

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 terms "legal custodian" and "primarily lives and works
10 in Florida"; amending s. 63.039, F.S.; requiring an
11 adoption entity to provide adoption disclosure forms to
12 persons whose consent is required for adoption; amending
13 s. 63.0423, F.S.; providing that a judgment of adoption is
14 voidable under certain circumstances involving provision
15 of false information; amending s. 63.0425, F.S.; providing
16 a 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; providing
58 | conditions under which a court must relinquish
59 | jurisdiction in a dependency proceeding; revising
60 | requirements for withdrawing a consent for adoption;
61 | amending s. 63.085, F.S.; revising requirements for
62 | required disclosures by an adoption entity; requiring that
63 | certain background information on the child be revealed to
64 | prospective adoptive parents; amending s. 63.087, F.S.;
65 | revising procedures to terminate parental rights pending
66 | an adoption; providing the proper venue in which to file a
67 | petition to terminate parental rights; requiring a person
68 | to answer the petition and to appear at the hearing for
69 | termination of parental rights; providing applicability;
70 | providing that failure to appear at certain hearings
71 | constitutes grounds for termination of parental rights;
72 | removing provision relating to procedure for notifying a
73 | petitioner of a final hearing; amending s. 63.088, F.S.;
74 | requiring the court to conduct an inquiry concerning the
75 | father of the child who is to be adopted; revising
76 | requirements for notice concerning the termination of
77 | parental rights; requiring persons contacted by a
78 | petitioner or adoption entity to release certain
79 | information; amending s. 63.089, F.S.; revising provisions
80 | relating to service of notice and petition regarding
81 | termination of parental rights and consent to adoption;
82 | revising conditions under which the court may enter a
83 | judgment terminating parental rights; revising conditions
84 | for making a finding of abandonment; prohibiting a person

85 | who failed to establish parental rights from challenging a
86 | judgment terminating parental rights under certain
87 | circumstances; amending s. 63.092, F.S.; revising
88 | conditions of and timeframe for an adoption entity to
89 | report intent to place a minor for adoption to the court;
90 | amending s. 63.097, F.S.; providing that certain
91 | additional fees, costs, and expenses do not require court
92 | approval prior to payment; amending s. 63.102, F.S.;
93 | revising procedures for the filing of a petition for
94 | adoption; providing the proper venue where the petition
95 | may be filed; amending s. 63.112, F.S.; revising language
96 | requiring that certain documents be filed at the same time
97 | the petition for adoption is filed; amending s. 63.122,
98 | F.S.; providing that certain information may be removed
99 | from the petition under certain circumstances; amending s.
100 | 63.125, F.S.; providing that certain licensed
101 | professionals may conduct the final home investigation;
102 | amending s. 63.132, F.S.; providing exceptions to the
103 | requirement that the adoptive parent and the adoption
104 | entity file an affidavit itemizing all expenses and
105 | receipts; amending s. 63.135, F.S.; requiring the adoption
106 | entity or petitioner to file an affidavit under the
107 | Uniform Child Custody Jurisdiction and Enforcement Act in
108 | a termination of parental rights proceeding; deleting
109 | information required to be submitted under oath to the
110 | court; amending s. 63.142, F.S.; requiring that if an
111 | adoption petition is dismissed, any further proceedings
112 | regarding the minor be brought in a separate custody

113 action under ch. 61, F.S., a dependency action under ch.
114 39, F.S., or a paternity action under ch. 742, F.S.;
115 revising conditions under which a judgment terminating
116 parental rights is voidable; amending s. 63.152, F.S.;
117 requiring the clerk of court to transmit a certified
118 statement of the adoption to the state where the child was
119 born; amending s. 63.162, F.S.; revising requirements
120 concerning the disclosure of information pertaining to an
121 adoption; amending s. 63.182, F.S.; providing that the
122 statute of repose applies to the adoption of a minor;
123 amending s. 63.192, F.S.; requiring the courts of this
124 state to recognize decrees of termination of parental
125 rights and adoptions from other states and countries;
126 amending s. 63.207, F.S.; permitting prospective adoptive
127 parents to finalize the adoption in their home state;
128 amending s. 63.212, F.S.; revising acts that are unlawful
129 pertaining to adoptions; providing penalties; amending s.
130 63.213, F.S.; prohibiting an attorney from representing
131 the volunteer mother and the intended father and mother in
132 a preplanned adoption arrangement; revising the definition
133 of "fertility technique"; creating s. 63.236, F.S.;
134 providing that any petition for termination of parental
135 rights filed before the effective date of the act is
136 governed by the law in effect at the time the petition was
137 filed; amending s. 382.017, F.S.; providing that a
138 certificate of foreign birth for an adoptee born in a
139 foreign country may be issued without a judgment of
140 adoption by a court of competent jurisdiction of this

141 state if the adopting parents submit specified
 142 documentation; amending s. 383.50, F.S.; increasing the
 143 age used in the definition of the term "newborn infant";
 144 amending s. 409.176, F.S.; providing that licensing
 145 provisions do not apply to organizations whose standards
 146 are similar to those of licensed child-placing agencies;
 147 providing responsibilities of a qualified association
 148 meeting standards of a statewide child care organization;
 149 amending s. 742.021, F.S.; requiring the clerk of court to
 150 issue certain notice in cases of complaints concerning
 151 determination of paternity; amending s. 742.10, F.S.;
 152 providing applicability of chs. 39 and 63, F.S., to
 153 jurisdiction and procedures for determination of paternity
 154 for children born out of wedlock; providing for
 155 severability; providing an effective date.

156
 157 Be It Enacted by the Legislature of the State of Florida:

158
 159 Section 1. Subsection (13) of section 49.011, Florida
 160 Statutes, is amended to read:

161 49.011 Service of process by publication; cases in which
 162 allowed.--Service of process by publication may be made in any
 163 court on any person mentioned in s. 49.021 in any action or
 164 proceeding:

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

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

169 63.022 Legislative intent.--

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

176 Section 3. Section 63.032, Florida Statutes, is amended to
 177 read:

178 63.032 Definitions.--As used in this chapter, the term:

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

191 (2) "Adoption" means the act of creating the legal
 192 relationship between parent and child where it did not exist,
 193 thereby declaring the child to be legally the child of the
 194 adoptive parents and their heir at law and entitled to all the
 195 rights and privileges and subject to all the obligations of a
 196 child born to such adoptive parents in lawful wedlock.

197 (3) "Adoption entity" means the department, an agency, a
 198 child-caring agency registered under s. 409.176, an
 199 intermediary, or a child-placing agency licensed in another
 200 state which is qualified by the department to place children in
 201 the State of Florida.

202 (4)~~(20)~~ "Adoption plan" means an arrangement ~~arrangements~~
 203 made by a birth parent or other individual having a legal right
 204 to custody of a minor child, born or to be born, with an
 205 adoption entity in furtherance of placing ~~the placement of~~ the
 206 minor for adoption.

207 (5)~~(4)~~ "Adult" means a person who is not a minor.

208 (6)~~(5)~~ "Agency" means any child-placing agency licensed by
 209 the department pursuant to s. 63.202 to place minors for
 210 adoption.

211 (7)~~(6)~~ "Child" has the same meaning as in s. 39.01 ~~means a~~
 212 ~~son or daughter, whether by birth or adoption.~~

213 (8)~~(7)~~ "Court" means any circuit court of this state and,
 214 when the context requires, the court of any state that is
 215 empowered to grant petitions for adoption.

216 (9)~~(8)~~ "Department" means the Department of Children and
 217 Family Services.

218 (10)~~(9)~~ "Intermediary" means an attorney who is licensed
 219 or authorized to practice in this state and who is placing or
 220 intends to place a child for adoption, including placing
 221 children born in another state with citizens of this state or
 222 country or placing children born in this state with citizens of
 223 another state or country.

224 (11) "Legal custodian" means the person or entity in whom
 225 the legal right to custody is vested.

226 (12)-(10) "Legal custody" means a legal status created by
 227 court order or letter of guardianship that vests in a custodian
 228 or guardian of the child, whether an agency or an individual,
 229 the right to have physical custody of the child and the right
 230 and duty to protect, train, and discipline the child and to
 231 provide him or her with food, shelter, education, and ordinary
 232 medical, dental, psychiatric, and psychological care ~~has the~~
 233 ~~meaning ascribed in s. 39.01.~~

234 (13)-(11) "Minor" means a person under the age of 18 years.

235 (14)-(12) "Parent" means a woman who gives birth to a child
 236 or a man whose consent to the adoption of the child would be
 237 required under s. 63.062(1). If a child has been legally
 238 adopted, the term "parent" means the adoptive mother or father
 239 of the child. The term does not include an individual whose
 240 parental relationship to the child has been legally terminated
 241 or an alleged or prospective father ~~has the same meaning~~
 242 ~~ascribed in s. 39.01.~~

243 (15)-(13) "Person" includes a natural person, corporation,
 244 government or governmental subdivision or agency, business
 245 trust, estate, trust, partnership, or association, and any other
 246 legal entity.

247 (16)-(15) "Placement" or "to place" means the process of a
 248 parent or legal guardian surrendering a child for adoption and
 249 the prospective adoptive parents receiving and adopting the
 250 child, and includes all actions by any person or adoption entity
 251 participating in the process.

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

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

264 (18)~~(17)~~ "Primarily lives and works outside Florida" means
 265 that a person ~~who~~ lives and works outside this state at least 6
 266 months and 1 day of the year, is a member of military personnel
 267 who designates a state other than ~~designate~~ Florida as his or
 268 her ~~their~~ place of residence in accordance with the
 269 Servicemembers Civil Relief Act, Pub. L. No. 108-189 ~~Soldiers'~~
 270 ~~and Sailors' Civil Relief Act of 1940, or is a citizen~~ employees
 271 of the United States ~~Department of State~~ living in a foreign
 272 country who designates ~~designate~~ a state other than Florida as
 273 his or her ~~their~~ place of residence.

274 (19)~~(14)~~ "Relative" means a person related by blood within
 275 the third degree of consanguinity, by adoption, or by marriage
 276 to the person being adopted ~~within the third degree of~~
 277 ~~consanguinity.~~

278 (20)~~(18)~~ "Suitability of the intended placement" includes
 279 the fitness of the intended placement, with primary
 280 consideration being given to the best interest of the child.

281 (21)~~(19)~~ "Unmarried biological father" means the child's
 282 biological father who is not married to the child's mother at
 283 the time of conception or birth of the child and who, prior to
 284 the filing of the petition to terminate parental rights, has not
 285 been declared by a court of competent jurisdiction to be the
 286 legal father of the child or has not executed an affidavit
 287 pursuant to s. 382.013(2)(c).

288 Section 4. Paragraph (i) of subsection (1) of section
 289 63.039, Florida Statutes, is amended, and paragraph (j) is added
 290 to that subsection, to read:

291 63.039 Duty of adoption entity to prospective adoptive
 292 parents; sanctions.--

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

299 (i) Obtain the written waiver of venue, if applicable,
 300 required under s. 63.062 ~~in cases in which venue for the~~
 301 ~~termination of parental rights will be located in a county other~~
 302 ~~than the county where a parent whose rights are to be terminated~~
 303 ~~resides.~~

304 (j) Provide an adoption disclosure form to all persons
 305 whose consent is required under s. 63.062(1) and any unmarried

306 biological father identified by the biological mother as a
 307 biological father of the child, when their identities and
 308 locations are known.

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

311 63.0423 Procedures with respect to abandoned infants.--

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

325 (b) No later than 30 days after the filing of a motion
 326 under this subsection, the court shall conduct a preliminary
 327 hearing to determine what contact, if any, will be permitted
 328 between a ~~birth~~ parent and the child pending resolution of the
 329 motion. The ~~Such~~ contact may be allowed only if it is requested
 330 by a parent who has appeared at the hearing and the court
 331 determines that it is in the best interest of the child. If the
 332 court orders contact between a ~~birth~~ parent and child, the order
 333 must be issued in writing as expeditiously as possible and must

334 state with specificity the terms ~~any provisions~~ regarding
 335 contact with persons other than those with whom the child
 336 resides.

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

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

351 Section 6. Section 63.0425, Florida Statutes, is amended
 352 to read:

353 63.0425 Grandparent's right to notice ~~adopt~~.--

354 (1) When a child has lived with a grandparent for at least
 355 6 months within the 24-month period immediately preceding the
 356 filing of a petition for termination of parental rights pending
 357 adoption, the adoption entity shall provide notice to that
 358 grandparent of the hearing on the petition for termination of
 359 parental rights pending adoption.

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

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

364 (4) Nothing in this section shall contravene the
 365 provisions of s. 63.142(4).

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

368 63.052 Guardians designated; proof of commitment.--

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

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

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

382 63.053 Rights and responsibilities of an unmarried
 383 biological father; legislative findings.--

384 (1) In enacting ~~the provisions contained in~~ this chapter,
 385 the Legislature prescribes the conditions for determining
 386 whether an unmarried biological father's actions are
 387 sufficiently prompt and substantial so as to require protection

388 of a constitutional right. If an unmarried biological father
389 fails to take the actions that are available to him to establish
390 a relationship with his child, his parental interest may be lost
391 entirely, ~~or greatly diminished,~~ by his failure to timely comply
392 with the available legal steps to substantiate a parental
393 interest.

394 Section 9. Subsections (1), (6), and (7) of section
395 63.054, Florida Statutes, are amended to read:

396 63.054 Actions required by an unmarried biological father
397 to establish parental rights; Florida Putative Father
398 Registry.--

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

416 unmarried biological father to register his paternity prior to
 417 the date a petition for termination of parental rights is filed
 418 also bars him from filing a paternity claim under chapter 742.

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

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

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

447 (b) That a diligent search has been made of the registry
 448 of registrants who may be the unmarried biological father of the
 449 subject child and that no matching registration has been located
 450 in the registry.

451
 452 The ~~This~~ certificate must be filed with the court in the
 453 proceeding to terminate parental rights or the adoption
 454 proceeding. If a termination of parental rights and an adoption
 455 proceeding are being adjudicated separately ~~simultaneously~~, the
 456 Florida Putative Father Registry need only be searched in the
 457 termination of parental rights proceeding ~~once~~.

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

461 63.062 Persons required to consent to adoption; affidavit
 462 of nonpaternity; waiver of venue.--

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

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

469 1. The minor was conceived or born while the father was
 470 married to the mother;

471 2. The minor is his child by adoption;
 472 3. The minor has been established by court judgment
 473 ~~proceeding~~ to be his child no later than the date that a
 474 petition is filed for termination of parental rights;
 475 4. He has filed an affidavit of paternity pursuant to s.
 476 382.013(2)(c) no later than the date that a petition is filed
 477 for termination of parental rights; or

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

484 (2) In accordance with subsection (1), the consent of an
 485 unmarried biological father shall be required ~~necessary~~ only if
 486 the unmarried biological father has complied with the
 487 requirements of this subsection.

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

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

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

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

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

521 (b) With regard to a child who is younger than 6 months of
522 age at the time the child is placed with the adoptive parents,
523 an unmarried biological father must have demonstrated a full
524 commitment to his parental responsibility by having performed

525 all of the following acts before ~~prior to the time~~ the mother
526 executes her consent for adoption:

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

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

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

548 (c) The petitioner shall file with the court a certificate
549 from the Office of Vital Statistics stating that a diligent
550 search has been made of the Florida Putative Father Registry of
551 notices from unmarried biological fathers described in
552 subparagraph (b)1. and that no filing has been found pertaining

553 to the father of the child in question or, if a filing is found,
554 stating the name of the putative father and the time and date of
555 filing. That certificate shall be filed with the court before
556 ~~prior to~~ the entry of a final judgment of termination of
557 parental rights.

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

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

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

601 (9) A petition for termination of parental rights shall be
602 filed in the appropriate county as determined under s.
603 63.087(2). If any ~~the parent or parents~~ whose consent is
604 required objects ~~rights are to be terminated object~~ to venue in
605 the county where the action was filed, the court may transfer
606 venue to a proper venue consistent with this chapter and chapter
607 47 ~~the action to the county where the objecting parent or~~

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

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

612 63.063 Responsibility of each party for his or her ~~their~~
 613 own actions; fraud or misrepresentation; statutory compliance.--

614 (1) Each parent of a child conceived or born outside of
 615 marriage is responsible for his or her own actions and is not
 616 excused from strict compliance with the provisions of this
 617 chapter based upon any action, statement, or omission of the
 618 other parent or a third party, except as provided in s.
 619 63.062(2)(a).

620 Section 12. Paragraph (d) of subsection (1), paragraphs
 621 (b), (c), and (e) of subsection (4), and subsections (5), (6),
 622 and (7) of section 63.082, Florida Statutes, are amended to
 623 read:

624 63.082 Execution of consent to adoption or affidavit of
 625 nonpaternity; family social and medical history; withdrawal of
 626 consent.--

627 (1)

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

635 (4)

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

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

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

660
 661 CONSENT TO ADOPTION
 662

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

670
 671 YOU DO NOT HAVE TO SIGN THIS CONSENT FORM. YOU MAY DO ANY OF THE
 672 FOLLOWING INSTEAD OF SIGNING THIS CONSENT OR BEFORE SIGNING THIS
 673 CONSENT:

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

683
 684 IF YOU DO SIGN THIS CONSENT, YOU ARE GIVING UP ALL RIGHTS TO
 685 YOUR CHILD. YOUR CONSENT IS VALID, BINDING, AND IRREVOCABLE
 686 EXCEPT UNDER SPECIFIC LEGAL CIRCUMSTANCES. IF YOU ARE GIVING UP
 687 YOUR RIGHTS TO A NEWBORN CHILD WHO IS TO BE IMMEDIATELY PLACED
 688 FOR ADOPTION UPON THE CHILD'S RELEASE FROM A LICENSED HOSPITAL
 689 OR BIRTH CENTER FOLLOWING BIRTH, A WAITING PERIOD WILL BE
 690 IMPOSED UPON THE BIRTH MOTHER BEFORE SHE MAY SIGN THE CONSENT

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

701
 702 IF YOU BELIEVE THAT YOUR CONSENT WAS OBTAINED BY FRAUD OR DURESS
 703 AND YOU WISH TO REVOKE THAT CONSENT, YOU MUST:

- 704 1. NOTIFY THE ADOPTION ENTITY, BY WRITING A LETTER, THAT
- 705 YOU WISH TO WITHDRAW YOUR CONSENT; AND
- 706 2. PROVE IN COURT THAT THE CONSENT WAS OBTAINED BY FRAUD
- 707 OR DURESS.

708
 709 This statement of rights is not required for the adoption of a
 710 relative, an adult, a stepchild, or a child older than 6 months
 711 of age. A consent form for the adoption of a child older than 6
 712 months of age at the time of execution of consent must contain a
 713 statement outlining the revocation rights provided in paragraph
 714 (c).

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

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

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

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

746 (c) Upon a determination by the court that the prospective
747 adoptive parents are properly qualified to adopt the minor child
748 and that the adoption appears to be in the best interest of the
749 minor child, the court shall immediately order the transfer of
750 custody of the minor child to the prospective adoptive parents,
751 under the supervision of the adoption entity. The adoption
752 entity shall thereafter provide monthly supervision reports to
753 the court, if required, ~~department~~ until finalization of the
754 adoption.

755 (d) In determining whether the best interest of the child
756 will be served by transferring the custody of the minor child to
757 the prospective adoptive parent selected by the ~~birth~~ parent,
758 the court shall give consideration to the rights of the ~~birth~~
759 parent to determine an appropriate placement for the child, the
760 permanency offered, the child's bonding with any potential
761 adoptive home that the child has been residing in, and the
762 importance of maintaining sibling relationships, if possible.

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

766 (a) The parent seeking to withdraw consent must notify A
767 ~~consent that is being withdrawn under paragraph (4) (c) may be~~
768 ~~withdrawn at any time prior to the minor's placement with the~~
769 ~~prospective adoptive parents or by notifying~~ the adoption entity
770 in writing by certified United States mail, return receipt
771 requested, not later than 3 business days after execution of the
772 consent. As used in this subsection, the term "business day"

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773 means any day on which the United States Postal Service accepts
774 certified mail for delivery.

775 (b) Upon receiving timely written notice from a person
776 whose consent to adoption is required of that person's desire to
777 withdraw consent to adoption, the adoption entity must contact
778 the prospective adoptive parent to arrange a time certain for
779 the adoption entity to regain physical custody of the minor,
780 unless, upon a motion for emergency hearing by the adoption
781 entity, the court determines in written findings that placement
782 of the minor with the person who had legal or physical custody
783 of the child immediately before placing the child for adoption
784 ~~withdrawing consent~~ may endanger the minor, or that the person
785 who desires to withdraw consent to the adoption would not be
786 required to consent to the adoption, ~~or~~ has been determined to
787 have abandoned the child, or is otherwise subject to a
788 determination that the person's consent is waived under this
789 chapter.

790 (c) If the court finds that the ~~such~~ placement may
791 endanger the minor, the court must enter an order regarding
792 continued placement of the minor. The order shall direct
793 continued placement with the prospective adoptive parents
794 pending further proceedings if they desire continued placement
795 and if the court finds that it is in the best interest of the
796 child. If the prospective adoptive parents do not desire
797 continued placement, the order shall include, but not be limited
798 to, whether temporary placement in foster care with the person
799 who had legal or physical custody of the child immediately
800 before placing the child for adoption or with a relative is in

801 the best interest of the child and ~~is appropriate,~~ whether an
802 investigation by the department is recommended, ~~and whether a~~
803 ~~relative is available for the temporary placement.~~

804 (d) If the person withdrawing consent claims to be the
805 father of the minor but has not been established to be the
806 father by marriage, court order, or scientific testing, the
807 court may order scientific paternity testing and reserve ruling
808 on removal of the minor until the results of such testing have
809 been filed with the court.

810 (e) The adoption entity must return the minor within 3
811 business days after timely and proper notification of the
812 withdrawal of consent or after the court determines that
813 withdrawal is valid and binding upon consideration of an
814 emergency motion, as filed pursuant to paragraph (b), to the
815 physical custody of the person withdrawing consent or the person
816 directed by the court. If the person seeking to validly withdraw
817 consent claims to be the father of the minor but has not been
818 established to be the father by marriage, court order, or
819 scientific testing, the adoption entity may return the minor to
820 the care and custody of the mother, if she desires such
821 placement, and the mother is not otherwise prohibited by law
822 from having custody of the child.

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

828 (g) An affidavit of nonpaternity may be withdrawn only if
 829 the court finds that the affidavit was obtained by fraud or
 830 duress.

831 Section 13. Section 63.085, Florida Statutes, is amended
 832 to read:

833 63.085 Disclosure by adoption entity.--

834 (1) DISCLOSURE REQUIRED TO PARENTS AND PROSPECTIVE
 835 ADOPTIVE PARENTS.--Not later than 14 days after a person seeking
 836 to adopt a minor or a person seeking to place a minor for
 837 adoption contacts an adoption entity in person or provides the
 838 adoption entity with a mailing address, the entity must provide
 839 a written disclosure statement to that person if the entity
 840 agrees or continues to work with the ~~such~~ person. ~~The~~ If an
 841 adoption entity shall provide the written disclosure to any
 842 parent or any known and identified potential unmarried
 843 biological father ~~is assisting in the effort to terminate the~~
 844 ~~parental rights of a parent~~ who did not initiate the contact
 845 with the adoption entity, ~~the written disclosure must be~~
 846 ~~provided~~ within 14 days after that parent or potential unmarried
 847 biological father is identified and located. For purposes of
 848 providing the written disclosure, a person is considered to be
 849 seeking to place a minor for adoption when that person has
 850 sought information or advice from the adoption entity regarding
 851 the option of adoptive placement. The written disclosure
 852 statement must be in substantially the following form:

854 ADOPTION DISCLOSURE

856 THE STATE OF FLORIDA REQUIRES THAT THIS FORM BE PROVIDED TO ALL
 857 PERSONS CONSIDERING ADOPTING A MINOR OR SEEKING TO PLACE A MINOR
 858 FOR ADOPTION, TO ADVISE THEM OF THE FOLLOWING FACTS REGARDING
 859 ADOPTION UNDER FLORIDA LAW:

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

862 Name:

863 Address:

864 Telephone Number:

865

866 2. The adoption entity does not provide legal
 867 representation or advice to ~~birth~~ parents or anyone signing a
 868 consent for adoption or affidavit of nonpaternity, and ~~birth~~
 869 parents have the right to consult with an attorney of their own
 870 choosing to advise them.

871 3. With the exception of an adoption by a stepparent or
 872 relative, a child cannot be placed into a prospective adoptive
 873 home unless the prospective adoptive parents have received a
 874 favorable preliminary home study, including criminal and child
 875 abuse clearances.

876 4. A valid consent for adoption may not be signed by the
 877 birth mother until 48 hours after the birth of the child, or the
 878 day the birth mother is notified, in writing, that she is fit
 879 for discharge from the licensed hospital or birth center. Any
 880 man ~~A putative father~~ may sign a valid consent for adoption at
 881 any time after the birth of the child.

882 5. A consent for adoption signed before the child attains
 883 the age of 6 months is binding and irrevocable from the moment

884 it is signed unless it can be proven in court that the consent
885 was obtained by fraud or duress. A consent for adoption signed
886 after the child attains the age of 6 months is valid from the
887 moment it is signed; however, it may be revoked ~~until the child~~
888 ~~is placed in an adoptive home, or~~ up to 3 business days after it
889 was signed, ~~whichever period is longer.~~

890 6. A consent for adoption is not valid if the signature of
891 the person who signed the consent was obtained by fraud or
892 duress.

893 7. An unmarried biological father must act immediately in
894 order to protect his rights with regard to the child. He must
895 register his paternity with the Florida Putative Father Registry
896 maintained by the Office of Vital Statistics of the Department
897 of Health within the timeframes set forth in s. 63.062 and must
898 provide the child with financial and physical support by
899 assisting the mother during her pregnancy and providing for the
900 child after birth.

901 ~~8.7.~~ There are alternatives to adoption, including foster
902 care, relative care, and parenting the child. There may be
903 services and sources of financial assistance in the community
904 available to ~~birth~~ parents if they choose to parent the child.

905 ~~9.8.~~ A ~~birth~~ parent has the right to have a witness of his
906 or her choice, who is unconnected with the adoption entity or
907 the adoptive parents, to be present and witness the signing of
908 the consent or affidavit of nonpaternity.

909 ~~10.9.~~ A ~~birth~~ parent 14 years of age or younger must have
910 a parent, legal guardian, or court-appointed guardian ad litem
911 to assist and advise the ~~birth~~ parent as to the adoption plan.

912 ~~11.10.~~ A ~~birth~~ parent has a right to receive supportive
 913 counseling from a counselor, social worker, physician, clergy,
 914 or attorney, and such counseling would be beneficial to the
 915 ~~birth~~ parent.

916 ~~12.11.~~ The payment of living or medical expenses by the
 917 prospective adoptive parents prior to the birth of the child
 918 does not, in any way, obligate the ~~birth~~ parent to sign the
 919 consent for adoption.

920 (2) DISCLOSURE TO ADOPTIVE PARENTS.--

921 (a) At the time that an adoption entity identifies
 922 prospective adoptive parents for a born or an unborn child whose
 923 parents are seeking to place the child for adoption or whose
 924 rights were terminated pursuant to chapter 39, the adoption
 925 entity shall provide the prospective adoptive parents with
 926 information on the background of the child to the extent that
 927 such information is available. The adoption entity has the right
 928 and duty to request from the biological mother, the legal
 929 custodian, or the department all information necessary to
 930 provide disclosure under this section. If any information is
 931 unavailable because the birth mother or legal custodian refuses
 932 to disclose such information, the adoption entity has an
 933 affirmative duty to provide the information within 14 days after
 934 the information becomes available. In all cases, the prospective
 935 adoptive parents shall receive all available information by the
 936 date that the final hearing on the adoption is noticed with the
 937 court. The information that is required to be disclosed
 938 includes:

939 1. A family social and medical history form completed

940 pursuant to s. 63.082.

941 2. The biological mother's medical records documenting her
 942 prenatal care and the birth and delivery of the child.

943 3. A complete set of the child's medical records
 944 documenting all medical treatment and care since the child's
 945 birth.

946 4. All mental health, psychological, and psychiatric
 947 records, reports, and evaluations concerning the child.

948 5. The child's educational records, which shall include
 949 all records concerning any special education needs of the child.

950 6. Records documenting all incidents that required the
 951 department to provide services to the child, including, but not
 952 limited to, all orders of adjudication of dependency or
 953 termination of parental rights issued pursuant to chapter 39,
 954 any case plans drafted to address the child's needs, all
 955 protective services investigations identifying the child as a
 956 victim, and all guardian ad litem reports filed with the court
 957 concerning the child.

958 7. Written information concerning the availability of
 959 adoption subsidies for the child.

960 (b) When providing disclosure pursuant to this subsection,
 961 the adoption entity shall redact any confidential identifying
 962 information concerning the child's parents, siblings, and
 963 relatives and perpetrators of crimes against the child or
 964 involving the child.

965 (3)-(2) ACKNOWLEDGMENT OF DISCLOSURE.--The adoption entity
 966 must obtain a written statement acknowledging receipt of the
 967 disclosures disclosure required under subsections subsection (1)

968 and (2) and signed by the persons receiving the disclosure or,
 969 if it is not possible to obtain such an acknowledgment, the
 970 adoption entity must execute an affidavit stating why an
 971 acknowledgment could not be obtained. If the disclosure was
 972 delivered by certified ~~United States~~ mail, return receipt
 973 requested, a return receipt signed by the person from whom
 974 acknowledgment is required is sufficient to meet the
 975 requirements of this subsection. A copy of the acknowledgment of
 976 receipt of the disclosure must be provided to the person signing
 977 it. A copy of the acknowledgment or affidavit executed by the
 978 adoption entity in lieu of the acknowledgment must be maintained
 979 in the file of the adoption entity. The original acknowledgment
 980 or affidavit must be filed with the court.

981 (4)~~(3)~~ REVOCATION OF CONSENT.--Failure to meet the
 982 requirements of this section ~~subsection (1) or subsection (2)~~
 983 does not constitute grounds for revocation of a consent to
 984 adoption or withdrawal of an affidavit of nonpaternity unless
 985 the extent and circumstances of such a failure result in a
 986 material failure of fundamental fairness in the administration
 987 of due process, or the failure constitutes or contributes
 988 materially to fraud or duress in obtaining a consent to adoption
 989 or affidavit of nonpaternity.

990 Section 14. Section 63.087, Florida Statutes, is amended
 991 to read:

992 63.087 Proceeding to terminate parental rights pending
 993 adoption; general provisions.--

994 (1) JURISDICTION.--A court of this state that ~~which~~ is
 995 competent to decide child welfare or custody matters has

996 jurisdiction to hear all matters arising from a proceeding to
 997 terminate parental rights pending adoption.

998 (2) VENUE.--

999 (a) A petition to terminate parental rights pending
 1000 adoption must be filed:

1001 1. In the county where the child resides; or

1002 2. ~~If the child does not reside in the State of Florida,~~
 1003 In the county where the adoption entity is located;

1004 3. ~~In the county where the adoption entity is located; or~~

1005 4. ~~If neither parent resides in the state, in the county~~
 1006 ~~where the adoption entity is located. The fact of the minor's~~
 1007 ~~presence within the state confers jurisdiction on the court in~~
 1008 ~~proceedings in the minor's case under this chapter, or to a~~
 1009 ~~parent or guardian if due notice has been given.~~

1010 (b) If a petition for termination of parental rights has
 1011 been filed and a parent whose consent is required ~~rights are to~~
 1012 ~~be terminated~~ objects to venue, there must be a hearing in which
 1013 the court shall determine whether that parent intends to assert
 1014 legally recognized grounds to contest a termination of parental
 1015 rights and, if so, the court may ~~shall immediately~~ transfer
 1016 venue to a proper venue under this subsection ~~the county where~~
 1017 ~~that parent resides or resided at the time of the execution of~~
 1018 ~~the consent~~. For purposes of selecting venue, the court shall
 1019 consider the ease of access to the court for the parent and the
 1020 factors set forth in s. 47.122 ~~who intends to contest a~~
 1021 ~~termination of parental rights.~~

1022 (c) If there is a transfer of venue, the court may
 1023 determine which party shall bear the cost of venue transfer.

1024
 1025 For purposes of the hearing under this subsection, witnesses
 1026 located in another jurisdiction may testify by deposition or
 1027 testify by telephone, audiovisual means, or other electronic
 1028 means before a designated court or at another location.
 1029 Documentary evidence transmitted from another location by
 1030 technological means that do not produce an original writing may
 1031 not be excluded from evidence on an objection based on the means
 1032 of transmission. The court on its own motion may otherwise
 1033 prescribe the manner in which and the terms upon which the
 1034 testimony is taken.

1035 (3) PREREQUISITE FOR ADOPTION.--A petition for adoption
 1036 may not be filed until after the date the court enters the
 1037 judgment terminating parental rights pending adoption ~~under this~~
 1038 ~~chapter or under chapter 39~~. Adoptions of relatives, adult
 1039 adoptions, or adoptions of stepchildren shall not be required to
 1040 file a separate termination of parental rights proceeding
 1041 pending adoption. In such cases, the petitioner may file a joint
 1042 petition for termination of parental rights and adoption,
 1043 attaching all required consents, affidavits, notices, and
 1044 acknowledgments ~~shall be attached to the petition for adoption~~
 1045 ~~or filed separately in the adoption proceeding~~. Unless otherwise
 1046 provided by law, this chapter applies to joint petitions.

1047 (4) PETITION.--

1048 (a) A proceeding seeking to terminate parental rights
 1049 pending adoption under ~~pursuant to~~ this chapter must be
 1050 initiated by the filing of an original petition after the birth
 1051 of the minor.

1052 (b) The petition may be filed by a parent or person having
 1053 physical or legal custody of the minor. The petition may be
 1054 filed by an adoption entity only if a parent or person having
 1055 physical or legal custody who has executed a consent to adoption
 1056 pursuant to s. 63.082 also consents in writing to the adoption
 1057 entity filing the petition. The original of the ~~such~~ consent
 1058 must be filed with the petition.

1059 (c) The petition must be entitled: "In the Matter of the
 1060 Termination of Parental Rights for the Proposed Adoption of a
 1061 Minor Child."

1062 (d) The petition to terminate parental rights pending
 1063 adoption must be in writing and signed by the petitioner under
 1064 oath stating the petitioner's good faith in filing the petition.
 1065 A written consent to adoption, affidavit of nonpaternity, or
 1066 affidavit of diligent search under s. 63.088, for each person
 1067 whose consent to adoption is required under s. 63.062, must be
 1068 executed and attached.

1069 (e) The petition must include:

1070 1. The minor's name, gender, date of birth, and place of
 1071 birth. The petition must contain all names by which the minor is
 1072 or has been known, excluding the minor's prospective adoptive
 1073 name but including the minor's legal name at the time of the
 1074 filing of the petition. In the case of an infant child whose
 1075 adoptive name appears on the original birth certificate, the
 1076 adoptive name shall not be included in the petition, nor shall
 1077 it be included elsewhere in the termination of parental rights
 1078 proceeding, except in the case of a petition for adoption filed
 1079 pursuant to s. 63.102(6).

1080 2. All information required by the Uniform Child Custody
 1081 Jurisdiction and Enforcement Act and the Indian Child Welfare
 1082 Act, except the names and addresses of the adoptive parents,
 1083 which shall be kept confidential as required by s. 63.162.

1084 3. A statement of the grounds under s. 63.089 upon which
 1085 the petition is based.

1086 4. The name, address, and telephone number of any adoption
 1087 entity seeking to place the minor for adoption.

1088 5. The name, address, and telephone number of the division
 1089 of the circuit court in which the petition is to be filed.

1090 6. A certification of compliance with the requirements of
 1091 s. 63.0425 regarding notice to grandparents of an impending
 1092 adoption.

1093 (5) SUMMONS TO BE ISSUED.--The petitioner shall cause a
 1094 summons to be issued substantially in the form provided in Form
 1095 1.902, Florida Rules of Civil Procedure. The Petition and
 1096 summons and a copy of the petition to terminate parental rights
 1097 shall be served upon any person who executed a whose consent to
 1098 adoption and ~~has been provided but~~ who has not waived service of
 1099 the pleadings and notice of the hearing thereon and also upon
 1100 any person whose consent to adoption is required under s. 63.062
 1101 but who has not provided that consent or an affidavit of
 1102 nonpaternity.

1103 (6) ANSWER AND APPEARANCE REQUIRED.--An answer to the
 1104 petition or any pleading requiring an answer shall be filed in
 1105 accordance with the Florida Family Law Rules of Civil Procedure.
 1106 Failure to file a written response ~~or to appear at the hearing~~
 1107 ~~on~~ the petition constitutes grounds upon which the court may

1108 terminate parental rights. Failure to appear at the hearing
 1109 constitutes grounds upon which the court may terminate parental
 1110 rights. The petitioner shall provide notice of the final hearing
 1111 ~~by United States mail to any person who has been served with the~~
 1112 ~~summons and petition for termination of parental rights within~~
 1113 ~~the specified time periods. Notwithstanding the filing of any~~
 1114 ~~answer or any pleading,~~ Any person present at the hearing to
 1115 terminate parental rights pending adoption whose consent to
 1116 adoption is required under s. 63.062 must:

1117 (a) Be advised by the court that he or she has a right to
 1118 ask that the hearing be reset for a later date so that the
 1119 person may consult with an attorney; and

1120 (b) Be given an opportunity to admit or deny the
 1121 allegations in the petition.

1122 Section 15. Section 63.088, Florida Statutes, is amended
 1123 to read:

1124 63.088 Proceeding to terminate parental rights pending
 1125 adoption; notice and service; diligent search.--

1126 (1) NOTICE REQUIRED.--An unmarried biological father, by
 1127 virtue of the fact that he has engaged in a sexual relationship
 1128 with a woman, is deemed to be on notice that a pregnancy and an
 1129 adoption proceeding regarding that child may occur and that he
 1130 has a duty to protect his own rights and interest. He is,
 1131 therefore, entitled to notice of a birth or adoption proceeding
 1132 with regard to that child only as provided in this chapter.

1133 (2) INITIATION OF ~~INITIATE~~ LOCATION PROCEDURES.--When the
 1134 location of a person whose consent to an adoption is required
 1135 ~~but~~ is unknown ~~not known~~, the adoption entity must begin the

1136 inquiry and diligent search process required by this section
 1137 within a reasonable time period after the date on which the
 1138 person seeking to place a minor for adoption has evidenced in
 1139 writing to the adoption entity a desire to place the minor for
 1140 adoption with that entity, or not later than 30 days after the
 1141 date any money is provided as permitted under this chapter by
 1142 the adoption entity for the benefit of the person seeking to
 1143 place a minor for adoption.

1144 (3) LOCATION AND IDENTITY KNOWN.--Before the court may
 1145 determine that a minor is available for adoption, and in
 1146 addition to the other requirements set forth in this chapter,
 1147 each person whose consent is required under s. 63.062, who has
 1148 not executed a consent for adoption or an affidavit of
 1149 nonpaternity, and whose location and identity have been
 1150 determined by compliance with the procedures in this section
 1151 must be personally served, pursuant to chapter 48, at least 20
 1152 days before the hearing with a copy of the petition to terminate
 1153 parental rights pending adoption and with notice in
 1154 substantially the following form:

1155
 1156 NOTICE OF PETITION AND HEARING
 1157 TO TERMINATE PARENTAL RIGHTS
 1158 PENDING ADOPTION
 1159

1160 A petition to terminate parental rights pending adoption
 1161 has been filed. A copy of the petition is being served with
 1162 this notice. There will be a hearing on the petition to
 1163 terminate parental rights pending adoption on (date) at

1164 (time) before (judge) at (location, including
 1165 complete name and street address of the courthouse) . The
 1166 court has set aside (amount of time) for this hearing.

1167
 1168
 1169 UNDER SECTION 63.089, FLORIDA STATUTES, FAILURE TO TIMELY
 1170 FILE A WRITTEN RESPONSE TO THE PETITION AND THIS NOTICE
 1171 WITH THE COURT AND ~~OR~~ TO APPEAR AT THIS HEARING CONSTITUTES
 1172 GROUNDS UPON WHICH THE COURT SHALL END ANY PARENTAL RIGHTS
 1173 YOU MAY HAVE OR ASSERT REGARDING THE MINOR CHILD.

1174
 1175 (4) REQUIRED INQUIRY.--In proceedings initiated under s.
 1176 63.087, the court must conduct an inquiry of the person who is
 1177 placing the minor for adoption and of any relative or person
 1178 having legal custody of the minor who is present at the hearing
 1179 and likely to have the following information regarding the
 1180 identity of:

1181 (a) Any person to whom the mother of the minor was married
 1182 at any time when conception of the minor may have occurred or at
 1183 the time of the birth of the minor;

1184 ~~(b) Any person who has been declared by a court to be the~~
 1185 ~~father of the minor;~~

1186 (b)(e) Any man who has adopted the minor;

1187 (c)(d) Any man who has been established by a court
 1188 judgment as the father of the minor child before the date that a
 1189 petition is filed for termination of parental rights with whom
 1190 ~~the mother was cohabiting at any time when conception of the~~
 1191 ~~minor may have occurred; and~~

1192 (d)~~(e)~~ Any man who has filed an affidavit of paternity
 1193 pursuant to s. 382.013(2)(c) before the date that a petition is
 1194 filed for termination of parental rights ~~person who has~~
 1195 ~~acknowledged or claimed paternity of the minor.~~

1196
 1197 The information required under this subsection may be provided
 1198 to the court in the form of a sworn affidavit by a person having
 1199 personal knowledge of the facts, addressing each inquiry
 1200 enumerated in this subsection, except that, if the inquiry
 1201 identifies a father under paragraph (a), paragraph (b), or
 1202 paragraph (c), the inquiry shall not continue further. The
 1203 inquiry required under this subsection may be conducted before
 1204 the birth of the minor.

1205 (5) LOCATION UNKNOWN; IDENTITY KNOWN.--If the inquiry by
 1206 the court under subsection (4) identifies any person whose
 1207 consent to adoption is required under s. 63.062 and who has not
 1208 executed a consent to adoption or an affidavit of nonpaternity,
 1209 and the location of the person from whom consent is required is
 1210 unknown, the adoption entity must conduct a diligent search for
 1211 that person which must include inquiries concerning:

1212 (a) The person's current address, or any previous address,
 1213 through an inquiry of the United States Postal Service through
 1214 the Freedom of Information Act;

1215 (b) The last known employment of the person, including the
 1216 name and address of the person's employer;

1217 (c) Regulatory agencies, including those regulating
 1218 licensing in the area where the person last resided;

1219 (d) Names and addresses of relatives to the extent such
 1220 can be reasonably obtained from the petitioner or other sources,
 1221 contacts with those relatives, and inquiry as to the person's
 1222 last known address. The petitioner shall pursue any leads of any
 1223 addresses to which the person may have moved;

1224 (e) Information as to whether or not the person may have
 1225 died and, if so, the date and location;

1226 (f) Telephone listings in the area where the person last
 1227 resided;

1228 (g) Inquiries of law enforcement agencies in the area
 1229 where the person last resided;

1230 (h) Highway patrol records in the state where the person
 1231 last resided;

1232 (i) Department of Corrections records in the state where
 1233 the person last resided;

1234 (j) Hospitals in the area where the person last resided;

1235 (k) Records of utility companies, including water, sewer,
 1236 cable television, and electric companies, in the area where the
 1237 person last resided;

1238 (l) Records of the Armed Forces of the United States as to
 1239 whether there is any information as to the person;

1240 (m) Records of the tax assessor and tax collector in the
 1241 area where the person last resided; and

1242 (n) Search of one Internet databank locator service.

1243
 1244 A person contacted by a petitioner or adoption entity when
 1245 requesting information under this subsection must release the
 1246 requested information to the petitioner or adoption entity,

1247 except when prohibited by law, without the necessity of a
 1248 subpoena or a court order. An affidavit of diligent search
 1249 ~~executed by the petitioner and the adoption entity~~ must be filed
 1250 with the court ~~confirming completion of each aspect of the~~
 1251 ~~diligent search enumerated in this subsection and specifying the~~
 1252 ~~results.~~ The diligent search required under this subsection may
 1253 be conducted before the birth of the minor.

1254 (6) CONSTRUCTIVE SERVICE.--This subsection only applies
 1255 if, as to any person whose consent is required under s. 63.062
 1256 and who has not executed a consent to adoption or an affidavit
 1257 of nonpaternity, the location of the person is unknown and the
 1258 inquiry under subsection (4) fails to locate the person. The
 1259 unlocated person must be served notice under subsection (3) by
 1260 constructive service in the manner provided in chapter 49. The
 1261 notice shall be published in the county where the person was
 1262 last known to have resided. The notice, in addition to all
 1263 information required under chapter 49, must include a physical
 1264 description, including, but not limited to, age, race, hair and
 1265 eye color, and approximate height and weight of the person, the
 1266 minor's date of birth, and the place of birth of the minor.
 1267 Constructive service by publication shall not be required to
 1268 provide notice to an identified birth father whose consent is
 1269 not required under ~~pursuant to~~ ss. 63.062 and 63.064.

1270 Section 16. Section 63.089, Florida Statutes, is amended
 1271 to read:

1272 63.089 Proceeding to terminate parental rights pending
 1273 adoption; hearing; grounds; dismissal of petition; judgment.--

1274 (1) HEARING.--The court may terminate parental rights
 1275 pending adoption only after a hearing.

1276 (2) HEARING PREREQUISITES.--The court may hold the hearing
 1277 only when:

1278 (a) For each person whose consent to adoption is required
 1279 under s. 63.062:

1280 1. A consent under s. 63.082 has been executed and filed
 1281 with the court;

1282 2. An affidavit of nonpaternity under s. 63.082 has been
 1283 executed and filed with the court;

1284 3. Notice has been provided under ss. 63.087 and 63.088;
 1285 or

1286 4. The certificate from the Office of Vital Statistics has
 1287 been provided to the court stating that a diligent search has
 1288 been made of the Florida Putative Father Registry created in s.
 1289 63.054 and that no filing has been found pertaining to the
 1290 father of the child in question or, if a filing is found,
 1291 stating the name of the putative father and the time and date of
 1292 the filing.

1293 (b) For each notice and petition that must be served under
 1294 ss. 63.087 and 63.088:

1295 1. At least 20 days have elapsed since the date of
 1296 individual ~~personal~~ service and an affidavit of service has been
 1297 filed with the court;

1298 2. At least 30 days have elapsed since the first date of
 1299 publication of constructive service and an affidavit of service
 1300 has been filed with the court; or

1301 3. An affidavit of nonpaternity, consent for adoption, or
 1302 other document that ~~which~~ affirmatively waives service has been
 1303 executed and filed with the court;

1304 (c) The minor named in the petition has been born; and

1305 (d) The petition contains all information required under
 1306 s. 63.087 and all affidavits of inquiry, diligent search, and
 1307 service required under s. 63.088 have been obtained and filed
 1308 with the court.

1309 (3) GROUNDS FOR TERMINATING PARENTAL RIGHTS PENDING
 1310 ADOPTION.--The court may enter a judgment terminating parental
 1311 rights pending adoption or a judgment declaring that a person
 1312 has no parental rights if the court determines by clear and
 1313 convincing evidence, supported by written findings of fact, that
 1314 the ~~each~~ person whose consent to adoption is required ~~under s.~~
 1315 ~~63.062~~:

1316 (a) Has executed a valid consent under s. 63.082 and the
 1317 consent was obtained according to the requirements of this
 1318 chapter;

1319 (b) Has executed an affidavit of nonpaternity and the
 1320 affidavit was obtained according to the requirements of this
 1321 chapter;

1322 (c) Has been served with a notice of the intended adoption
 1323 plan in accordance with the provisions of s. 63.062(3) and has
 1324 failed to respond within the designated time period;

1325 (d) Failed to timely perfect his or her right to consent
 1326 pursuant to s. 63.062 because the person failed to register as
 1327 required by s. 63.054 and comply with s. 63.062(2)(b);

1328 (e) Failed to timely perfect his or her right to consent
 1329 pursuant to s. 63.062 because, in the case of a child who is
 1330 placed with the adoptive parents more than 6 months after the
 1331 child's birth, the person failed to register as required by s.
 1332 63.054 and comply with s. 63.062(2)(a);

1333 (f)~~(d)~~ Has been properly served notice of the proceeding
 1334 in accordance with the requirements of this chapter and has
 1335 failed to file a written answer or appear at the evidentiary
 1336 hearing resulting in the judgment terminating parental rights
 1337 pending adoption;

1338 (g)~~(e)~~ Has been properly served notice of the proceeding
 1339 in accordance with the requirements of this chapter and has been
 1340 determined under subsection (4) to have abandoned the minor as
 1341 defined in s. 63.032;

1342 (h)~~(f)~~ Is a parent of the person to be adopted, which
 1343 parent has been judicially declared incapacitated with
 1344 restoration of competency found to be medically improbable;

1345 (i)~~(g)~~ Is a person who has legal custody of the person to
 1346 be adopted, other than a parent, who has failed to respond in
 1347 writing to a request for consent for a period of 60 days or,
 1348 after examination of his or her written reasons for withholding
 1349 consent, is found by the court to be withholding his or her
 1350 consent unreasonably;

1351 (j)~~(h)~~ Has been properly served notice of the proceeding
 1352 in accordance with the requirements of this chapter, but has
 1353 been found by the court, after examining written reasons for the
 1354 withholding of consent, to be unreasonably withholding his or
 1355 her consent; or

1356 (k) ~~(i)~~ Is the spouse of the person to be adopted who has
 1357 failed to consent, and the failure of the spouse to consent to
 1358 the adoption is excused by reason of prolonged and unexplained
 1359 absence, unavailability, incapacity, or circumstances that are
 1360 found by the court to constitute unreasonable withholding of
 1361 consent.

1362
 1363 A person whose consent is not required may voluntarily waive any
 1364 and all parental rights that he or she may have to the child by
 1365 executing a consent for adoption or an affidavit of
 1366 nonpaternity.

1367 (4) FINDING OF ABANDONMENT.--A finding of abandonment
 1368 resulting in a termination of parental rights must be based upon
 1369 clear and convincing evidence that a parent or person having
 1370 legal custody has abandoned the child in accordance with the
 1371 definition contained in s. 63.032(1). A finding of abandonment
 1372 may be based upon emotional abuse or a refusal to provide
 1373 reasonable financial support, when able, to a birth mother
 1374 during her pregnancy. If, in the opinion of the court, the
 1375 efforts of a parent or person having legal custody of the child
 1376 to support and communicate with the child are only marginal
 1377 efforts that do not evince a settled purpose to assume all
 1378 parental duties, the court may declare the child to be
 1379 abandoned. In making this decision, the court may consider the
 1380 conduct of a father toward the child's mother during her
 1381 pregnancy.

1382 (a) In making a determination of abandonment at a hearing
 1383 for termination of parental rights under ~~pursuant to~~ this

1384 chapter, the court must consider, among other relevant factors
1385 not inconsistent with this section:

1386 1. Whether the actions alleged to constitute abandonment
1387 demonstrate a willful disregard for the safety or welfare of the
1388 child or the unborn child;

1389 2. Whether the person alleged to have abandoned the child,
1390 while being able, failed to provide financial support;

1391 3. Whether the person alleged to have abandoned the child,
1392 while being able, failed to pay for medical treatment; and

1393 4. Whether the amount of support provided or medical
1394 expenses paid was appropriate, taking into consideration the
1395 needs of the child and relative means and resources available to
1396 the person alleged to have abandoned the child.

1397 (b) The child has been abandoned when the parent of a
1398 child is incarcerated on or after October 1, 2001, in a state or
1399 federal correctional institution and:

1400 1. The period of time for which the parent has been or is
1401 expected to be incarcerated constitutes ~~will constitute~~ a
1402 significant ~~substantial~~ portion of the child's minority. This
1403 period of time begins on the date that the parent enters into
1404 incarceration at any federal, state, or county correctional
1405 institution or facility ~~period of time before the child will~~
1406 ~~attain the age of 18 years;~~

1407 2. The incarcerated parent has been determined by the
1408 court to be a violent career criminal as defined in s. 775.084,
1409 a habitual violent felony offender as defined in s. 775.084,
1410 convicted of child abuse as defined in s. 827.03, or a sexual
1411 predator as defined in s. 775.21; has been convicted of first

1412 degree or second degree murder in violation of s. 782.04 or a
 1413 sexual battery that constitutes a capital, life, or first degree
 1414 felony violation of s. 794.011; or has been convicted of an
 1415 offense in another jurisdiction which is substantially similar
 1416 to one of the offenses listed in this subparagraph. As used in
 1417 this section, the term "substantially similar offense" means any
 1418 offense that is substantially similar in elements and penalties
 1419 to one of those listed in this subparagraph, and that is in
 1420 violation of a law of any other jurisdiction, whether that of
 1421 another state, the District of Columbia, the United States or
 1422 any possession or territory thereof, or any foreign
 1423 jurisdiction; or

1424 3. The court determines by clear and convincing evidence
 1425 that continuing the parental relationship with the incarcerated
 1426 parent would be harmful to the child and, for this reason, that
 1427 termination of the parental rights of the incarcerated parent is
 1428 in the best interest of the child.

1429 (5) DISMISSAL OF PETITION.--If the court does not find by
 1430 clear and convincing evidence that parental rights of a parent
 1431 should be terminated pending adoption, the court must dismiss
 1432 the petition and that parent's parental rights that were the
 1433 subject of such petition shall remain in full force under the
 1434 law. The order must include written findings in support of the
 1435 dismissal, including findings as to the criteria in subsection
 1436 (4) if rejecting a claim of abandonment. Parental rights may not
 1437 be terminated based upon a consent that the court finds has been
 1438 timely withdrawn under s. 63.082 or a consent to adoption or
 1439 affidavit of nonpaternity that the court finds was obtained by

1440 fraud or duress. The court must enter an order based upon
 1441 written findings providing for the placement of the minor. The
 1442 court may order scientific testing to determine the paternity of
 1443 the minor at any time during which the court has jurisdiction
 1444 over the minor. Further proceedings, if any, regarding the minor
 1445 must be brought in a separate custody action under chapter 61, a
 1446 dependency action under chapter 39, or a paternity action under
 1447 chapter 742.

1448 (6) JUDGMENT TERMINATING PARENTAL RIGHTS PENDING
 1449 ADOPTION.--

1450 (a) The judgment terminating parental rights pending
 1451 adoption must be in writing and contain findings of fact as to
 1452 the grounds for terminating parental rights pending adoption.

1453 (b) Within 7 days after filing, the court shall mail a
 1454 copy of the judgment to the department. The clerk shall execute
 1455 a certificate of the ~~such~~ mailing.

1456 (c) The judgment terminating parental rights pending
 1457 adoption legally frees the child for subsequent adoption,
 1458 adjudicates the child's status, and may not be challenged by a
 1459 person claiming parental status who did not establish parental
 1460 rights prior to the filing of the petition for termination,
 1461 except as specifically provided in this chapter.

1462 (7) RELIEF FROM JUDGMENT TERMINATING PARENTAL RIGHTS.--

1463 (a) A motion for relief from a judgment terminating
 1464 parental rights must be filed with the court originally entering
 1465 the judgment. The motion must be filed within a reasonable time,
 1466 but not later than 1 year after the entry of the judgment
 1467 terminating parental rights.

1468 (b) No later than 30 days after the filing of a motion
 1469 under this subsection, the court must conduct a preliminary
 1470 hearing to determine what contact, if any, shall be permitted
 1471 between a parent and the child pending resolution of the motion.
 1472 The ~~Such~~ contact shall be considered only if it is requested by
 1473 a parent who has appeared at the hearing. If the court orders
 1474 contact between a parent and child, the order must be issued in
 1475 writing as expeditiously as possible and must state with
 1476 specificity the terms ~~any provisions~~ regarding contact with
 1477 persons other than those with whom the child resides.

1478 (c) At the preliminary hearing, the court, upon the motion
 1479 of any party or upon its own motion, may order scientific
 1480 testing to determine the paternity of the minor if the person
 1481 seeking to set aside the judgment is alleging to be the child's
 1482 father and that fact has not previously been determined by
 1483 legitimacy or scientific testing. The court may order visitation
 1484 with a person for whom scientific testing for paternity has been
 1485 ordered and who has previously established a bonded relationship
 1486 with the child.

1487 (d) Unless otherwise agreed between the parties or for
 1488 good cause shown, the court shall conduct a final hearing on the
 1489 motion for relief from judgment within 45 days after the filing
 1490 and enter its written order as expeditiously as possible
 1491 thereafter.

1492 (8) RECORDS; CONFIDENTIAL INFORMATION.--All papers and
 1493 records pertaining to a petition to terminate parental rights
 1494 pending adoption are related to the subsequent adoption of the
 1495 minor and are subject to ~~the provisions of~~ s. 63.162. The

1496 confidentiality provisions of this chapter do not apply to the
 1497 extent information regarding persons or proceedings must be made
 1498 available as specified under s. 63.088.

1499 Section 17. Section 63.092, Florida Statutes, is amended
 1500 to read:

1501 63.092 Report to the court of intended placement by an
 1502 adoption entity; at-risk placement; preliminary study.--

1503 (1) REPORT TO THE COURT.--The adoption entity must report
 1504 any intended placement of a minor for adoption with any person
 1505 who is not a relative or a stepparent if the adoption entity ~~has~~
 1506 ~~knowledge of, or~~ participates in the, ~~such~~ intended placement.
 1507 The report must be made to the court before the minor is placed
 1508 in the home or within 2 business days ~~48 hours~~ thereafter.

1509 (2) AT-RISK PLACEMENT.--If the minor is placed in the
 1510 prospective adoptive home before the parental rights of the
 1511 minor's parents are terminated under s. 63.089, the placement is
 1512 an at-risk placement. If the placement is an at-risk placement,
 1513 the prospective adoptive parents must acknowledge in writing
 1514 before the minor may be placed in the prospective adoptive home
 1515 that the placement is at risk. The prospective adoptive parents
 1516 shall be advised by the adoption entity, in writing, that the
 1517 minor is subject to removal from the prospective adoptive home
 1518 by the adoption entity or by court order at any time before
 1519 ~~prior to~~ the finalization of the adoption.

1520 (3) PRELIMINARY HOME STUDY.--Before placing the minor in
 1521 the intended adoptive home, a preliminary home study must be
 1522 performed by a licensed child-placing agency, a child-caring
 1523 agency registered under s. 409.176, a licensed professional, or

1524 an agency described in s. 61.20(2), unless the adoptee is an
1525 adult or the petitioner is a stepparent or a relative. If the
1526 adoptee is an adult or the petitioner is a stepparent or a
1527 relative, a preliminary home study may be required by the court
1528 for good cause shown. The department is required to perform the
1529 preliminary home study only if there is no licensed child-
1530 placing agency, child-caring agency registered under s. 409.176,
1531 licensed professional, or agency described in s. 61.20(2) ~~7~~ in
1532 the county where the prospective adoptive parents reside. The
1533 preliminary home study must be made to determine the suitability
1534 of the intended adoptive parents and may be completed before
1535 ~~prior to~~ identification of a prospective adoptive minor. A
1536 favorable preliminary home study is valid for 1 year after the
1537 date of its completion. Upon its completion, a copy of the home
1538 study must be provided to the intended adoptive parents who were
1539 the subject of the home study. A minor may not be placed in an
1540 intended adoptive home before a favorable preliminary home study
1541 is completed unless the adoptive home is also a licensed foster
1542 home under s. 409.175. The preliminary home study must include,
1543 at a minimum:

- 1544 (a) An interview with the intended adoptive parents;
1545 (b) Records checks of the department's central abuse
1546 registry and criminal records correspondence checks under s.
1547 39.0138 through the Department of Law Enforcement on the
1548 intended adoptive parents;
1549 (c) An assessment of the physical environment of the home;
1550 (d) A determination of the financial security of the
1551 intended adoptive parents;

1552 (e) Documentation of counseling and education of the
 1553 intended adoptive parents on adoptive parenting;

1554 (f) Documentation that information on adoption and the
 1555 adoption process has been provided to the intended adoptive
 1556 parents;

1557 (g) Documentation that information on support services
 1558 available in the community has been provided to the intended
 1559 adoptive parents; and

1560 (h) A copy of each intended adoptive parent's signed
 1561 acknowledgment of receipt of disclosure required by s. 63.085.

1562
 1563 If the preliminary home study is favorable, a minor may be
 1564 placed in the home pending entry of the judgment of adoption. A
 1565 minor may not be placed in the home if the preliminary home
 1566 study is unfavorable. If the preliminary home study is
 1567 unfavorable, the adoption entity may, within 20 days after
 1568 receipt of a copy of the written recommendation, petition the
 1569 court to determine the suitability of the intended adoptive
 1570 home. A determination as to suitability under this subsection
 1571 does not act as a presumption of suitability at the final
 1572 hearing. In determining the suitability of the intended adoptive
 1573 home, the court must consider the totality of the circumstances
 1574 in the home. No minor may be placed in a home in which there
 1575 resides any person determined by the court to be a sexual
 1576 predator as defined in s. 775.21 or to have been convicted of an
 1577 offense listed in s. 63.089(4)(b)2.

1578 Section 18. Subsection (4) of section 63.097, Florida
 1579 Statutes, is amended to read:

1580 63.097 Fees.--

1581 (1) When the adoption entity is an agency, fees may be
 1582 assessed if they are approved by the department within the
 1583 process of licensing the agency and if they are for:

1584 (a) Foster care expenses;

1585 (b) Preplacement and postplacement social services; and

1586 (c) Agency facility and administrative costs.

1587 (4) Any fees, costs, or expenses not included in
 1588 subsection (1) or subsection (2) or prohibited under subsection
 1589 (5) require court approval prior to payment and must be based on
 1590 a finding of extraordinary circumstances.

1591 Section 19. Subsections (1), (2), (5), and (6) of section
 1592 63.102, Florida Statutes, are amended to read:

1593 63.102 Filing of petition for adoption or declaratory
 1594 statement; venue; proceeding for approval of fees and costs.--

1595 (1) PETITION FOR ADOPTION.--A petition for adoption may
 1596 not be filed until after the entry of the judgment or decree
 1597 terminating parental rights ~~pending adoption under this chapter,~~
 1598 unless the adoptee is an adult or, the petitioner is a
 1599 stepparent or a relative, ~~or the minor has been the subject of a~~
 1600 ~~judgment terminating parental rights under chapter 39.~~ After a
 1601 judgment terminating parental rights has been entered, a
 1602 proceeding for adoption may be commenced by filing a petition
 1603 entitled, "In the Matter of the Adoption of _____" in the
 1604 circuit court. The person to be adopted shall be designated in
 1605 the caption in the name by which he or she is to be known if the
 1606 petition is granted. Except in the case of a joint petition for
 1607 adoption of a stepchild, a relative, or an adult, any name by

1608 | which the minor was previously known may not be disclosed in the
 1609 | petition, the notice of hearing, ~~or~~ the judgment of adoption, or
 1610 | the court docket according to s. 63.162(3).

1611 | (2) VENUE.--A petition for adoption or for a declaratory
 1612 | statement as to the adoption contract shall be filed in the
 1613 | county where the petition for termination of parental rights was
 1614 | granted or filed, ~~unless the court, in accordance with s.~~
 1615 | ~~47.122, changes the venue to the county where the petitioner or~~
 1616 | ~~petitioners or the minor resides~~ or where the adoption entity
 1617 | ~~with which the minor has been placed~~ is located. The circuit
 1618 | court in this state must retain jurisdiction over the matter
 1619 | until a final judgment is entered on the adoption, either within
 1620 | or outside the state. The Uniform Child Custody Jurisdiction and
 1621 | Enforcement Act does not apply until a final judgment is entered
 1622 | on the adoption.

1623 | (5) PRIOR APPROVAL OF FEES AND COSTS.--A proceeding for
 1624 | prior approval of fees and costs may be commenced any time after
 1625 | an agreement is reached with ~~between~~ the birth mother or ~~and~~ the
 1626 | adoptive parents by filing a petition for declaratory statement
 1627 | on the agreement entitled "In the Matter of the Proposed
 1628 | Adoption of a Minor Child" in the circuit court.

1629 | (a) The petition must be filed by the adoption entity with
 1630 | the consent of the parties to the agreement.

1631 | (b) A contract for the payment of fees, costs, and
 1632 | expenses permitted under this chapter must be in writing, and
 1633 | any person who enters into the contract has 3 business days in
 1634 | which to cancel the contract unless placement of the child has
 1635 | occurred. To cancel the contract, the person must notify the

1636 adoption entity in writing by certified United States mail,
1637 return receipt requested, no later than 3 business days after
1638 signing the contract. For the purposes of this subsection, the
1639 term "business day" means a day on which the United States
1640 Postal Service accepts certified mail for delivery. If the
1641 contract is canceled within the first 3 business days, the
1642 person who cancels the contract does not owe any legal,
1643 intermediary, or other fees, but may be responsible for the
1644 adoption entity's actual costs during that time.

1645 (c) The court may grant approval only of fees and expenses
1646 permitted under s. 63.097. A prior approval of prospective fees
1647 and costs shall create a presumption that these items will
1648 subsequently be approved by the court under s. 63.132. The
1649 court, under s. 63.132, may order an adoption entity to refund
1650 any amounts paid under this subsection that are subsequently
1651 found by the court to be greater than fees, costs, and expenses
1652 actually incurred.

1653 (d) The contract may not require, and the court may not
1654 approve, any amount that constitutes payment for locating a
1655 minor for adoption, except as authorized under s. 63.212(1).

1656 (e) A declaratory statement as to the adoption contract,
1657 regardless of when filed, shall be consolidated with any related
1658 petition for adoption. The clerk of the court shall only assess
1659 one filing fee that includes the adoption action, the
1660 declaratory statement petition, and the petition for termination
1661 of parental rights.

1662 (f) Prior approval of fees and costs by the court does not
 1663 obligate the parent to ultimately relinquish the minor for
 1664 adoption.

1665 (6) STEPCCHILD, RELATIVE, AND ADULT ADOPTIONS.--Petitions
 1666 for the adoption of a stepchild, a relative, or an adult shall
 1667 not require the filing of a separate judgment or separate
 1668 proceeding terminating parental rights pending adoption. The
 1669 final judgment of adoption has ~~shall have~~ the effect of
 1670 terminating parental rights simultaneously with the granting of
 1671 the decree of adoption.

1672 Section 20. Subsection (2) of section 63.112, Florida
 1673 Statutes, is amended to read:

1674 63.112 Petition for adoption; description; report or
 1675 recommendation, exceptions; mailing.--

1676 (2) The following documents are required to be filed with
 1677 the clerk of the court at the time the petition is filed:

1678 (a) A certified copy of the court judgment terminating
 1679 parental rights ~~under chapter 39 or under this chapter~~ or, if
 1680 the adoptee is an adult or a minor relative or stepchild of the
 1681 petitioner, the required consent, unless such consent is excused
 1682 by the court.

1683 (b) The favorable preliminary home study by a ~~of the~~
 1684 ~~department,~~ licensed child-placing agency, a licensed or
 1685 professional, or an agency described in s. 61.20(2), pursuant to
 1686 s. 63.092, as to the suitability of the home in which the minor
 1687 has been placed, unless the petitioner is a stepparent or a
 1688 relative.

1689 (c) A copy of any declaratory statement previously entered
 1690 by the court pursuant to s. 63.102.

1691 (d) Documentation that an interview was held with the
 1692 minor, if older than 12 years of age, unless the court, in the
 1693 best interest of the minor, dispenses with the minor's consent
 1694 under s. 63.062(1)(c).

1695 Section 21. Subsection (3) of section 63.122, Florida
 1696 Statutes, is amended to read:

1697 63.122 Notice of hearing on petition.--

1698 (3) Upon a showing by the petitioner or parent that the
 1699 privacy, safety, or ~~and~~ welfare of the petitioner, parent, or
 1700 minor may be endangered, the court may order the names of the
 1701 petitioner, parent, or minor, or all ~~both~~, to be deleted from
 1702 the notice of hearing and from the copy of the petition attached
 1703 thereto, provided the substantive rights of any person will not
 1704 thereby be affected.

1705 Section 22. Subsection (4) of section 63.125, Florida
 1706 Statutes, is amended to read:

1707 63.125 Final home investigation.--

1708 (4) The department, the licensed child-placing agency, or
 1709 the professional making the required investigation may request
 1710 other state agencies, licensed professionals qualified to
 1711 conduct a home study, or child-placing agencies within or
 1712 outside this state to make investigations of designated parts of
 1713 the inquiry and to make a written report to the department, the
 1714 professional, or other person or agency.

1715 Section 23. Subsection (4) of section 63.132, Florida
 1716 Statutes, is amended to read:

1717 63.132 Affidavit of expenses and receipts.--

1718 (4) This section does not apply to an adoption by a
 1719 stepparent or an adoption of a relative or adult, the
 1720 finalization of an adoption of a minor whose parent's parental
 1721 rights were terminated under chapter 39, or the domestication of
 1722 an adoption decree of a minor child adopted in a foreign
 1723 country.

1724 Section 24. Section 63.135, Florida Statutes, is amended
 1725 to read:

1726 63.135 Information ~~under oath~~ to be submitted to the
 1727 court.--

1728 (1) The adoption entity or petitioner must file an
 1729 affidavit under the Uniform Child Custody Jurisdiction and
 1730 Enforcement Act in a termination of parental rights ~~Each party~~
 1731 ~~in an adoption proceeding,~~ in the first pleading or in an
 1732 affidavit attached to that pleading, ~~shall give information~~
 1733 ~~under oath as to the child's present address, the places where~~
 1734 ~~the child has lived within the last 5 years, and the names and~~
 1735 ~~present addresses of the persons with whom the child has lived~~
 1736 ~~during that period. In the pleading or affidavit each party~~
 1737 ~~shall further declare under oath whether:~~

1738 ~~(a) The party has participated as a party or witness or in~~
 1739 ~~any other capacity in any other litigation concerning the~~
 1740 ~~custody of the same child in this or any other state,~~

1741 ~~(b) The party has information of any custody proceeding~~
 1742 ~~concerning the child pending in a court of this or any other~~
 1743 ~~state; and~~

1744 ~~(c) The party knows of any person not a party to the~~
1745 ~~proceedings who has physical custody of the child or claims to~~
1746 ~~have custody or visitation rights with respect to the child.~~

1747 ~~(2) If the declaration as to any item specified in~~
1748 ~~subsection (1) is in the affirmative, the declarant shall give~~
1749 ~~additional information under oath as required by the court. The~~
1750 ~~court may examine the parties under oath about details of the~~
1751 ~~information furnished and other matters pertinent to the court's~~
1752 ~~jurisdiction and judgment of adoption.~~

1753 (2)~~(3)~~ Each party has a continuing duty to inform the
1754 court of any custody proceeding concerning the child in this or
1755 any other state about which he or she obtained information
1756 during this proceeding.

1757 Section 25. Subsections (3) and (4) of section 63.142,
1758 Florida Statutes, are amended to read:

1759 63.142 Hearing; judgment of adoption.--

1760 (3) DISMISSAL.--

1761 (a) If the petition is dismissed, further proceedings, if
1762 any, regarding the minor must be brought in a separate custody
1763 action under chapter 61, a dependency action under chapter 39,
1764 or a paternity action under chapter 742 ~~the court shall~~
1765 ~~determine the person that is to have custody of the minor.~~

1766 (b) If the petition is dismissed, the court shall state
1767 with specificity the reasons for the dismissal.

1768 (4) JUDGMENT.--At the conclusion of the hearing, after the
1769 court determines that the date for a parent to file an appeal of
1770 a valid judgment terminating that parent's parental rights has
1771 passed and no appeal, under ~~pursuant to~~ the Florida Rules of

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1772 Appellate Procedure, is pending and that the adoption is in the
 1773 best interest of the person to be adopted, a judgment of
 1774 adoption shall be entered. A judgment terminating parental
 1775 rights pending adoption is voidable and any later judgment of
 1776 adoption of that minor is voidable if, upon a parent's motion
 1777 for relief from judgment, the court finds that the adoption
 1778 fails to substantially meet the requirements of this chapter.
 1779 The motion must be filed within a reasonable time, but not later
 1780 than 1 year after the date the judgment terminating parental
 1781 rights was entered.

1782 Section 26. Section 63.152, Florida Statutes, is amended
 1783 to read:

1784 63.152 Application for new birth record.--Within 30 days
 1785 after entry of a judgment of adoption, the clerk of the court
 1786 shall transmit a certified statement of the entry to the state
 1787 registrar of vital statistics in the state where the adopted
 1788 person was born on a form provided by the registrar. A new birth
 1789 record containing the necessary information supplied by the
 1790 certificate shall be issued by the registrar on application of
 1791 the adopting parents or the adopted person.

1792 Section 27. Subsections (1), (3), and (7) of section
 1793 63.162, Florida Statutes, are amended to read:

1794 63.162 Hearings and records in adoption proceedings;
 1795 confidential nature.--

1796 (1) All hearings held in proceedings under this chapter
 1797 ~~act~~ shall be held in closed court without admittance of any
 1798 person other than essential officers of the court, the parties,
 1799 witnesses, counsel, persons who have not consented to the

1800 adoption and are required to consent, and representatives of the
 1801 agencies who are present to perform their official duties.

1802 (3) The court files, records, and papers in the adoption
 1803 of a minor shall be indexed only in the name of the petitioner,
 1804 and the names ~~name~~ of the petitioner and the minor shall not be
 1805 noted on any docket, index, or other record outside the court
 1806 file, except that closed agency files may be cross-referenced in
 1807 the original and adoptive names of the minor.

1808 (7) The court may, upon petition of an adult adoptee, for
 1809 good cause shown, appoint an intermediary or a licensed child-
 1810 placing agency to contact a birth parent and to ~~who has not~~
 1811 ~~registered with the adoption registry pursuant to s. 63.165 and~~
 1812 advise him or her ~~them~~ of the adoptee's request to open the file
 1813 and the adoption registry and offer the parent the opportunity
 1814 to waive confidentiality and consent to the opening of the
 1815 parent's records ~~availability of same.~~

1816 Section 28. Paragraph (a) of subsection (2) of section
 1817 63.182, Florida Statutes, is amended to read:

1818 63.182 Statute of repose.--

1819 (2) (a) Except for the specific persons expressly entitled
 1820 to be given notice of an adoption in accordance with this
 1821 chapter, the interest that entitles a person to notice of an
 1822 adoption of a minor must be direct, financial, and immediate,
 1823 and the person must show that he or she will gain or lose by the
 1824 direct legal operation and effect of the judgment. A showing of
 1825 an indirect, inconsequential, or contingent interest is wholly
 1826 inadequate, and a person with this indirect interest lacks
 1827 standing to set aside a judgment of adoption.

1828 Section 29. Section 63.192, Florida Statutes, is amended
 1829 to read:

1830 63.192 Recognition of foreign judgment or decree affecting
 1831 adoption.--A judgment ~~of court~~ terminating the relationship of
 1832 parent and child or establishing the relationship by adoption,
 1833 or a decree granting legal guardianship for purposes of
 1834 adoption, issued pursuant to due process of law by a court or
 1835 authorized body of any other jurisdiction within or without the
 1836 United States shall be recognized in this state, and the rights
 1837 and obligations of the parties ~~on matters within the~~
 1838 ~~jurisdiction of this state~~ shall be determined as though the
 1839 judgment or decree were issued by a court of this state. A
 1840 judgment or decree of a court or authorized body terminating the
 1841 relationship of a parent and child, whether independent,
 1842 incorporated in an adoption decree, or incorporated in a legal
 1843 guardianship order issued pursuant to due process of law of any
 1844 other jurisdiction within or without the United States, shall be
 1845 deemed to effectively terminate parental rights for purposes of
 1846 a proceeding on a petition for adoption in this state. When a
 1847 minor child has been made available for adoption in a foreign
 1848 state or foreign country and the parental rights of the minor
 1849 child's parent have been terminated or the child has been
 1850 declared to be abandoned or orphaned, no additional termination
 1851 of parental rights proceeding need occur, and the adoption may
 1852 be finalized according to the procedures set forth in this
 1853 chapter.

1854 Section 30. Paragraph (b) of subsection (1) of section
 1855 63.207, Florida Statutes, is amended to read:

1856 63.207 Out-of-state placement.--

1857 (1) Unless the parent placing a minor for adoption files
 1858 an affidavit that the parent chooses to place the minor outside
 1859 the state, giving the reason for that placement, or the minor is
 1860 to be placed with a relative or with a stepparent, or the minor
 1861 is a special needs child, as defined in s. 409.166, or for other
 1862 good cause shown, an adoption entity may not:

1863 (b) Place or attempt to place a minor for the purpose of
 1864 adoption with a family who primarily lives and works outside
 1865 Florida in another state. If an adoption entity is acting under
 1866 this subsection, the adoption entity must file a petition for
 1867 declaratory statement pursuant to s. 63.102 for ~~prior~~ approval
 1868 of fees and costs. The court shall review the costs pursuant to
 1869 s. 63.097. The petition for declaratory statement must be
 1870 converted to a petition for an adoption upon placement of the
 1871 minor in the home. When a minor is placed for adoption with
 1872 prospective adoptive parents who primarily live and work outside
 1873 this state, the circuit court in this state may retain
 1874 jurisdiction over the matter until the adoption becomes final.
 1875 The prospective adoptive parents may finalize the adoption in
 1876 this state or in their home state.

1877 Section 31. Paragraph (c) of subsection (1) and
 1878 subsections (2) and (7) of section 63.212, Florida Statutes, are
 1879 amended to read:

1880 63.212 Prohibited acts; penalties for violation.--

1881 (1) It is unlawful for any person:

1882 (c) To sell or surrender, or to arrange for the sale or
 1883 surrender of, a minor to another person for money or anything of

1884 value or to receive a ~~such~~ minor child for a ~~such~~ payment or
 1885 thing of value. If a minor is being adopted by a relative or by
 1886 a stepparent, or is being adopted through an adoption entity,
 1887 this paragraph does not prohibit the person who is contemplating
 1888 adopting the child from paying, under ss. 63.097 and 63.132, the
 1889 actual prenatal care and living expenses of the mother of the
 1890 child to be adopted, or from paying, under ss. 63.097 and
 1891 63.132, the actual living and medical expenses of the ~~such~~
 1892 mother for a reasonable time, not to exceed 6 weeks, if medical
 1893 needs require such support, after the birth of the minor.

1894 (2) (a) It is unlawful for any person or adoption entity
 1895 under this chapter to:

- 1896 1. Knowingly provide false information; or
- 1897 2. Knowingly withhold material information.

1898 (b) It is unlawful for a parent, with the intent to
 1899 defraud, to accept benefits related to the same pregnancy from
 1900 more than one adoption entity without disclosing that fact to
 1901 each entity.

1902 ~~(c) It is unlawful for any person who knows that the~~
 1903 ~~parent whose rights are to be terminated intends to object to~~
 1904 ~~said termination to intentionally file the petition for~~
 1905 ~~termination of parental rights in a county inconsistent with the~~
 1906 ~~required venue under such circumstances.~~

1907
 1908 Any person who willfully violates any provision of this
 1909 subsection commits a misdemeanor of the second degree,
 1910 punishable as provided in s. 775.082 or s. 775.083. In addition,
 1911 the ~~such~~ person is liable for damages caused by the ~~such~~ acts or

1912 omissions, including reasonable attorney's fees and costs.
 1913 Damages may be awarded through restitution in any related
 1914 criminal prosecution or by filing a separate civil action.

1915 (7) It is unlawful for any adoptive parent or adoption
 1916 entity to obtain a preliminary home study or final home
 1917 investigation and fail to disclose the existence of the study or
 1918 investigation to the court ~~when required by law to do so.~~

1919 Section 32. Subsection (4) and paragraph (c) of subsection
 1920 (6) of section 63.213, Florida Statutes, are amended to read:

1921 63.213 Preplanned adoption agreement.--

1922 (4) An attorney who represents an intended father and
 1923 intended mother or any other attorney with whom that attorney is
 1924 associated shall not represent simultaneously a female who is or
 1925 proposes to be a volunteer mother in the same ~~any matter~~
 1926 ~~relating to a preplanned adoption agreement or~~ preplanned
 1927 adoption arrangement.

1928 (6) As used in this section, the term:

1929 (c) "Fertility technique" means artificial embryonation
 1930 or, artificial insemination, whether in vivo or in vitro or, egg
 1931 ~~donation, or embryo adoption.~~

1932 Section 33. Section 63.236, Florida Statutes, is created
 1933 to read:

1934 63.236 Petitions filed before effective date; governing
 1935 law.--Any petition for termination of parental rights filed
 1936 before July 1, 2007, shall be governed by the law in effect at
 1937 the time the petition was filed.

1938 Section 34. Section 382.017, Florida Statutes, is amended
 1939 to read:

1940 382.017 Foreign births.--

1941 (1) Upon request, the department shall prepare and
 1942 register a certificate of foreign birth for an adoptee born in a
 1943 foreign country who is not a citizen of the United States and
 1944 whose judgment of adoption was entered by a court of competent
 1945 jurisdiction of this state. The certificate shall be established
 1946 upon receipt of the report or certified copy of the adoption
 1947 decree, proof of the date and place of the adoptee's birth, and
 1948 a request that the certificate be prepared from the court, the
 1949 adopting parents, or the adoptee if of legal age. The
 1950 certificate shall be labeled "Certificate of Foreign Birth" and
 1951 shall show the true country and date of birth of the adoptee,
 1952 and must include a statement that the certificate is not
 1953 evidence of United States citizenship. After registering the
 1954 certificate of foreign birth in the ~~new~~ name of the adoptee, the
 1955 department shall place the adoption report or decree under seal,
 1956 not to be broken except pursuant to court order.

1957 (2) A certificate of foreign birth for an adoptee born in
 1958 a foreign country may be issued without a judgment of adoption
 1959 by a court of competent jurisdiction of this state if the
 1960 adopting parents submit all of the following:

1961 (a) A certified translation of all documents described in
 1962 this subsection that are not in English.

1963 (b) The decree, order, or certificate of adoption that
 1964 provides evidence that the adoption has been finalized in the
 1965 country in which the adoptee was born.

1966 (c) An IR-3 visa with proof of United States citizenship
 1967 issued upon entry into the United States for the adoptee. An IR-

1968 3 visa is given to a child when the adoptive parent or parents
 1969 saw the child prior to adoption, and the adoption is completed
 1970 in the country in which the adoptee was born.

1971 (d) A certified document, signed by each adoptive parent
 1972 under penalty of perjury, that states that the adoption complies
 1973 with the eligibility requirements set forth in s. 63.042(3).

1974 (e) Proof that each adopting parent is a resident of the
 1975 state.

1976 (3)-(2) If the adoptee was born in a foreign country but
 1977 was a citizen of the United States at the time of birth, the
 1978 department shall not prepare a certificate of foreign birth but
 1979 shall notify the adoptive parents, or the adoptee if of legal
 1980 age, of the procedure for obtaining a revised birth certificate
 1981 through the United States Department of State.

1982 Section 35. Subsection (1) of section 383.50, Florida
 1983 Statutes, is amended to read:

1984 383.50 Treatment of abandoned newborn infant.--

1985 (1) As used in this section, the term "newborn infant"
 1986 means a child that a licensed physician reasonably believes to
 1987 be approximately 7 ~~3~~ days old or younger at the time the child
 1988 is left at a hospital, emergency medical services station, or
 1989 fire station.

1990 Section 36. Paragraph (b) of subsection (5), paragraph (b)
 1991 of subsection (10), paragraph (b) of subsection (11), and
 1992 subsection (14) of section 409.176, Florida Statutes, are
 1993 amended to read:

1994 409.176 Registration of residential child-caring agencies
 1995 and family foster homes.--

1996 (5) The licensing provisions of s. 409.175 do not apply to
 1997 a facility operated by an organization that:

1998 (b) Is certified by a Florida statewide child care
 1999 organization that ~~which~~ was in existence on January 1, 1984, and
 2000 that ~~which~~ publishes, and requires compliance with, its
 2001 standards and files copies thereof with the department. These
 2002 ~~Such~~ standards shall be in substantial compliance with published
 2003 minimum standards that similar licensed child-caring agencies,
 2004 licensed child-placing agencies, or family foster homes are
 2005 required to meet, as determined by the department, with the
 2006 exception of those standards of a curricular or religious nature
 2007 and those relating to staffing or financial stability of
 2008 licensed child-caring agencies or family foster homes. Once the
 2009 department has determined that the standards for child-caring
 2010 agencies, child-placing agencies, or family foster homes are in
 2011 substantial compliance with minimum standards that similar
 2012 facilities are required to meet, the standards need ~~de~~ not ~~have~~
 2013 ~~to~~ be resubmitted to the department unless a change occurs in
 2014 the standards. Any changes in the standards shall be provided to
 2015 the department within 10 days after ~~of~~ their adoption.

2016 (10)

2017 (b) The qualified association shall notify the department
 2018 when the qualified association finds, within 30 days after
 2019 written notification by registered mail of the requirement for
 2020 registration, that a person or facility continues to care for or
 2021 place children without a certificate of registration. The
 2022 department shall notify the appropriate state attorney of the
 2023 violation of law and, if necessary, shall institute a civil suit

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2024 to enjoin the person or facility from continuing the care or
 2025 placement of children.

2026 (11)

2027 (b) If the department determines that a person or facility
 2028 is caring for or placing a child without a valid certificate of
 2029 registration issued by the qualified association or has made a
 2030 willful or intentional misstatement on any registration
 2031 application or other document required to be filed in connection
 2032 with an application for a certificate of registration, the
 2033 qualified association, as an alternative to or in conjunction
 2034 with an administrative action against the ~~such~~ person or
 2035 facility, shall make a reasonable attempt to discuss each
 2036 violation with, and recommend corrective action to, the person
 2037 or the administrator of the facility, ~~7~~ prior to written
 2038 notification thereof.

2039 (14) Registration under this section, including the issue
 2040 of substantial compliance with published minimum standards that
 2041 similar licensed child-caring facilities, licensed child-placing
 2042 agencies, or family foster homes are required to meet, as
 2043 provided in paragraph (5) (b), is subject to ~~the provisions of~~
 2044 chapter 120.

2045 Section 37. Section 742.021, Florida Statutes, is amended
 2046 to read:

2047 742.021 Venue, process, complaint.--The proceedings shall
 2048 be in the circuit court of the county where the plaintiff
 2049 resides or of the county where the defendant resides. The
 2050 complaint shall aver sufficient facts charging the paternity of
 2051 the child. Upon filing of every complaint seeking to determine

2052 paternity, the clerk of court shall issue a notice to be
 2053 provided to each petitioner upon filing and to each respondent
 2054 with service of the petition. The notice shall be in
 2055 substantially the following form:

2056
 2057 In order to preserve the right to notice and consent to the
 2058 adoption of the child, an unmarried biological father must,
 2059 as the "registrant," file a notarized claim of paternity
 2060 form with the Florida Putative Father Registry maintained
 2061 by the Office of Vital Statistics of the Department of
 2062 Health and shall include therein confirmation of his
 2063 willingness and intent to support the child for whom
 2064 paternity is claimed in accordance with state law. The
 2065 claim of paternity may be filed at any time prior to the
 2066 child's birth, but a claim of paternity may not be filed
 2067 after the date a petition is filed for termination of
 2068 parental rights.

2069
 2070 Process directed to the defendant shall issue forthwith
 2071 requiring the defendant to file written defenses to the
 2072 complaint in the same manner as suits in chancery. Upon
 2073 application and proof under oath, the court may issue a writ of
 2074 ne exeat against the defendant on such terms and conditions and
 2075 conditioned upon bond in such amount as the court may determine.

2076 Section 38. Subsection (1) of section 742.10, Florida
 2077 Statutes, is amended to read:

2078 742.10 Establishment of paternity for children born out of
 2079 wedlock.--

2080 (1) Except as provided chapters 39 and 63, this chapter
2081 provides the primary jurisdiction and procedures for the
2082 determination of paternity for children born out of wedlock.
2083 When the establishment of paternity has been raised and
2084 determined within an adjudicatory hearing brought under the
2085 statutes governing inheritance, or dependency under workers'
2086 compensation or similar compensation programs, or when an
2087 affidavit acknowledging paternity or a stipulation of paternity
2088 is executed by both parties and filed with the clerk of the
2089 court, or when an affidavit, a notarized voluntary
2090 acknowledgment of paternity, or a voluntary acknowledgment of
2091 paternity that is witnessed by two individuals and signed under
2092 penalty of perjury as provided for in s. 382.013 or s. 382.016
2093 is executed by both parties, or when paternity is adjudicated by
2094 the Department of Revenue as provided in s. 409.256, such
2095 adjudication, affidavit, or acknowledgment constitutes the
2096 establishment of paternity for purposes of this chapter. If no
2097 adjudicatory proceeding was held, a notarized voluntary
2098 acknowledgment of paternity or voluntary acknowledgment of
2099 paternity that is witnessed by two individuals and signed under
2100 penalty of perjury as specified by s. 92.525(2) shall create a
2101 rebuttable presumption, as defined by s. 90.304, of paternity
2102 and is subject to the right of any signatory to rescind the
2103 acknowledgment within 60 days after the date the acknowledgment
2104 was signed or the date of an administrative or judicial
2105 proceeding relating to the child, including a proceeding to
2106 establish a support order, in which the signatory is a party,
2107 whichever is earlier. Both parents must provide their social

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2108 security numbers on any acknowledgment of paternity, consent
2109 affidavit, or stipulation of paternity. Except for affidavits
2110 under seal pursuant to ss. 382.015 and 382.016, the Office of
2111 Vital Statistics shall provide certified copies of affidavits to
2112 the Title IV-D agency upon request.

2113 Section 39. If any provision of this act or its
2114 application to any person or circumstance is held invalid, the
2115 invalidity does not affect other provisions or applications of
2116 the act which can be given effect without the invalid provision
2117 or application, and to this end the provisions of this act are
2118 severable.

2119 Section 40. This act shall take effect July 1, 2007.