective adoptive parents
1458 shall be advised by the adoption entity, in writing, that the
1459 minor is subject to removal from the prospective adoptive home
1460 by the adoption entity or by court order at any time before
1461 ~~prior to~~ the finalization of the adoption.

1462 (3) PRELIMINARY HOME STUDY.--Before placing the minor in
1463 the intended adoptive home, a preliminary home study must be
1464 performed by a licensed child-placing agency, ~~a child caring~~
1465 ~~agency registered under s. 409.176,~~ a licensed professional, or
1466 an agency described in s. 61.20(2), unless the adoptee is an
1467 adult or the petitioner is a stepparent or a relative. If the
1468 adoptee is an adult or the petitioner is a stepparent or a
1469 relative, a preliminary home study may be required by the court
1470 for good cause shown. The department is required to perform the

1471 preliminary home study only if there is no licensed child-
 1472 placing agency, ~~child-caring agency registered under s. 409.176,~~
 1473 licensed professional, or agency described in s. 61.20(2)~~7~~ in
 1474 the county where the prospective adoptive parents reside. The
 1475 preliminary home study must be made to determine the suitability
 1476 of the intended adoptive parents and may be completed before
 1477 ~~prior to~~ identification of a prospective adoptive minor. A
 1478 favorable preliminary home study is valid for 1 year after the
 1479 date of its completion. Upon its completion, a copy of the home
 1480 study must be provided to the intended adoptive parents who were
 1481 the subject of the home study. A minor may not be placed in an
 1482 intended adoptive home before a favorable preliminary home study
 1483 is completed unless the adoptive home is also a licensed foster
 1484 home under s. 409.175. The preliminary home study must include,
 1485 at a minimum:

- 1486 (a) An interview with the intended adoptive parents;
- 1487 (b) Records checks of the department's central abuse
 1488 registry and criminal records correspondence checks under s.
 1489 39.0138 through the Department of Law Enforcement on the
 1490 intended adoptive parents;
- 1491 (c) An assessment of the physical environment of the home;
- 1492 (d) A determination of the financial security of the
 1493 intended adoptive parents;
- 1494 (e) Documentation of counseling and education of the
 1495 intended adoptive parents on adoptive parenting;
- 1496 (f) Documentation that information on adoption and the
 1497 adoption process has been provided to the intended adoptive
 1498 parents;

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1499 (g) Documentation that information on support services
 1500 available in the community has been provided to the intended
 1501 adoptive parents; and

1502 (h) A copy of each intended adoptive parent's signed
 1503 acknowledgment of receipt of disclosure required by s. 63.085.

1504
 1505 If the preliminary home study is favorable, a minor may be
 1506 placed in the home pending entry of the judgment of adoption. A
 1507 minor may not be placed in the home if the preliminary home
 1508 study is unfavorable. If the preliminary home study is
 1509 unfavorable, the adoption entity may, within 20 days after
 1510 receipt of a copy of the written recommendation, petition the
 1511 court to determine the suitability of the intended adoptive
 1512 home. A determination as to suitability under this subsection
 1513 does not act as a presumption of suitability at the final
 1514 hearing. In determining the suitability of the intended adoptive
 1515 home, the court must consider the totality of the circumstances
 1516 in the home. No minor may be placed in a home in which there
 1517 resides any person determined by the court to be a sexual
 1518 predator as defined in s. 775.21 or to have been convicted of an
 1519 offense listed in s. 63.089(4)(b)2.

1520 Section 18. Subsection (4) of section 63.097, Florida
 1521 Statutes, is amended to read:

1522 63.097 Fees.--

1523 (1) When the adoption entity is an agency, fees may be
 1524 assessed if they are approved by the department within the
 1525 process of licensing the agency and if they are for:

1526 (a) Foster care expenses;

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- 1527 (b) Preplacement and postplacement social services; and
 1528 (c) Agency facility and administrative costs.
 1529 (4) Any fees, costs, or expenses not included in
 1530 subsection (1) or subsection (2) or prohibited under subsection
 1531 (5) require court approval prior to payment and must be based on
 1532 a finding of extraordinary circumstances.

1533 Section 19. Subsections (1), (2), (5), and (6) of section
 1534 63.102, Florida Statutes, are amended to read:

1535 63.102 Filing of petition for adoption or declaratory
 1536 statement; venue; proceeding for approval of fees and costs.--

1537 (1) PETITION FOR ADOPTION.--A petition for adoption may
 1538 not be filed until after the entry of the judgment or decree
 1539 ~~terminating parental rights pending adoption under this chapter,~~
 1540 unless the adoptee is an adult or, the petitioner is a
 1541 stepparent or a relative, ~~or the minor has been the subject of a~~
 1542 ~~judgment terminating parental rights under chapter 39.~~ After a
 1543 judgment terminating parental rights has been entered, a
 1544 proceeding for adoption may be commenced by filing a petition
 1545 entitled, "In the Matter of the Adoption of ____" in the
 1546 circuit court. The person to be adopted shall be designated in
 1547 the caption in the name by which he or she is to be known if the
 1548 petition is granted. Except in the case of a joint petition for
 1549 adoption of a stepchild, a relative, or an adult, any name by
 1550 which the minor was previously known may not be disclosed in the
 1551 petition, the notice of hearing, ~~or~~ the judgment of adoption, or
 1552 the court docket according to s. 63.162(3).

1553 (2) VENUE.--A petition for adoption or for a declaratory
 1554 statement as to the adoption contract shall be filed in the

1555 county where the petition for termination of parental rights was
 1556 granted or filed, ~~unless the court, in accordance with s.~~
 1557 ~~47.122, changes the venue to the county where the petitioner or~~
 1558 ~~petitioners or the minor resides~~ or where the adoption entity
 1559 with which the minor has been placed is located. The circuit
 1560 court in this state must retain jurisdiction over the matter
 1561 until a final judgment is entered on the adoption, either within
 1562 or outside the state. The Uniform Child Custody Jurisdiction and
 1563 Enforcement Act does not apply until a final judgment is entered
 1564 on the adoption.

1565 (5) PRIOR APPROVAL OF FEES AND COSTS.--A proceeding for
 1566 prior approval of fees and costs may be commenced any time after
 1567 an agreement is reached with ~~between~~ the birth mother or ~~and~~ the
 1568 adoptive parents by filing a petition for declaratory statement
 1569 on the agreement entitled "In the Matter of the Proposed
 1570 Adoption of a Minor Child" in the circuit court.

1571 (a) The petition must be filed by the adoption entity with
 1572 the consent of the parties to the agreement.

1573 (b) A contract for the payment of fees, costs, and
 1574 expenses permitted under this chapter must be in writing, and
 1575 any person who enters into the contract has 3 business days in
 1576 which to cancel the contract unless placement of the child has
 1577 occurred. To cancel the contract, the person must notify the
 1578 adoption entity in writing by certified United States mail,
 1579 return receipt requested, no later than 3 business days after
 1580 signing the contract. For the purposes of this subsection, the
 1581 term "business day" means a day on which the United States
 1582 Postal Service accepts certified mail for delivery. If the

1583 contract is canceled within the first 3 business days, the
 1584 person who cancels the contract does not owe any legal,
 1585 intermediary, or other fees, but may be responsible for the
 1586 adoption entity's actual costs during that time.

1587 (c) The court may grant approval only of fees and expenses
 1588 permitted under s. 63.097. A prior approval of prospective fees
 1589 and costs shall create a presumption that these items will
 1590 subsequently be approved by the court under s. 63.132. The
 1591 court, under s. 63.132, may order an adoption entity to refund
 1592 any amounts paid under this subsection that are subsequently
 1593 found by the court to be greater than fees, costs, and expenses
 1594 actually incurred.

1595 (d) The contract may not require, and the court may not
 1596 approve, any amount that constitutes payment for locating a
 1597 minor for adoption, except as authorized under s. 63.212(1).

1598 (e) A declaratory statement as to the adoption contract,
 1599 regardless of when filed, shall be consolidated with any related
 1600 petition for adoption. The clerk of the court shall only assess
 1601 one filing fee that includes the adoption action, the
 1602 declaratory statement petition, and the petition for termination
 1603 of parental rights.

1604 (f) Prior approval of fees and costs by the court does not
 1605 obligate the parent to ultimately relinquish the minor for
 1606 adoption.

1607 (6) STEPCHILD, RELATIVE, AND ADULT ADOPTIONS.--Petitions
 1608 for the adoption of a stepchild, a relative, or an adult shall
 1609 not require the filing of a separate judgment or separate
 1610 proceeding terminating parental rights pending adoption. The

1611 final judgment of adoption has ~~shall have~~ the effect of
 1612 terminating parental rights simultaneously with the granting of
 1613 the decree of adoption.

1614 Section 20. Subsection (2) of section 63.112, Florida
 1615 Statutes, is amended to read:

1616 63.112 Petition for adoption; description; report or
 1617 recommendation, exceptions; mailing.--

1618 (2) The following documents are required to be filed with
 1619 the clerk of the court at the time the petition is filed:

1620 (a) A certified copy of the court judgment terminating
 1621 parental rights ~~under chapter 39 or under this chapter~~ or, if
 1622 the adoptee is an adult or a minor relative or stepchild of the
 1623 petitioner, the required consent, unless such consent is excused
 1624 by the court.

1625 (b) The favorable preliminary home study by a ~~of the~~
 1626 ~~department~~, licensed child-placing agency, a licensed or
 1627 professional, or an agency described in s. 61.20(2), pursuant to
 1628 s. 63.092, as to the suitability of the home in which the minor
 1629 has been placed, unless the petitioner is a stepparent or a
 1630 relative.

1631 (c) A copy of any declaratory statement previously entered
 1632 by the court pursuant to s. 63.102.

1633 (d) Documentation that an interview was held with the
 1634 minor, if older than 12 years of age, unless the court, in the
 1635 best interest of the minor, dispenses with the minor's consent
 1636 under s. 63.062(1)(c).

1637 Section 21. Subsections (3) and (5) of section 63.122,
 1638 Florida Statutes, are amended to read:

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1639 63.122 Notice of hearing on petition.--

1640 (3) Upon a showing by the petitioner or parent that the
 1641 privacy, safety, or ~~and~~ welfare of the petitioner, parent, or
 1642 minor may be endangered, the court may order the names of the
 1643 petitioner, parent, or minor, or all both, to be deleted from
 1644 the notice of hearing and from the copy of the petition attached
 1645 thereto, provided the substantive rights of any person will not
 1646 thereby be affected.

1647 ~~(5) After filing the petition to adopt an adult, the court~~
 1648 ~~may order an appropriate investigation to assist in determining~~
 1649 ~~whether the adoption is in the best interest of the persons~~
 1650 ~~involved and is in accordance with state law.~~

1651 Section 22. Subsection (4) of section 63.125, Florida
 1652 Statutes, is amended to read:

1653 63.125 Final home investigation.--

1654 (4) The department, the licensed child-placing agency, or
 1655 the professional making the required investigation may request
 1656 other state agencies, licensed professionals qualified to
 1657 conduct a home study, or child-placing agencies within or
 1658 outside this state to make investigations of designated parts of
 1659 the inquiry and to make a written report to the department, the
 1660 professional, or other person or agency.

1661 Section 23. Subsection (4) of section 63.132, Florida
 1662 Statutes, is amended to read:

1663 63.132 Affidavit of expenses and receipts.--

1664 (4) This section does not apply to an adoption by a
 1665 stepparent or an adoption of a relative or adult, the
 1666 finalization of an adoption of a minor whose parent's parental

1667 rights were terminated under chapter 39, or the domestication of
 1668 an adoption decree of a minor child adopted in a foreign
 1669 country.

1670 Section 24. Section 63.135, Florida Statutes, is amended
 1671 to read:

1672 63.135 Information ~~under oath~~ to be submitted to the
 1673 court.--

1674 (1) The adoption entity or petitioner must file an
 1675 affidavit under the Uniform Child Custody Jurisdiction and
 1676 Enforcement Act in a termination of parental rights ~~Each party~~
 1677 ~~in an adoption proceeding,~~ in the first pleading or in an
 1678 affidavit attached to that pleading, ~~shall give information~~
 1679 ~~under oath as to the child's present address, the places where~~
 1680 ~~the child has lived within the last 5 years, and the names and~~
 1681 ~~present addresses of the persons with whom the child has lived~~
 1682 ~~during that period. In the pleading or affidavit each party~~
 1683 ~~shall further declare under oath whether:~~

1684 ~~(a) The party has participated as a party or witness or in~~
 1685 ~~any other capacity in any other litigation concerning the~~
 1686 ~~custody of the same child in this or any other state;~~

1687 ~~(b) The party has information of any custody proceeding~~
 1688 ~~concerning the child pending in a court of this or any other~~
 1689 ~~state; and~~

1690 ~~(c) The party knows of any person not a party to the~~
 1691 ~~proceedings who has physical custody of the child or claims to~~
 1692 ~~have custody or visitation rights with respect to the child.~~

1693 ~~(2) If the declaration as to any item specified in~~
 1694 ~~subsection (1) is in the affirmative, the declarant shall give~~

1695 ~~additional information under oath as required by the court. The~~
 1696 ~~court may examine the parties under oath about details of the~~
 1697 ~~information furnished and other matters pertinent to the court's~~
 1698 ~~jurisdiction and judgment of adoption.~~

1699 (2)~~(3)~~ Each party has a continuing duty to inform the
 1700 court of any custody proceeding concerning the child in this or
 1701 any other state about which he or she obtained information
 1702 during this proceeding.

1703 Section 25. Subsections (3) and (4) of section 63.142,
 1704 Florida Statutes, are amended to read:

1705 63.142 Hearing; judgment of adoption.--

1706 (3) DISMISSAL.--

1707 (a) If the petition is dismissed, further proceedings, if
 1708 any, regarding the minor must be brought in a separate custody
 1709 action under chapter 61, a dependency action under chapter 39,
 1710 or a paternity action under chapter 742 ~~the court shall~~
 1711 ~~determine the person that is to have custody of the minor.~~

1712 (b) If the petition is dismissed, the court shall state
 1713 with specificity the reasons for the dismissal.

1714 (4) JUDGMENT.--At the conclusion of the hearing, after the
 1715 court determines that the date for a parent to file an appeal of
 1716 a valid judgment terminating that parent's parental rights has
 1717 passed and no appeal, under ~~pursuant to~~ the Florida Rules of
 1718 Appellate Procedure, is pending and that the adoption is in the
 1719 best interest of the person to be adopted, a judgment of
 1720 adoption shall be entered. A judgment terminating parental
 1721 rights pending adoption is voidable and any later judgment of
 1722 adoption of that minor is voidable if, upon a parent's motion

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1723 for relief from judgment, the court finds that the adoption
 1724 fails to substantially meet the requirements of this chapter.
 1725 The motion must be filed within a reasonable time, but not later
 1726 than 1 year after the date the judgment terminating parental
 1727 rights was entered.

1728 Section 26. Section 63.152, Florida Statutes, is amended
 1729 to read:

1730 63.152 Application for new birth record.--Within 30 days
 1731 after entry of a judgment of adoption, the clerk of the court
 1732 shall transmit a certified statement of the entry to the state
 1733 registrar of vital statistics in the state where the adopted
 1734 person was born on a form provided by the registrar. A new birth
 1735 record containing the necessary information supplied by the
 1736 certificate shall be issued by the registrar on application of
 1737 the adopting parents or the adopted person.

1738 Section 27. Subsections (1), (3), and (7) of section
 1739 63.162, Florida Statutes, are amended to read:

1740 63.162 Hearings and records in adoption proceedings;
 1741 confidential nature.--

1742 (1) All hearings held in proceedings under this chapter
 1743 ~~act~~ shall be held in closed court without admittance of any
 1744 person other than essential officers of the court, the parties,
 1745 witnesses, counsel, persons who have not consented to the
 1746 adoption and are required to consent, and representatives of the
 1747 agencies who are present to perform their official duties.

1748 (3) The court files, records, and papers in the adoption
 1749 of a minor shall be indexed only in the name of the petitioner,
 1750 and the names ~~name~~ of the petitioner and the minor may ~~shall~~ not

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1751 be noted on any docket, index, or other record outside the court
 1752 file, except that closed agency files may be cross-referenced in
 1753 the original and adoptive names of the minor.

1754 (7) The court may, upon petition of an adult adoptee, for
 1755 good cause shown, appoint an intermediary or a licensed child-
 1756 placing agency to contact a birth parent and to ~~who has not~~
 1757 ~~registered with the adoption registry pursuant to s. 63.165 and~~
 1758 advise him or her ~~them~~ of the adoptee's request to open the file
 1759 and the adoption registry and offer the parent the opportunity
 1760 to waive confidentiality and consent to the opening of the
 1761 parent's records ~~availability of same.~~

1762 Section 28. Section 63.192, Florida Statutes, is amended
 1763 to read:

1764 63.192 Recognition of foreign judgment or decree affecting
 1765 adoption.--A judgment ~~of court~~ terminating the relationship of
 1766 parent and child or establishing the relationship by adoption,
 1767 or a decree granting legal guardianship for purposes of
 1768 adoption, issued pursuant to due process of law by a court or
 1769 authorized body of any other jurisdiction within or without the
 1770 United States shall be recognized in this state, and the rights
 1771 and obligations of the parties ~~on matters within the~~
 1772 ~~jurisdiction of this state~~ shall be determined as though the
 1773 judgment or decree were issued by a court of this state. A
 1774 judgment or decree of a court or authorized body terminating the
 1775 relationship of a parent and child, whether independent,
 1776 incorporated in an adoption decree, or incorporated in a legal
 1777 guardianship order issued pursuant to due process of law of any
 1778 other jurisdiction within or without the United States, shall be

1779 deemed to effectively terminate parental rights for purposes of
 1780 a proceeding on a petition for adoption in this state. When a
 1781 minor child has been made available for adoption in a foreign
 1782 state or foreign country and the parental rights of the minor
 1783 child's parent have been terminated or the child has been
 1784 declared to be abandoned or orphaned, no additional termination
 1785 of parental rights proceeding need occur, and the adoption may
 1786 be finalized according to the procedures set forth in this
 1787 chapter.

1788 Section 29. Paragraph (b) of subsection (1) of section
 1789 63.207, Florida Statutes, is amended to read:

1790 63.207 Out-of-state placement.--

1791 (1) Unless the parent placing a minor for adoption files
 1792 an affidavit that the parent chooses to place the minor outside
 1793 the state, giving the reason for that placement, or the minor is
 1794 to be placed with a relative or with a stepparent, or the minor
 1795 is a special needs child, as defined in s. 409.166, or for other
 1796 good cause shown, an adoption entity may not:

1797 (b) Place or attempt to place a minor for the purpose of
 1798 adoption with a family who primarily lives and works outside
 1799 Florida in another state. If an adoption entity is acting under
 1800 this subsection, the adoption entity must file a petition for
 1801 declaratory statement pursuant to s. 63.102 for ~~prior~~ approval
 1802 of fees and costs. The court shall review the costs pursuant to
 1803 s. 63.097. The petition for declaratory statement must be
 1804 converted to a petition for an adoption upon placement of the
 1805 minor in the home. When a minor is placed for adoption with
 1806 prospective adoptive parents who primarily live and work outside

1807 | this state, the circuit court in this state may retain
 1808 | jurisdiction over the matter until the adoption becomes final.
 1809 | The prospective adoptive parents may finalize the adoption in
 1810 | this state or in their home state.

1811 | Section 30. Paragraph (c) of subsection (1) and
 1812 | subsections (2) and (7) of section 63.212, Florida Statutes, are
 1813 | amended to read:

1814 | 63.212 Prohibited acts; penalties for violation.--

1815 | (1) It is unlawful for any person:

1816 | (c) To sell or surrender, or to arrange for the sale or
 1817 | surrender of, a minor to another person for money or anything of
 1818 | value or to receive a ~~such~~ minor child for a ~~such~~ payment or
 1819 | thing of value. If a minor is being adopted by a relative or by
 1820 | a stepparent, or is being adopted through an adoption entity,
 1821 | this paragraph does not prohibit the person who is contemplating
 1822 | adopting the child from paying, under ss. 63.097 and 63.132, the
 1823 | actual prenatal care and living expenses of the mother of the
 1824 | child to be adopted, ~~or from paying, under ss. 63.097 and~~
 1825 | 63.132, the actual living and medical expenses of the ~~such~~
 1826 | mother for a reasonable time, not to exceed 6 weeks, if medical
 1827 | needs require such support, after the birth of the minor.

1828 | (2)(a) It is unlawful for any person or adoption entity
 1829 | under this chapter to:

- 1830 | 1. Knowingly provide false information; or
- 1831 | 2. Knowingly withhold material information.

1832 | (b) It is unlawful for a parent, with the intent to
 1833 | defraud, to accept benefits related to the same pregnancy from

1834 more than one adoption entity without disclosing that fact to
 1835 each entity.

1836 ~~(c) It is unlawful for any person who knows that the~~
 1837 ~~parent whose rights are to be terminated intends to object to~~
 1838 ~~said termination to intentionally file the petition for~~
 1839 ~~termination of parental rights in a county inconsistent with the~~
 1840 ~~required venue under such circumstances.~~

1841
 1842 Any person who willfully violates any provision of this
 1843 subsection commits a misdemeanor of the second degree,
 1844 punishable as provided in s. 775.082 or s. 775.083. In addition,
 1845 the ~~such~~ person is liable for damages caused by the ~~such~~ acts or
 1846 omissions, including reasonable attorney's fees and costs.
 1847 Damages may be awarded through restitution in any related
 1848 criminal prosecution or by filing a separate civil action.

1849 (7) It is unlawful for any adoptive parent or adoption
 1850 entity to obtain a preliminary home study or final home
 1851 investigation and fail to disclose the existence of the study or
 1852 investigation to the court ~~when required by law to do so.~~

1853 Section 31. Subsection (4) and paragraph (c) of subsection
 1854 (6) of section 63.213, Florida Statutes, are amended to read:

1855 63.213 Preplanned adoption agreement.--

1856 (4) An attorney who represents an intended father and
 1857 intended mother or any other attorney with whom that attorney is
 1858 associated shall not represent simultaneously a female who is or
 1859 proposes to be a volunteer mother in the same ~~any matter~~
 1860 ~~relating to a preplanned adoption agreement or preplanned~~
 1861 adoption arrangement.

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1862 (6) As used in this section, the term:

1863 (c) "Fertility technique" means artificial embryonation
 1864 or artificial insemination, whether in vivo or in vitro or egg
 1865 donation, ~~or embryo adoption.~~

1866 Section 32. Section 63.236, Florida Statutes, is created
 1867 to read:

1868 63.236 Petitions filed before effective date; governing
 1869 law.--Any petition for termination of parental rights filed
 1870 before July 1, 2007, shall be governed by the law in effect at
 1871 the time the petition was filed.

1872 Section 33. Paragraph (a) of subsection (2), paragraph (a)
 1873 of subsection (3), and subsection (5) of section 409.166,
 1874 Florida Statutes, are amended to read:

1875 409.166 Special needs children; subsidized adoption
 1876 program.--

1877 (2) DEFINITIONS.--As used in this section, the term:

1878 (a) "Special needs child" means a child whose permanent
 1879 custody has been awarded to the department, ~~or~~ to a licensed
 1880 child-placing agency, or to an adoption intermediary and:

- 1881 1. Who has established significant emotional ties with his
 1882 or her foster parents; or
- 1883 2. Is not likely to be adopted because he or she is:
 - 1884 a. Eight years of age or older;
 - 1885 b. Mentally retarded;
 - 1886 c. Physically or emotionally handicapped;
 - 1887 d. Of black or racially mixed parentage; or

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1888 e. A member of a sibling group of any age, provided two or
 1889 more members of a sibling group remain together for purposes of
 1890 adoption.

1891 (3) ADMINISTRATION OF PROGRAM.--

1892 (a) The department shall establish and administer an
 1893 adoption program for special needs children to be carried out by
 1894 the department, ~~or~~ by contract with a licensed child-placing
 1895 agency, or by an adoption intermediary. The program shall
 1896 attempt to increase the number of persons seeking to adopt
 1897 special needs children and the number of adoption placements and
 1898 shall extend subsidies and services, when needed, to the
 1899 adopting parents of a special needs child.

1900 (5) WAIVER OF ADOPTION FEES.--The adoption fees shall be
 1901 waived for all adoptive parents who participate in the program
 1902 who adopt children in the custody of the department. Fees may be
 1903 waived for families who adopt children in the custody of
 1904 licensed child-placing agencies or who adopt children through
 1905 intermediary-placed ~~independent~~ adoptions, and who receive or
 1906 may be eligible for subsidies through the department.

1907 Retroactive reimbursement of fees may not be required for
 1908 families who adopt children in the custody of licensed child-
 1909 placing agencies.

1910 Section 34. Paragraph (b) of subsection (5), paragraph (b)
 1911 of subsection (10), paragraph (b) of subsection (11), and
 1912 subsection (14) of section 409.176, Florida Statutes, are
 1913 amended to read:

1914 409.176 Registration of residential child-caring agencies
 1915 and family foster homes.--

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1916 (5) The licensing provisions of s. 409.175 do not apply to
 1917 a facility operated by an organization that:

1918 (b) Is certified by a Florida statewide child care
 1919 organization that ~~which~~ was in existence on January 1, 1984, and
 1920 that ~~which~~ publishes, and requires compliance with, its
 1921 standards and files copies thereof with the department. These
 1922 ~~Such~~ standards shall be in substantial compliance with published
 1923 minimum standards that similar licensed child-caring agencies,
 1924 licensed child-placing agencies, or family foster homes are
 1925 required to meet, as determined by the department, with the
 1926 exception of those standards of a curricular or religious nature
 1927 and those relating to staffing or financial stability of
 1928 licensed child-caring agencies or family foster homes. Once the
 1929 department has determined that the standards for child-caring
 1930 agencies, child-placing agencies, or family foster homes are in
 1931 substantial compliance with minimum standards that similar
 1932 facilities are required to meet, the standards need ~~de~~ not ~~have~~
 1933 ~~to~~ be resubmitted to the department unless a change occurs in
 1934 the standards. Any changes in the standards shall be provided to
 1935 the department within 10 days after ~~of~~ their adoption.

1936 (10)

1937 (b) The qualified association shall notify the department
 1938 when the qualified association finds, within 30 days after
 1939 written notification by registered mail of the requirement for
 1940 registration, that a person or facility continues to care for or
 1941 place children without a certificate of registration. The
 1942 department shall notify the appropriate state attorney of the
 1943 violation of law and, if necessary, shall institute a civil suit

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1944 to enjoin the person or facility from continuing the care or
 1945 placement of children.

1946 (11)

1947 (b) If the department determines that a person or facility
 1948 is caring for or placing a child without a valid certificate of
 1949 registration issued by the qualified association or has made a
 1950 willful or intentional misstatement on any registration
 1951 application or other document required to be filed in connection
 1952 with an application for a certificate of registration, the
 1953 qualified association, as an alternative to or in conjunction
 1954 with an administrative action against the ~~such~~ person or
 1955 facility, shall make a reasonable attempt to discuss each
 1956 violation with, and recommend corrective action to, the person
 1957 or the administrator of the facility, ~~prior to written~~
 1958 notification thereof.

1959 (14) Registration under this section, including the issue
 1960 of substantial compliance with published minimum standards that
 1961 similar licensed child-caring facilities, licensed child-placing
 1962 agencies, or family foster homes are required to meet, as
 1963 provided in paragraph (5) (b), is subject to ~~the provisions of~~
 1964 chapter 120.

1965 Section 35. Section 742.021, Florida Statutes, is amended
 1966 to read:

1967 742.021 Venue, process, complaint.--The proceedings shall
 1968 be in the circuit court of the county where the plaintiff
 1969 resides or of the county where the defendant resides. The
 1970 complaint shall aver sufficient facts charging the paternity of
 1971 the child. Upon filing of every complaint seeking to determine

1972 paternity, the clerk of court shall issue a notice to be
 1973 provided to each petitioner upon filing and to each respondent
 1974 with service of the petition. The notice shall be in
 1975 substantially the following form:

1976
 1977 In order to preserve the right to notice and consent to the
 1978 adoption of the child, an unmarried biological father must,
 1979 as the "registrant," file a notarized claim of paternity
 1980 form with the Florida Putative Father Registry maintained
 1981 by the Office of Vital Statistics of the Department of
 1982 Health and shall include therein confirmation of his
 1983 willingness and intent to support the child for whom
 1984 paternity is claimed in accordance with state law. The
 1985 claim of paternity may be filed at any time prior to the
 1986 child's birth, but a claim of paternity may not be filed
 1987 after the date a petition is filed for termination of
 1988 parental rights.

1989
 1990 Process directed to the defendant shall issue forthwith
 1991 requiring the defendant to file written defenses to the
 1992 complaint in the same manner as suits in chancery. Upon
 1993 application and proof under oath, the court may issue a writ of
 1994 ne exeat against the defendant on such terms and conditions and
 1995 conditioned upon bond in such amount as the court may determine.

1996 Section 36. Subsection (1) of section 742.10, Florida
 1997 Statutes, is amended to read:

1998 742.10 Establishment of paternity for children born out of
 1999 wedlock.--

2000 (1) Except as provided chapters 39 and 63, this chapter
 2001 provides the primary jurisdiction and procedures for the
 2002 determination of paternity for children born out of wedlock.
 2003 When the establishment of paternity has been raised and
 2004 determined within an adjudicatory hearing brought under the
 2005 statutes governing inheritance, or dependency under workers'
 2006 compensation or similar compensation programs, or when an
 2007 affidavit acknowledging paternity or a stipulation of paternity
 2008 is executed by both parties and filed with the clerk of the
 2009 court, or when an affidavit, a notarized voluntary
 2010 acknowledgment of paternity, or a voluntary acknowledgment of
 2011 paternity that is witnessed by two individuals and signed under
 2012 penalty of perjury as provided for in s. 382.013 or s. 382.016
 2013 is executed by both parties, or when paternity is adjudicated by
 2014 the Department of Revenue as provided in s. 409.256, such
 2015 adjudication, affidavit, or acknowledgment constitutes the
 2016 establishment of paternity for purposes of this chapter. If no
 2017 adjudicatory proceeding was held, a notarized voluntary
 2018 acknowledgment of paternity or voluntary acknowledgment of
 2019 paternity that is witnessed by two individuals and signed under
 2020 penalty of perjury as specified by s. 92.525(2) shall create a
 2021 rebuttable presumption, as defined by s. 90.304, of paternity
 2022 and is subject to the right of any signatory to rescind the
 2023 acknowledgment within 60 days after the date the acknowledgment
 2024 was signed or the date of an administrative or judicial
 2025 proceeding relating to the child, including a proceeding to
 2026 establish a support order, in which the signatory is a party,
 2027 whichever is earlier. Both parents must provide their social

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2028 security numbers on any acknowledgment of paternity, consent
2029 affidavit, or stipulation of paternity. Except for affidavits
2030 under seal pursuant to ss. 382.015 and 382.016, the Office of
2031 Vital Statistics shall provide certified copies of affidavits to
2032 the Title IV-D agency upon request.

2033 Section 37. This act shall take effect July 1, 2007.