

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

25 legislative intent; providing that an unmarried biological

26 father who fails to register paternity prior to the filing

27 of a petition for termination of parental rights may not

28 file a paternity claim under ch. 742, F.S.; providing that

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

57 consent to adopt to 3 business days if the child is older  
58 than 6 months of age; providing conditions under which a  
59 court must relinquish jurisdiction in a dependency  
60 proceeding; revising requirements for withdrawing a  
61 consent for adoption; amending s. 63.085, F.S.; revising  
62 requirements for required disclosures by an adoption  
63 entity; requiring that certain background information on  
64 the child be revealed to prospective adoptive parents;  
65 amending s. 63.087, F.S.; revising procedures to terminate  
66 parental rights pending an adoption; providing the proper  
67 venue in which to file a petition to terminate parental  
68 rights; requiring a person to answer the petition and to  
69 appear at the hearing for termination of parental rights;  
70 providing applicability; providing that failure to appear  
71 at certain hearings constitutes grounds for termination of  
72 parental rights; removing provision relating to procedure  
73 for notifying a petitioner of a final hearing; amending s.  
74 63.088, F.S.; requiring the court to conduct an inquiry  
75 concerning the father of the child who is to be adopted;  
76 revising requirements for notice concerning the  
77 termination of parental rights; requiring persons  
78 contacted by a petitioner or adoption entity to release  
79 certain information; amending s. 63.089, F.S.; revising  
80 provisions relating to service of notice and petition  
81 regarding termination of parental rights and consent to  
82 adoption; revising conditions under which the court may  
83 enter a judgment terminating parental rights; revising  
84 conditions for making a finding of abandonment;

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

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

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

157

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

159

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

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

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

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

170 63.022 Legislative intent.--

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

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

179 63.032 Definitions.--As used in this chapter, the term:

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

192 (2) "Adoption" means the act of creating the legal  
193 relationship between parent and child where it did not exist,  
194 thereby declaring the child to be legally the child of the  
195 adoptive parents and their heir at law and entitled to all the

196 rights and privileges and subject to all the obligations of a  
 197 child born to such adoptive parents in lawful wedlock.

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

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

208 ~~(5)-(4)~~ "Adult" means a person who is not a minor.

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

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

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

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

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



223 country or placing children born in this state with citizens of  
 224 another state or country.

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

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

236 (13)-(11) "Minor" means a person under the age of 18 years.

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

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

249 (16)-(15) "Placement" or "to place" means the process of a  
 250 parent or legal guardian surrendering a child for adoption and

251 the prospective adoptive parents receiving and adopting the  
 252 child, and includes all actions by any person or adoption entity  
 253 participating in the process.

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

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

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

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

278 to the person being adopted ~~within the third degree of~~  
 279 ~~consanguinity.~~

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

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

290 Section 4. Paragraph (i) of subsection (1) of section  
 291 63.039, Florida Statutes, is amended, and paragraph (j) is added  
 292 to that subsection, to read:

293 63.039 Duty of adoption entity to prospective adoptive  
 294 parents; sanctions.--

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

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

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

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

313           63.0423 Procedures with respect to abandoned infants.--

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

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

334 court orders contact between a ~~birth~~ parent and child, the order  
335 must be issued in writing as expeditiously as possible and must  
336 state with specificity the terms ~~any provisions~~ regarding  
337 contact with persons other than those with whom the child  
338 resides.

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

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

353 Section 6. Section 63.0425, Florida Statutes, is amended  
354 to read:

355 63.0425 Grandparent's right to notice ~~adopt~~.--

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

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

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

366 (4) Nothing in this section shall contravene the  
 367 provisions of s. 63.142(4).

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

370 63.052 Guardians designated; proof of commitment.--

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

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

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

384 63.053 Rights and responsibilities of an unmarried  
 385 biological father; legislative findings.--

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

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

396 Section 9. Subsections (1) through (14) of section 63.054,  
 397 Florida Statutes, are renumbered as subsections (2) through  
 398 (15), respectively, and present subsections (1), (6), and (7) of  
 399 that section are amended to read:

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

403 (1) It is the intent of the Legislature that the Florida  
 404 Putative Father Registry, as created by chapter 2003-58, Laws of  
 405 Florida, and as subsequently amended, applies to all adoption  
 406 and termination of parental rights proceedings under this  
 407 chapter that began after May 30, 2003, the date upon which the  
 408 creation of the registry became law, including those proceedings  
 409 in which a judgment of adoption or termination of parental  
 410 rights has been entered.

411 (2)~~(1)~~ In order to preserve the right to notice and  
 412 consent to an adoption under this chapter, an unmarried  
 413 biological father must, as the "registrant," file a notarized  
 414 claim of paternity form with the Florida Putative Father  
 415 Registry maintained by the Office of Vital Statistics of the  
 416 Department of Health and shall include therein confirmation of  
 417 his willingness and intent to support the child for whom

418 paternity is claimed in accordance with state law. The claim of  
419 paternity may be filed at any time prior to the child's birth,  
420 but a claim of paternity may not be filed after the date a  
421 petition is filed for termination of parental rights. In each  
422 proceeding for termination of parental rights, the petitioner  
423 shall submit to the Office of Vital Statistics of the Department  
424 of Health a copy of the petition for termination of parental  
425 rights. The Office of Vital Statistics of the Department of  
426 Health shall not record a claim of paternity after the date that  
427 a petition for termination of parental rights is filed. The  
428 failure of an unmarried biological father to register his  
429 paternity prior to the date a petition for termination of  
430 parental rights is filed also bars him from filing a paternity  
431 claim under chapter 742.

432 (7)(6) It is the obligation of the registrant or, if  
433 designated under subsection (4), his designated agent or  
434 representative to notify and update the Office of Vital  
435 Statistics of any change of address or change in the designation  
436 of an agent or representative. The failure of a registrant, or  
437 designated agent or representative, to report any such change is  
438 at the registrant's own risk and shall not serve as a valid  
439 defense based upon lack of notice, and the adoption entity or  
440 petitioner shall have no further obligation to search for the  
441 registrant unless the person petitioning for termination of  
442 parental rights or adoption has actual ~~or constructive~~ notice of  
443 the registrant's address and whereabouts from another source.

444 (8)(7) In each proceeding for termination of parental  
445 rights or each adoption proceeding in which parental rights are



446 being terminated simultaneously with entry of the final judgment  
 447 of adoption, as in stepparent and relative adoptions filed under  
 448 this chapter, the petitioner must contact the Office of Vital  
 449 Statistics of the Department of Health by submitting an  
 450 application for a search of the Florida Putative Father  
 451 Registry. The petitioner shall provide the same information, if  
 452 known, on the search application form which the registrant is  
 453 required to furnish under subsection (3). Thereafter, the Office  
 454 of Vital Statistics must issue a certificate signed by the State  
 455 Registrar certifying:

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

460 (b) That a diligent search has been made of the registry  
 461 of registrants who may be the unmarried biological father of the  
 462 subject child and that no matching registration has been located  
 463 in the registry.

464  
 465 The ~~This~~ certificate must be filed with the court in the  
 466 proceeding to terminate parental rights or the adoption  
 467 proceeding. If a termination of parental rights and an adoption  
 468 proceeding are being adjudicated separately ~~simultaneously~~, the  
 469 Florida Putative Father Registry need only be searched in the  
 470 termination of parental rights proceeding ~~once~~.

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

474 63.062 Persons required to consent to adoption; affidavit  
475 of nonpaternity; waiver of venue.--

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

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

482 1. The minor was conceived or born while the father was  
483 married to the mother;

484 2. The minor is his child by adoption;

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

488 4. He has filed an affidavit of paternity pursuant to s.  
489 382.013(2)(c) no later than the date that a petition is filed  
490 for termination of parental rights; or

491 5. In the case of an unmarried biological father, he has  
492 acknowledged in writing, signed in the presence of a competent  
493 witness, that he is the father of the minor, has filed such  
494 acknowledgment with the Office of Vital Statistics of the  
495 Department of Health within the required timeframes, and has  
496 complied with the requirements of subsection (2).

497 (2) In accordance with subsection (1), the consent of an  
498 unmarried biological father shall be required ~~necessary~~ only if  
499 the unmarried biological father has complied with the  
500 requirements of this subsection.

501 (a)1. With regard to a child who is placed with adoptive  
502 parents more than 6 months after the child's birth, an unmarried  
503 biological father must have developed a substantial relationship  
504 with the child, taken some measure of responsibility for the  
505 child and the child's future, and demonstrated a full commitment  
506 to the responsibilities of parenthood by providing financial  
507 support to the child in accordance with the unmarried biological  
508 father's ability, if not prevented from doing so by the person  
509 or authorized agency having lawful custody of the child, and  
510 either:

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

515 b. Maintained regular communication with the child or with  
516 the person or agency having the care or custody of the child,  
517 when physically or financially unable to visit the child and ~~or~~  
518 when not prevented from doing so by the birth mother or person  
519 or authorized agency having lawful custody of the child.

520 2. The mere fact that an unmarried biological father  
521 expresses a desire to fulfill his responsibilities towards his  
522 child which is unsupported by acts evidencing this intent does  
523 not preclude a finding by the court that the unmarried  
524 biological father failed to comply with the requirements of this  
525 subsection.

526 3. An unmarried biological father who openly lived with  
527 the child for at least 6 consecutive months within the 1-year  
528 period following the birth of the child and immediately

529 preceding placement of the child with adoptive parents and who  
530 openly held himself out to be the father of the child during  
531 that period shall be deemed to have developed a substantial  
532 relationship with the child and to have otherwise met the  
533 requirements of this paragraph.

534 (b) With regard to a child who is younger than 6 months of  
535 age at the time the child is placed with the adoptive parents,  
536 an unmarried biological father must have demonstrated a full  
537 commitment to his parental responsibility by having performed  
538 all of the following acts before ~~prior to the time~~ the mother  
539 executes her consent for adoption:

540 1. Filed a notarized claim of paternity form with the  
541 Florida Putative Father Registry within the Office of Vital  
542 Statistics of the Department of Health, which form shall be  
543 maintained in the confidential registry established for that  
544 purpose and shall be considered filed when the notice is entered  
545 in the registry of notices from unmarried biological fathers.

546 2. Upon service of a notice of an intended adoption plan  
547 or a petition for termination of parental rights pending  
548 adoption, timely executed and filed an affidavit in that  
549 proceeding stating that he is personally fully able and willing  
550 to take responsibility for the child, setting forth his plans  
551 for care of the child, and agreeing to a court order of child  
552 support and a contribution to the payment of living and medical  
553 expenses incurred for the mother's pregnancy and the child's  
554 birth in accordance with his ability to pay.

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

557 the mother's pregnancy and the child's birth, in accordance with  
558 his financial ability and when not prevented from doing so by  
559 the birth mother or person or authorized agency having lawful  
560 custody of the child.

561 (c) The petitioner shall file with the court a certificate  
562 from the Office of Vital Statistics stating that a diligent  
563 search has been made of the Florida Putative Father Registry of  
564 notices from unmarried biological fathers described in  
565 subparagraph (b)1. and that no filing has been found pertaining  
566 to the father of the child in question or, if a filing is found,  
567 stating the name of the putative father and the time and date of  
568 filing. That certificate shall be filed with the court before  
569 ~~prior to~~ the entry of a final judgment of termination of  
570 parental rights.

571 (d) An unmarried biological father who does not comply  
572 with each of the conditions provided in this subsection is  
573 deemed to have waived and surrendered any rights in relation to  
574 the child, including the right to notice of any judicial  
575 proceeding in connection with the adoption of the child, and his  
576 consent to the adoption of the child is not required.

577 (3) (a) Under ~~Pursuant to~~ chapter 48, an adoption entity  
578 may serve upon any unmarried biological father identified by the  
579 mother or identified by a diligent search of the Florida  
580 Putative Father Registry, or upon an entity whose consent is  
581 required, a notice of intended adoption plan at any time before  
582 the child's birth or before placing ~~prior to the placement of~~  
583 ~~the child in the adoptive home, including prior to the birth of~~  
584 ~~the child~~. The notice of intended adoption plan must

585 specifically state that if the unmarried biological father  
586 desires to contest the adoption plan, he must file with the  
587 court, within 30 days after service, a verified response that  
588 contains a pledge of commitment to the child in substantial  
589 compliance with subparagraph (2)(b)2. The notice of intended  
590 adoption plan shall notify the unmarried biological father that  
591 he must file a claim of paternity form with the Office of Vital  
592 Statistics within 30 days after service upon him and must  
593 provide the adoption entity with a copy of the verified response  
594 filed with the court and the claim of paternity form filed with  
595 the Office of Vital Statistics. If the party served with the  
596 notice of intended adoption plan is an entity, the entity must  
597 file, within 30 days after service, a verified response setting  
598 forth a legal basis for contesting the intended adoption plan,  
599 specifically addressing the best interest of the child. If the  
600 unmarried biological father or entity whose consent is required  
601 fails to properly file a verified response with the court and,  
602 in the case of an unmarried biological father, a claim of  
603 paternity form with the Office of Vital Statistics within 30  
604 days after service upon that unmarried biological father or  
605 entity whose consent is required, the consent of that unmarried  
606 biological father or entity shall no longer be required under  
607 this chapter and that party shall be deemed to have waived any  
608 claim of rights to the child. Each notice of intended adoption  
609 plan served upon an unmarried biological father must include  
610 instructions as to the procedure the unmarried biological father  
611 must follow to submit a claim of paternity form to the Office of

612 Vital Statistics and the address to which the registration must  
 613 be directed.

614 (9) A petition for termination of parental rights shall be  
 615 filed in the appropriate county as determined under s.  
 616 63.087(2). If any ~~the parent or parents~~ whose consent is  
 617 required objects ~~rights are to be terminated object~~ to venue in  
 618 the county where the action was filed, the court may transfer  
 619 venue to a proper venue consistent with this chapter and chapter  
 620 47 ~~the action to the county where the objecting parent or~~  
 621 ~~parents reside~~, unless the objecting parent has previously  
 622 executed a waiver of venue.

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

625 63.063 Responsibility of each party for his or her ~~their~~  
 626 own actions; fraud or misrepresentation; statutory compliance.--

627 (1) Each parent of a child conceived or born outside of  
 628 marriage is responsible for his or her own actions and is not  
 629 excused from strict compliance with the provisions of this  
 630 chapter based upon any action, statement, or omission of the  
 631 other parent or a third party, except as provided in s.  
 632 63.062(2)(a).

633 Section 12. Paragraph (d) of subsection (1), paragraphs  
 634 (b), (c), and (e) of subsection (4), and subsections (5), (6),  
 635 and (7) of section 63.082, Florida Statutes, are amended to  
 636 read:

637 63.082 Execution of consent to adoption or affidavit of  
 638 nonpaternity; family social and medical history; withdrawal of  
 639 consent.--

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(1)

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

(4)

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

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



668 ~~consent once the child has been placed with the prospective~~  
 669 ~~adoptive parents.~~

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

673  
 674 CONSENT TO ADOPTION

675  
 676 YOU HAVE THE RIGHT TO SELECT AT LEAST ONE PERSON WHO DOES NOT  
 677 HAVE AN EMPLOYMENT, PROFESSIONAL, OR PERSONAL RELATIONSHIP WITH  
 678 THE ADOPTION ENTITY OR THE PROSPECTIVE ADOPTIVE PARENTS TO BE  
 679 PRESENT WHEN THIS AFFIDAVIT IS EXECUTED AND TO SIGN IT AS A  
 680 WITNESS. YOU MUST ACKNOWLEDGE ON THIS FORM THAT YOU WERE  
 681 NOTIFIED OF THIS RIGHT AND YOU MUST INDICATE THE WITNESS OR  
 682 WITNESSES YOU SELECTED, IF ANY.

683  
 684 YOU DO NOT HAVE TO SIGN THIS CONSENT FORM. YOU MAY DO ANY OF THE  
 685 FOLLOWING INSTEAD OF SIGNING THIS CONSENT OR BEFORE SIGNING THIS  
 686 CONSENT:

- 687 1. CONSULT WITH AN ATTORNEY;  
 688 2. HOLD, CARE FOR, AND FEED THE CHILD UNLESS OTHERWISE  
 689 LEGALLY PROHIBITED;  
 690 3. PLACE THE CHILD IN FOSTER CARE OR WITH ANY FRIEND OR  
 691 FAMILY MEMBER YOU CHOOSE WHO IS WILLING TO CARE FOR THE CHILD;  
 692 4. TAKE THE CHILD HOME UNLESS OTHERWISE LEGALLY  
 693 PROHIBITED; AND  
 694 5. FIND OUT ABOUT THE COMMUNITY RESOURCES THAT ARE  
 695 AVAILABLE TO YOU IF YOU DO NOT GO THROUGH WITH THE ADOPTION.

696  
 697 IF YOU DO SIGN THIS CONSENT, YOU ARE GIVING UP ALL RIGHTS TO  
 698 YOUR CHILD. YOUR CONSENT IS VALID, BINDING, AND IRREVOCABLE  
 699 EXCEPT UNDER SPECIFIC LEGAL CIRCUMSTANCES. IF YOU ARE GIVING UP  
 700 YOUR RIGHTS TO A NEWBORN CHILD WHO IS TO BE IMMEDIATELY PLACED  
 701 FOR ADOPTION UPON THE CHILD'S RELEASE FROM A LICENSED HOSPITAL  
 702 OR BIRTH CENTER FOLLOWING BIRTH, A WAITING PERIOD WILL BE  
 703 IMPOSED UPON THE BIRTH MOTHER BEFORE SHE MAY SIGN THE CONSENT  
 704 FOR ADOPTION. A BIRTH MOTHER MUST WAIT 48 HOURS FROM THE TIME OF  
 705 BIRTH, OR UNTIL THE DAY THE BIRTH MOTHER HAS BEEN NOTIFIED IN  
 706 WRITING, EITHER ON HER PATIENT CHART OR IN RELEASE PAPERS, THAT  
 707 SHE IS FIT TO BE RELEASED FROM A LICENSED HOSPITAL OR BIRTH  
 708 CENTER, WHICHEVER IS SOONER, BEFORE THE CONSENT FOR ADOPTION MAY  
 709 BE EXECUTED. ANY MAN ~~A BIOLOGICAL FATHER~~ MAY EXECUTE A CONSENT  
 710 AT ANY TIME AFTER THE BIRTH OF THE CHILD. ONCE YOU HAVE SIGNED  
 711 THE CONSENT, IT IS VALID, BINDING, AND IRREVOCABLE AND CANNOT BE  
 712 WITHDRAWN UNLESS A COURT FINDS THAT IT WAS OBTAINED BY FRAUD OR  
 713 DURESS.

714  
 715 IF YOU BELIEVE THAT YOUR CONSENT WAS OBTAINED BY FRAUD OR DURESS  
 716 AND YOU WISH TO REVOKE THAT CONSENT, YOU MUST:

- 717 1. NOTIFY THE ADOPTION ENTITY, BY WRITING A LETTER, THAT
- 718 YOU WISH TO WITHDRAW YOUR CONSENT; AND
- 719 2. PROVE IN COURT THAT THE CONSENT WAS OBTAINED BY FRAUD
- 720 OR DURESS.

721  
 722 This statement of rights is not required for the adoption of a  
 723 relative, an adult, a stepchild, or a child older than 6 months

724 of age. A consent form for the adoption of a child older than 6  
725 months of age at the time of execution of consent must contain a  
726 statement outlining the revocation rights provided in paragraph  
727 (c).

728 (5) A copy or duplicate original of each consent signed  
729 under this chapter in an action for termination of parental  
730 ~~rights pending adoption~~ must be provided to the person who  
731 executed the consent to adoption. The copy must be hand  
732 delivered, with a written acknowledgment of receipt signed by  
733 the person whose consent is required at the time of execution.  
734 If a copy of a consent cannot be provided as required in this  
735 subsection, the adoption entity must execute an affidavit  
736 stating why the copy of the consent was not delivered. The  
737 original consent and acknowledgment of receipt, or an affidavit  
738 stating why the copy of the consent was not delivered, must be  
739 filed with the petition for termination of parental rights  
740 pending adoption.

741 (6) (a) If a ~~birth~~ parent executes a consent for placement  
742 of a minor with an adoption entity or qualified prospective  
743 adoptive parents and the minor child is in the custody of the  
744 department, but parental rights have not yet been terminated,  
745 the adoption consent shall be valid, binding, and enforceable by  
746 the court.

747 (b) Upon execution of the consent of the ~~birth~~ parent, the  
748 adoption entity shall be permitted to intervene in the  
749 dependency case as a party in interest and shall provide the  
750 court having jurisdiction over the minor pursuant to the shelter  
751 or dependency petition filed by the department with a copy of

752 the preliminary home study of the prospective adoptive parents  
753 and any other evidence of the suitability of the placement. The  
754 preliminary home study shall be maintained with strictest  
755 confidentiality within the dependency court file and the  
756 department's file. A preliminary home study must be provided to  
757 the court in all cases in which an adoption entity has  
758 intervened pursuant to this section.

759 (c) Upon a determination by the court that the prospective  
760 adoptive parents are properly qualified to adopt the minor child  
761 and that the adoption appears to be in the best interest of the  
762 minor child, the court shall immediately order the transfer of  
763 custody of the minor child to the prospective adoptive parents,  
764 under the supervision of the adoption entity. The adoption  
765 entity shall thereafter provide monthly supervision reports to  
766 the court, if required, ~~department~~ until finalization of the  
767 adoption.

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

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

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

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

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

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

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

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

834 placement, and the mother is not otherwise prohibited by law  
835 from having custody of the child.

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

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

844 Section 13. Section 63.085, Florida Statutes, is amended  
845 to read:

846 63.085 Disclosure by adoption entity.--

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

862 seeking to place a minor for adoption when that person has  
 863 sought information or advice from the adoption entity regarding  
 864 the option of adoptive placement. The written disclosure  
 865 statement must be in substantially the following form:

866  
 867 ADOPTION DISCLOSURE

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

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

875 Name:

876 Address:

877 Telephone Number:

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

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



889 4. A valid consent for adoption may not be signed by the  
890 birth mother until 48 hours after the birth of the child, or the  
891 day the birth mother is notified, in writing, that she is fit  
892 for discharge from the licensed hospital or birth center. Any  
893 man ~~A putative father~~ may sign a valid consent for adoption at  
894 any time after the birth of the child.

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

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

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

914 ~~8.7.~~ There are alternatives to adoption, including foster  
915 care, relative care, and parenting the child. There may be

916 services and sources of financial assistance in the community  
 917 available to ~~birth~~ parents if they choose to parent the child.

918 ~~9.8-~~ A ~~birth~~ parent has the right to have a witness of his  
 919 or her choice, who is unconnected with the adoption entity or  
 920 the adoptive parents, to be present and witness the signing of  
 921 the consent or affidavit of nonpaternity.

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

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

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

933 (2) DISCLOSURE TO ADOPTIVE PARENTS.--

934 (a) At the time that an adoption entity identifies  
 935 prospective adoptive parents for a born or an unborn child whose  
 936 parents are seeking to place the child for adoption or whose  
 937 rights were terminated pursuant to chapter 39, the adoption  
 938 entity shall provide the prospective adoptive parents with  
 939 information on the background of the child to the extent that  
 940 such information is available. The adoption entity has the right  
 941 and duty to request from the biological mother, the legal  
 942 custodian, or the department all information necessary to  
 943 provide disclosure under this section. If any information is

944 unavailable because the birth mother or legal custodian refuses  
945 to disclose such information, the adoption entity has an  
946 affirmative duty to provide the information within 14 days after  
947 the information becomes available. In all cases, the prospective  
948 adoptive parents shall receive all available information by the  
949 date that the final hearing on the adoption is noticed with the  
950 court. The information that is required to be disclosed  
951 includes:

952 1. A family social and medical history form completed  
953 pursuant to s. 63.082.

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

956 3. A complete set of the child's medical records  
957 documenting all medical treatment and care since the child's  
958 birth.

959 4. All mental health, psychological, and psychiatric  
960 records, reports, and evaluations concerning the child.

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

963 6. Records documenting all incidents that required the  
964 department to provide services to the child, including, but not  
965 limited to, all orders of adjudication of dependency or  
966 termination of parental rights issued pursuant to chapter 39,  
967 any case plans drafted to address the child's needs, all  
968 protective services investigations identifying the child as a  
969 victim, and all guardian ad litem reports filed with the court  
970 concerning the child.

971 7. Written information concerning the availability of

972 adoption subsidies for the child.

973 (b) When providing disclosure pursuant to this subsection,  
974 the adoption entity shall redact any confidential identifying  
975 information concerning the child's parents, siblings, and  
976 relatives and perpetrators of crimes against the child or  
977 involving the child.

978 (3)-(2) ACKNOWLEDGMENT OF DISCLOSURE.--The adoption entity  
979 must obtain a written statement acknowledging receipt of the  
980 disclosures ~~disclosure~~ required under subsections ~~subsection~~ (1)  
981 and (2) and signed by the persons receiving the disclosure or,  
982 if it is not possible to obtain such an acknowledgment, the  
983 adoption entity must execute an affidavit stating why an  
984 acknowledgment could not be obtained. If the disclosure was  
985 delivered by certified ~~United States~~ mail, return receipt  
986 requested, a return receipt signed by the person from whom  
987 acknowledgment is required is sufficient to meet the  
988 requirements of this subsection. A copy of the acknowledgment of  
989 receipt of the disclosure must be provided to the person signing  
990 it. A copy of the acknowledgment or affidavit executed by the  
991 adoption entity in lieu of the acknowledgment must be maintained  
992 in the file of the adoption entity. The original acknowledgment  
993 or affidavit must be filed with the court.

994 (4)-(3) REVOCATION OF CONSENT.--Failure to meet the  
995 requirements of this section ~~subsection (1) or subsection (2)~~  
996 does not constitute grounds for revocation of a consent to  
997 adoption or withdrawal of an affidavit of nonpaternity unless  
998 the extent and circumstances of such a failure result in a  
999 material failure of fundamental fairness in the administration

1000 of due process, or the failure constitutes or contributes  
 1001 materially to fraud or duress in obtaining a consent to adoption  
 1002 or affidavit of nonpaternity.

1003 Section 14. Section 63.087, Florida Statutes, is amended  
 1004 to read:

1005 63.087 Proceeding to terminate parental rights pending  
 1006 adoption; general provisions.--

1007 (1) JURISDICTION.--A court of this state that ~~which~~ is  
 1008 competent to decide child welfare or custody matters has  
 1009 jurisdiction to hear all matters arising from a proceeding to  
 1010 terminate parental rights pending adoption.

1011 (2) VENUE.--

1012 (a) A petition to terminate parental rights pending  
 1013 adoption must be filed:

1014 1. In the county where the child resides; or

1015 2. ~~If the child does not reside in the State of Florida,~~  
 1016 In the county where the adoption entity is located;

1017 3. ~~In the county where the adoption entity is located; or~~

1018 4. ~~If neither parent resides in the state, in the county~~  
 1019 ~~where the adoption entity is located. The fact of the minor's~~  
 1020 ~~presence within the state confers jurisdiction on the court in~~  
 1021 ~~proceedings in the minor's case under this chapter, or to a~~  
 1022 ~~parent or guardian if due notice has been given.~~

1023 (b) If a petition for termination of parental rights has  
 1024 been filed and a parent whose consent is required ~~rights are to~~  
 1025 ~~be terminated~~ objects to venue, there must be a hearing in which  
 1026 the court shall determine whether that parent intends to assert  
 1027 legally recognized grounds to contest a termination of parental

1028 rights and, if so, the court may ~~shall immediately~~ transfer  
1029 venue to a proper venue under this subsection ~~the county where~~  
1030 ~~that parent resides or resided at the time of the execution of~~  
1031 ~~the consent~~. For purposes of selecting venue, the court shall  
1032 consider the ease of access to the court for the parent and the  
1033 factors set forth in s. 47.122 ~~who intends to contest a~~  
1034 ~~termination of parental rights~~.

1035 (c) If there is a transfer of venue, the court may  
1036 determine which party shall bear the cost of venue transfer.

1037  
1038 For purposes of the hearing under this subsection, witnesses  
1039 located in another jurisdiction may testify by deposition or  
1040 testify by telephone, audiovisual means, or other electronic  
1041 means before a designated court or at another location.  
1042 Documentary evidence transmitted from another location by  
1043 technological means that do not produce an original writing may  
1044 not be excluded from evidence on an objection based on the means  
1045 of transmission. The court on its own motion may otherwise  
1046 prescribe the manner in which and the terms upon which the  
1047 testimony is taken.

1048 (3) PREREQUISITE FOR ADOPTION.--A petition for adoption  
1049 may not be filed until after the date the court enters the  
1050 judgment terminating parental rights pending adoption ~~under this~~  
1051 ~~chapter or under chapter 39~~. Adoptions of relatives, adult  
1052 adoptions, or adoptions of stepchildren shall not be required to  
1053 file a separate termination of parental rights proceeding  
1054 pending adoption. In such cases, the petitioner may file a joint  
1055 petition for termination of parental rights and adoption,

1056 attaching all required consents, affidavits, notices, and  
1057 acknowledgments ~~shall be attached~~ to the petition ~~for adoption~~  
1058 ~~or filed separately in the adoption proceeding~~. Unless otherwise  
1059 provided by law, this chapter applies to joint petitions.

1060 (4) PETITION.--

1061 (a) A proceeding seeking to terminate parental rights  
1062 pending adoption under ~~pursuant to~~ this chapter must be  
1063 initiated by the filing of an original petition after the birth  
1064 of the minor.

1065 (b) The petition may be filed by a parent or person having  
1066 physical or legal custody of the minor. The petition may be  
1067 filed by an adoption entity only if a parent or person having  
1068 physical or legal custody who has executed a consent to adoption  
1069 pursuant to s. 63.082 also consents in writing to the adoption  
1070 entity filing the petition. The original of the ~~such~~ consent  
1071 must be filed with the petition.

1072 (c) The petition must be entitled: "In the Matter of the  
1073 Termination of Parental Rights for the Proposed Adoption of a  
1074 Minor Child."

1075 (d) The petition to terminate parental rights pending  
1076 adoption must be in writing and signed by the petitioner under  
1077 oath stating the petitioner's good faith in filing the petition.  
1078 A written consent to adoption, affidavit of nonpaternity, or  
1079 affidavit of diligent search under s. 63.088, for each person  
1080 whose consent to adoption is required under s. 63.062, must be  
1081 executed and attached.

1082 (e) The petition must include:

1083 1. The minor's name, gender, date of birth, and place of  
 1084 birth. The petition must contain all names by which the minor is  
 1085 or has been known, excluding the minor's prospective adoptive  
 1086 name but including the minor's legal name at the time of the  
 1087 filing of the petition. In the case of an infant child whose  
 1088 adoptive name appears on the original birth certificate, the  
 1089 adoptive name shall not be included in the petition, nor shall  
 1090 it be included elsewhere in the termination of parental rights  
 1091 proceeding, except in the case of a petition for adoption filed  
 1092 pursuant to s. 63.102(6).

1093 2. All information required by the Uniform Child Custody  
 1094 Jurisdiction and Enforcement Act and the Indian Child Welfare  
 1095 Act, except the names and addresses of the adoptive parents,  
 1096 which shall be kept confidential as required by s. 63.162.

1097 3. A statement of the grounds under s. 63.089 upon which  
 1098 the petition is based.

1099 4. The name, address, and telephone number of any adoption  
 1100 entity seeking to place the minor for adoption.

1101 5. The name, address, and telephone number of the division  
 1102 of the circuit court in which the petition is to be filed.

1103 6. A certification of compliance with the requirements of  
 1104 s. 63.0425 regarding notice to grandparents of an impending  
 1105 adoption.

1106 (5) SUMMONS TO BE ISSUED.--The petitioner shall cause a  
 1107 summons to be issued substantially in the form provided in Form  
 1108 1.902, Florida Rules of Civil Procedure. The Petition and  
 1109 summons and a copy of the petition to terminate parental rights  
 1110 shall be served upon any person who executed a ~~whose~~ consent to



1111 adoption and ~~has been provided but~~ who has not waived service of  
 1112 the pleadings and notice of the hearing thereon and also upon  
 1113 any person whose consent to adoption is required under s. 63.062  
 1114 but who has not provided that consent or an affidavit of  
 1115 nonpaternity.

1116 (6) ANSWER AND APPEARANCE REQUIRED.--An answer to the  
 1117 petition or any pleading requiring an answer shall be filed in  
 1118 accordance with the Florida Family Law Rules of ~~Civil~~ Procedure.  
 1119 Failure to file a written response ~~or to appear at the hearing~~  
 1120 ~~on~~ the petition constitutes grounds upon which the court may  
 1121 terminate parental rights. Failure to appear at the hearing  
 1122 constitutes grounds upon which the court may terminate parental  
 1123 rights. ~~The petitioner shall provide notice of the final hearing~~  
 1124 ~~by United States mail to any person who has been served with the~~  
 1125 ~~summons and petition for termination of parental rights within~~  
 1126 ~~the specified time periods. Notwithstanding the filing of any~~  
 1127 ~~answer or any pleading,~~ Any person present at the hearing to  
 1128 terminate parental rights pending adoption whose consent to  
 1129 adoption is required under s. 63.062 must:

1130 (a) Be advised by the court that he or she has a right to  
 1131 ask that the hearing be reset for a later date so that the  
 1132 person may consult with an attorney; and

1133 (b) Be given an opportunity to admit or deny the  
 1134 allegations in the petition.

1135 Section 15. Section 63.088, Florida Statutes, is amended  
 1136 to read:

1137 63.088 Proceeding to terminate parental rights pending  
 1138 adoption; notice and service; diligent search.--

1139 (1) NOTICE REQUIRED.--An unmarried biological father, by  
 1140 virtue of the fact that he has engaged in a sexual relationship  
 1141 with a woman, is deemed to be on notice that a pregnancy and an  
 1142 adoption proceeding regarding that child may occur and that he  
 1143 has a duty to protect his own rights and interest. He is,  
 1144 therefore, entitled to notice of a birth or adoption proceeding  
 1145 with regard to that child only as provided in this chapter.

1146 (2) INITIATION OF ~~INITIATE~~ LOCATION PROCEDURES.--When the  
 1147 location of a person whose consent to an adoption is required  
 1148 ~~but is~~ unknown ~~not known~~, the adoption entity must begin the  
 1149 inquiry and diligent search process required by this section  
 1150 within a reasonable time period after the date on which the  
 1151 person seeking to place a minor for adoption has evidenced in  
 1152 writing to the adoption entity a desire to place the minor for  
 1153 adoption with that entity, or not later than 30 days after the  
 1154 date any money is provided as permitted under this chapter by  
 1155 the adoption entity for the benefit of the person seeking to  
 1156 place a minor for adoption.

1157 (3) LOCATION AND IDENTITY KNOWN.--Before the court may  
 1158 determine that a minor is available for adoption, and in  
 1159 addition to the other requirements set forth in this chapter,  
 1160 each person whose consent is required under s. 63.062, who has  
 1161 not executed a consent for adoption or an affidavit of  
 1162 nonpaternity, and whose location and identity have been  
 1163 determined by compliance with the procedures in this section  
 1164 must be personally served, pursuant to chapter 48, at least 20  
 1165 days before the hearing with a copy of the petition to terminate

1166 parental rights pending adoption and with notice in  
 1167 substantially the following form:

1168  
 1169 NOTICE OF PETITION AND HEARING  
 1170 TO TERMINATE PARENTAL RIGHTS  
 1171 PENDING ADOPTION  
 1172

1173 A petition to terminate parental rights pending adoption  
 1174 has been filed. A copy of the petition is being served with  
 1175 this notice. There will be a hearing on the petition to  
 1176 terminate parental rights pending adoption on (date) at  
 1177 (time) before (judge) at (location, including  
 1178 complete name and street address of the courthouse) . The  
 1179 court has set aside (amount of time) for this hearing.  
 1180

1181  
 1182 UNDER SECTION 63.089, FLORIDA STATUTES, FAILURE TO TIMELY  
 1183 FILE A WRITTEN RESPONSE TO THE PETITION AND THIS NOTICE  
 1184 WITH THE COURT AND ~~OR~~ TO APPEAR AT THIS HEARING CONSTITUTES  
 1185 GROUNDS UPON WHICH THE COURT SHALL END ANY PARENTAL RIGHTS  
 1186 YOU MAY HAVE OR ASSERT REGARDING THE MINOR CHILD.  
 1187

1188 (4) REQUIRED INQUIRY.--In proceedings initiated under s.  
 1189 63.087, the court must conduct an inquiry of the person who is  
 1190 placing the minor for adoption and of any relative or person  
 1191 having legal custody of the minor who is present at the hearing  
 1192 and likely to have the following information regarding the  
 1193 identity of:

1194 (a) Any person to whom the mother of the minor was married  
 1195 at any time when conception of the minor may have occurred or at  
 1196 the time of the birth of the minor;

1197 ~~(b) Any person who has been declared by a court to be the~~  
 1198 ~~father of the minor;~~

1199 (b)(e) Any man who has adopted the minor;

1200 (c)(d) Any man who has been established by a court  
 1201 judgment as the father of the minor child before the date that a  
 1202 petition is filed for termination of parental rights with whom  
 1203 the mother was cohabiting at any time when conception of the  
 1204 minor may have occurred; and

1205 (d)(e) Any man who has filed an affidavit of paternity  
 1206 pursuant to s. 382.013(2)(c) before the date that a petition is  
 1207 filed for termination of parental rights ~~person who has~~  
 1208 ~~acknowledged or claimed paternity of the minor.~~

1209  
 1210 The information required under this subsection may be provided  
 1211 to the court in the form of a sworn affidavit by a person having  
 1212 personal knowledge of the facts, addressing each inquiry  
 1213 enumerated in this subsection, except that, if the inquiry  
 1214 identifies a father under paragraph (a), paragraph (b), or  
 1215 paragraph (c), the inquiry shall not continue further. The  
 1216 inquiry required under this subsection may be conducted before  
 1217 the birth of the minor.

1218 (5) LOCATION UNKNOWN; IDENTITY KNOWN.--If the inquiry by  
 1219 the court under subsection (4) identifies any person whose  
 1220 consent to adoption is required under s. 63.062 and who has not  
 1221 executed a consent to adoption or an affidavit of nonpaternity,

1222 and the location of the person from whom consent is required is  
1223 unknown, the adoption entity must conduct a diligent search for  
1224 that person which must include inquiries concerning:

1225 (a) The person's current address, or any previous address,  
1226 through an inquiry of the United States Postal Service through  
1227 the Freedom of Information Act;

1228 (b) The last known employment of the person, including the  
1229 name and address of the person's employer;

1230 (c) Regulatory agencies, including those regulating  
1231 licensing in the area where the person last resided;

1232 (d) Names and addresses of relatives to the extent such  
1233 can be reasonably obtained from the petitioner or other sources,  
1234 contacts with those relatives, and inquiry as to the person's  
1235 last known address. The petitioner shall pursue any leads of any  
1236 addresses to which the person may have moved;

1237 (e) Information as to whether or not the person may have  
1238 died and, if so, the date and location;

1239 (f) Telephone listings in the area where the person last  
1240 resided;

1241 (g) Inquiries of law enforcement agencies in the area  
1242 where the person last resided;

1243 (h) Highway patrol records in the state where the person  
1244 last resided;

1245 (i) Department of Corrections records in the state where  
1246 the person last resided;

1247 (j) Hospitals in the area where the person last resided;

1248 (k) Records of utility companies, including water, sewer,  
 1249 cable television, and electric companies, in the area where the  
 1250 person last resided;

1251 (l) Records of the Armed Forces of the United States as to  
 1252 whether there is any information as to the person;

1253 (m) Records of the tax assessor and tax collector in the  
 1254 area where the person last resided; and

1255 (n) Search of one Internet databank locator service.

1256

1257 A person contacted by a petitioner or adoption entity when  
 1258 requesting information under this subsection must release the  
 1259 requested information to the petitioner or adoption entity,  
 1260 except when prohibited by law, without the necessity of a  
 1261 subpoena or a court order. An affidavit of diligent search  
 1262 ~~executed by the petitioner and the adoption entity~~ must be filed  
 1263 with the court ~~confirming completion of each aspect of the~~  
 1264 ~~diligent search enumerated in this subsection and specifying the~~  
 1265 ~~results.~~ The diligent search required under this subsection may  
 1266 be conducted before the birth of the minor.

1267 (6) CONSTRUCTIVE SERVICE.--This subsection only applies  
 1268 if, as to any person whose consent is required under s. 63.062  
 1269 and who has not executed a consent to adoption or an affidavit  
 1270 of nonpaternity, the location of the person is unknown and the  
 1271 inquiry under subsection (4) fails to locate the person. The  
 1272 unlocated person must be served notice under subsection (3) by  
 1273 constructive service in the manner provided in chapter 49. The  
 1274 notice shall be published in the county where the person was  
 1275 last known to have resided. The notice, in addition to all

1276 information required under chapter 49, must include a physical  
 1277 description, including, but not limited to, age, race, hair and  
 1278 eye color, and approximate height and weight of the person, the  
 1279 minor's date of birth, and the place of birth of the minor.  
 1280 Constructive service by publication shall not be required to  
 1281 provide notice to an identified birth father whose consent is  
 1282 not required under ~~pursuant to~~ ss. 63.062 and 63.064.

1283 Section 16. Section 63.089, Florida Statutes, is amended  
 1284 to read:

1285 63.089 Proceeding to terminate parental rights pending  
 1286 adoption; hearing; grounds; dismissal of petition; judgment.--

1287 (1) HEARING.--The court may terminate parental rights  
 1288 pending adoption only after a hearing.

1289 (2) HEARING PREREQUISITES.--The court may hold the hearing  
 1290 only when:

1291 (a) For each person whose consent to adoption is required  
 1292 under s. 63.062:

1293 1. A consent under s. 63.082 has been executed and filed  
 1294 with the court;

1295 2. An affidavit of nonpaternity under s. 63.082 has been  
 1296 executed and filed with the court;

1297 3. Notice has been provided under ss. 63.087 and 63.088;  
 1298 or

1299 4. The certificate from the Office of Vital Statistics has  
 1300 been provided to the court stating that a diligent search has  
 1301 been made of the Florida Putative Father Registry created in s.  
 1302 63.054 and that no filing has been found pertaining to the  
 1303 father of the child in question or, if a filing is found,

1304 stating the name of the putative father and the time and date of  
 1305 the filing.

1306 (b) For each notice and petition that must be served under  
 1307 ss. 63.087 and 63.088:

1308 1. At least 20 days have elapsed since the date of  
 1309 individual personal service and an affidavit of service has been  
 1310 filed with the court;

1311 2. At least 30 days have elapsed since the first date of  
 1312 publication of constructive service and an affidavit of service  
 1313 has been filed with the court; or

1314 3. An affidavit of nonpaternity, consent for adoption, or  
 1315 other document that ~~which~~ affirmatively waives service has been  
 1316 executed and filed with the court;

1317 (c) The minor named in the petition has been born; and

1318 (d) The petition contains all information required under  
 1319 s. 63.087 and all affidavits of inquiry, diligent search, and  
 1320 service required under s. 63.088 have been obtained and filed  
 1321 with the court.

1322 (3) GROUNDS FOR TERMINATING PARENTAL RIGHTS PENDING  
 1323 ADOPTION.--The court may enter a judgment terminating parental  
 1324 rights pending adoption or a judgment declaring that a person  
 1325 has no parental rights if the court determines by clear and  
 1326 convincing evidence, supported by written findings of fact, that  
 1327 the ~~each~~ person whose consent to adoption is required ~~under s.~~  
 1328 ~~63.062~~:

1329 (a) Has executed a valid consent under s. 63.082 and the  
 1330 consent was obtained according to the requirements of this  
 1331 chapter;



1332 (b) Has executed an affidavit of nonpaternity and the  
1333 affidavit was obtained according to the requirements of this  
1334 chapter;

1335 (c) Has been served with a notice of the intended adoption  
1336 plan in accordance with the provisions of s. 63.062(3) and has  
1337 failed to respond within the designated time period;

1338 (d) Failed to timely perfect his or her right to consent  
1339 pursuant to s. 63.062 because the person failed to register as  
1340 required by s. 63.054 and comply with s. 63.062(2)(b);

1341 (e) Failed to timely perfect his or her right to consent  
1342 pursuant to s. 63.062 because, in the case of a child who is  
1343 placed with the adoptive parents more than 6 months after the  
1344 child's birth, the person failed to register as required by s.  
1345 63.054 and comply with s. 63.062(2)(a);

1346 (f)~~(d)~~ Has been properly served notice of the proceeding  
1347 in accordance with the requirements of this chapter and has  
1348 failed to file a written answer or appear at the evidentiary  
1349 hearing resulting in the judgment terminating parental rights  
1350 pending adoption;

1351 (g)~~(e)~~ Has been properly served notice of the proceeding  
1352 in accordance with the requirements of this chapter and has been  
1353 determined under subsection (4) to have abandoned the minor as  
1354 defined in s. 63.032;

1355 (h)~~(f)~~ Is a parent of the person to be adopted, which  
1356 parent has been judicially declared incapacitated with  
1357 restoration of competency found to be medically improbable;

1358 (i)~~(g)~~ Is a person who has legal custody of the person to  
1359 be adopted, other than a parent, who has failed to respond in

1360 writing to a request for consent for a period of 60 days or,  
 1361 after examination of his or her written reasons for withholding  
 1362 consent, is found by the court to be withholding his or her  
 1363 consent unreasonably;

1364 (j)~~(h)~~ Has been properly served notice of the proceeding  
 1365 in accordance with the requirements of this chapter, but has  
 1366 been found by the court, after examining written reasons for the  
 1367 withholding of consent, to be unreasonably withholding his or  
 1368 her consent; or

1369 (k)~~(i)~~ Is the spouse of the person to be adopted who has  
 1370 failed to consent, and the failure of the spouse to consent to  
 1371 the adoption is excused by reason of prolonged and unexplained  
 1372 absence, unavailability, incapacity, or circumstances that are  
 1373 found by the court to constitute unreasonable withholding of  
 1374 consent.

1375  
 1376 A person whose consent is not required may voluntarily waive any  
 1377 and all parental rights that he or she may have to the child by  
 1378 executing a consent for adoption or an affidavit of  
 1379 nonpaternity.

1380 (4) FINDING OF ABANDONMENT.--A finding of abandonment  
 1381 resulting in a termination of parental rights must be based upon  
 1382 clear and convincing evidence that a parent or person having  
 1383 legal custody has abandoned the child in accordance with the  
 1384 definition contained in s. 63.032(1). A finding of abandonment  
 1385 may be based upon emotional abuse or a refusal to provide  
 1386 reasonable financial support, when able, to a birth mother  
 1387 during her pregnancy. If, in the opinion of the court, the

1388 efforts of a parent or person having legal custody of the child  
 1389 to support and communicate with the child are only marginal  
 1390 efforts that do not evince a settled purpose to assume all  
 1391 parental duties, the court may declare the child to be  
 1392 abandoned. In making this decision, the court may consider the  
 1393 conduct of a father toward the child's mother during her  
 1394 pregnancy.

1395 (a) In making a determination of abandonment at a hearing  
 1396 for termination of parental rights under ~~pursuant to~~ this  
 1397 chapter, the court must consider, among other relevant factors  
 1398 not inconsistent with this section:

1399 1. Whether the actions alleged to constitute abandonment  
 1400 demonstrate a willful disregard for the safety or welfare of the  
 1401 child or the unborn child;

1402 2. Whether the person alleged to have abandoned the child,  
 1403 while being able, failed to provide financial support;

1404 3. Whether the person alleged to have abandoned the child,  
 1405 while being able, failed to pay for medical treatment; and

1406 4. Whether the amount of support provided or medical  
 1407 expenses paid was appropriate, taking into consideration the  
 1408 needs of the child and relative means and resources available to  
 1409 the person alleged to have abandoned the child.

1410 (b) The child has been abandoned when the parent of a  
 1411 child is incarcerated on or after October 1, 2001, in a state or  
 1412 federal correctional institution and:

1413 1. The period of time for which the parent has been or is  
 1414 expected to be incarcerated constitutes ~~will constitute~~ a  
 1415 significant ~~substantial~~ portion of the child's minority. This

1416 period of time begins on the date that the parent enters into  
 1417 incarceration at any federal, state, or county correctional  
 1418 institution or facility ~~period of time before the child will~~  
 1419 ~~attain the age of 18 years;~~

1420         2. The incarcerated parent has been determined by the  
 1421 court to be a violent career criminal as defined in s. 775.084,  
 1422 a habitual violent felony offender as defined in s. 775.084,  
 1423 convicted of child abuse as defined in s. 827.03, or a sexual  
 1424 predator as defined in s. 775.21; has been convicted of first  
 1425 degree or second degree murder in violation of s. 782.04 or a  
 1426 sexual battery that constitutes a capital, life, or first degree  
 1427 felony violation of s. 794.011; or has been convicted of an  
 1428 offense in another jurisdiction which is substantially similar  
 1429 to one of the offenses listed in this subparagraph. As used in  
 1430 this section, the term "substantially similar offense" means any  
 1431 offense that is substantially similar in elements and penalties  
 1432 to one of those listed in this subparagraph, and that is in  
 1433 violation of a law of any other jurisdiction, whether that of  
 1434 another state, the District of Columbia, the United States or  
 1435 any possession or territory thereof, or any foreign  
 1436 jurisdiction; or

1437         3. The court determines by clear and convincing evidence  
 1438 that continuing the parental relationship with the incarcerated  
 1439 parent would be harmful to the child and, for this reason, that  
 1440 termination of the parental rights of the incarcerated parent is  
 1441 in the best interest of the child.

1442         (5) DISMISSAL OF PETITION.--If the court does not find by  
 1443 clear and convincing evidence that parental rights of a parent

1444 should be terminated pending adoption, the court must dismiss  
 1445 the petition and that parent's parental rights that were the  
 1446 subject of such petition shall remain in full force under the  
 1447 law. The order must include written findings in support of the  
 1448 dismissal, including findings as to the criteria in subsection  
 1449 (4) if rejecting a claim of abandonment. Parental rights may not  
 1450 be terminated based upon a consent that the court finds has been  
 1451 timely withdrawn under s. 63.082 or a consent to adoption or  
 1452 affidavit of nonpaternity that the court finds was obtained by  
 1453 fraud or duress. The court must enter an order based upon  
 1454 written findings providing for the placement of the minor. The  
 1455 court may order scientific testing to determine the paternity of  
 1456 the minor at any time during which the court has jurisdiction  
 1457 over the minor. Further proceedings, if any, regarding the minor  
 1458 must be brought in a separate custody action under chapter 61, a  
 1459 dependency action under chapter 39, or a paternity action under  
 1460 chapter 742.

1461 (6) JUDGMENT TERMINATING PARENTAL RIGHTS PENDING  
 1462 ADOPTION.--

1463 (a) The judgment terminating parental rights pending  
 1464 adoption must be in writing and contain findings of fact as to  
 1465 the grounds for terminating parental rights pending adoption.

1466 (b) Within 7 days after filing, the court shall mail a  
 1467 copy of the judgment to the department. The clerk shall execute  
 1468 a certificate of the ~~such~~ mailing.

1469 (c) The judgment terminating parental rights pending  
 1470 adoption legally frees the child for subsequent adoption,  
 1471 adjudicates the child's status, and may not be challenged by a

1472 person claiming parental status who did not establish parental  
 1473 rights prior to the filing of the petition for termination,  
 1474 except as specifically provided in this chapter.

1475 (7) RELIEF FROM JUDGMENT TERMINATING PARENTAL RIGHTS.--

1476 (a) A motion for relief from a judgment terminating  
 1477 parental rights must be filed with the court originally entering  
 1478 the judgment. The motion must be filed within a reasonable time,  
 1479 but not later than 1 year after the entry of the judgment  
 1480 terminating parental rights.

1481 (b) No later than 30 days after the filing of a motion  
 1482 under this subsection, the court must conduct a preliminary  
 1483 hearing to determine what contact, if any, shall be permitted  
 1484 between a parent and the child pending resolution of the motion.  
 1485 The ~~Such~~ contact shall be considered only if it is requested by  
 1486 a parent who has appeared at the hearing. If the court orders  
 1487 contact between a parent and child, the order must be issued in  
 1488 writing as expeditiously as possible and must state with  
 1489 specificity the terms ~~any provisions~~ regarding contact with  
 1490 persons other than those with whom the child resides.

1491 (c) At the preliminary hearing, the court, upon the motion  
 1492 of any party or upon its own motion, may order scientific  
 1493 testing to determine the paternity of the minor if the person  
 1494 seeking to set aside the judgment is alleging to be the child's  
 1495 father and that fact has not previously been determined by  
 1496 legitimacy or scientific testing. The court may order visitation  
 1497 with a person for whom scientific testing for paternity has been  
 1498 ordered and who has previously established a bonded relationship  
 1499 with the child.

1500 (d) Unless otherwise agreed between the parties or for  
 1501 good cause shown, the court shall conduct a final hearing on the  
 1502 motion for relief from judgment within 45 days after the filing  
 1503 and enter its written order as expeditiously as possible  
 1504 thereafter.

1505 (8) RECORDS; CONFIDENTIAL INFORMATION.--All papers and  
 1506 records pertaining to a petition to terminate parental rights  
 1507 pending adoption are related to the subsequent adoption of the  
 1508 minor and are subject to ~~the provisions of~~ s. 63.162. The  
 1509 confidentiality provisions of this chapter do not apply to the  
 1510 extent information regarding persons or proceedings must be made  
 1511 available as specified under s. 63.088.

1512 Section 17. Section 63.092, Florida Statutes, is amended  
 1513 to read:

1514 63.092 Report to the court of intended placement by an  
 1515 adoption entity; at-risk placement; preliminary study.--

1516 (1) REPORT TO THE COURT.--The adoption entity must report  
 1517 any intended placement of a minor for adoption with any person  
 1518 who is not a relative or a stepparent if the adoption entity ~~has~~  
 1519 ~~knowledge of, or~~ participates in the, ~~such~~ intended placement.  
 1520 The report must be made to the court before the minor is placed  
 1521 in the home or within 2 business days ~~48 hours~~ thereafter.

1522 (2) AT-RISK PLACEMENT.--If the minor is placed in the  
 1523 prospective adoptive home before the parental rights of the  
 1524 minor's parents are terminated under s. 63.089, the placement is  
 1525 an at-risk placement. If the placement is an at-risk placement,  
 1526 the prospective adoptive parents must acknowledge in writing  
 1527 before the minor may be placed in the prospective adoptive home

1528 that the placement is at risk. The prospective adoptive parents  
1529 shall be advised by the adoption entity, in writing, that the  
1530 minor is subject to removal from the prospective adoptive home  
1531 by the adoption entity or by court order at any time before  
1532 ~~prior to~~ the finalization of the adoption.

1533 (3) PRELIMINARY HOME STUDY.--Before placing the minor in  
1534 the intended adoptive home, a preliminary home study must be  
1535 performed by a licensed child-placing agency, a child-caring  
1536 agency registered under s. 409.176, a licensed professional, or  
1537 an agency described in s. 61.20(2), unless the adoptee is an  
1538 adult or the petitioner is a stepparent or a relative. If the  
1539 adoptee is an adult or the petitioner is a stepparent or a  
1540 relative, a preliminary home study may be required by the court  
1541 for good cause shown. The department is required to perform the  
1542 preliminary home study only if there is no licensed child-  
1543 placing agency, child-caring agency registered under s. 409.176,  
1544 licensed professional, or agency described in s. 61.20(2), ~~in~~  
1545 the county where the prospective adoptive parents reside. The  
1546 preliminary home study must be made to determine the suitability  
1547 of the intended adoptive parents and may be completed before  
1548 ~~prior to~~ identification of a prospective adoptive minor. A  
1549 favorable preliminary home study is valid for 1 year after the  
1550 date of its completion. Upon its completion, a copy of the home  
1551 study must be provided to the intended adoptive parents who were  
1552 the subject of the home study. A minor may not be placed in an  
1553 intended adoptive home before a favorable preliminary home study  
1554 is completed unless the adoptive home is also a licensed foster



1555 home under s. 409.175. The preliminary home study must include,  
 1556 at a minimum:

- 1557 (a) An interview with the intended adoptive parents;
- 1558 (b) Records checks of the department's central abuse  
 1559 registry and criminal records correspondence checks under s.  
 1560 39.0138 through the Department of Law Enforcement on the  
 1561 intended adoptive parents;
- 1562 (c) An assessment of the physical environment of the home;
- 1563 (d) A determination of the financial security of the  
 1564 intended adoptive parents;
- 1565 (e) Documentation of counseling and education of the  
 1566 intended adoptive parents on adoptive parenting;
- 1567 (f) Documentation that information on adoption and the  
 1568 adoption process has been provided to the intended adoptive  
 1569 parents;
- 1570 (g) Documentation that information on support services  
 1571 available in the community has been provided to the intended  
 1572 adoptive parents; and
- 1573 (h) A copy of each intended adoptive parent's signed  
 1574 acknowledgment of receipt of disclosure required by s. 63.085.

1575  
 1576 If the preliminary home study is favorable, a minor may be  
 1577 placed in the home pending entry of the judgment of adoption. A  
 1578 minor may not be placed in the home if the preliminary home  
 1579 study is unfavorable. If the preliminary home study is  
 1580 unfavorable, the adoption entity may, within 20 days after  
 1581 receipt of a copy of the written recommendation, petition the  
 1582 court to determine the suitability of the intended adoptive

1583 home. A determination as to suitability under this subsection  
 1584 does not act as a presumption of suitability at the final  
 1585 hearing. In determining the suitability of the intended adoptive  
 1586 home, the court must consider the totality of the circumstances  
 1587 in the home. No minor may be placed in a home in which there  
 1588 resides any person determined by the court to be a sexual  
 1589 predator as defined in s. 775.21 or to have been convicted of an  
 1590 offense listed in s. 63.089(4)(b)2.

1591 Section 18. Subsection (4) of section 63.097, Florida  
 1592 Statutes, is amended to read:

1593 63.097 Fees.--

1594 (1) When the adoption entity is an agency, fees may be  
 1595 assessed if they are approved by the department within the  
 1596 process of licensing the agency and if they are for:

- 1597 (a) Foster care expenses;
- 1598 (b) Preplacement and postplacement social services; and
- 1599 (c) Agency facility and administrative costs.

1600 (4) Any fees, costs, or expenses not included in  
 1601 subsection (1) or subsection (2) or prohibited under subsection  
 1602 (5) require court approval prior to payment and must be based on  
 1603 a finding of extraordinary circumstances.

1604 Section 19. Subsections (1), (2), (5), and (6) of section  
 1605 63.102, Florida Statutes, are amended to read:

1606 63.102 Filing of petition for adoption or declaratory  
 1607 statement; venue; proceeding for approval of fees and costs.--

1608 (1) PETITION FOR ADOPTION.--A petition for adoption may  
 1609 not be filed until after the entry of the judgment or decree  
 1610 terminating parental rights ~~pending adoption under this chapter,~~

1611 unless the adoptee is an adult or, the petitioner is a  
 1612 stepparent or a relative, ~~or the minor has been the subject of a~~  
 1613 ~~judgment terminating parental rights under chapter 39.~~ After a  
 1614 judgment terminating parental rights has been entered, a  
 1615 proceeding for adoption may be commenced by filing a petition  
 1616 entitled, "In the Matter of the Adoption of \_\_\_\_" in the  
 1617 circuit court. The person to be adopted shall be designated in  
 1618 the caption in the name by which he or she is to be known if the  
 1619 petition is granted. Except in the case of a joint petition for  
 1620 adoption of a stepchild, a relative, or an adult, any name by  
 1621 which the minor was previously known may not be disclosed in the  
 1622 petition, the notice of hearing, ~~or~~ the judgment of adoption, or  
 1623 the court docket according to s. 63.162(3).

1624 (2) VENUE.--A petition for adoption or for a declaratory  
 1625 statement as to the adoption contract shall be filed in the  
 1626 county where the petition for termination of parental rights was  
 1627 granted or filed, ~~unless the court, in accordance with s.~~  
 1628 ~~47.122, changes the venue to the county where the petitioner or~~  
 1629 ~~petitioners or the minor resides~~ or where the adoption entity  
 1630 ~~with which the minor has been placed~~ is located. The circuit  
 1631 court in this state must retain jurisdiction over the matter  
 1632 until a final judgment is entered on the adoption, either within  
 1633 or outside the state. The Uniform Child Custody Jurisdiction and  
 1634 Enforcement Act does not apply until a final judgment is entered  
 1635 on the adoption.

1636 (5) PRIOR APPROVAL OF FEES AND COSTS.--A proceeding for  
 1637 prior approval of fees and costs may be commenced any time after  
 1638 an agreement is reached with ~~between~~ the birth mother or ~~and~~ the

1639 adoptive parents by filing a petition for declaratory statement  
1640 on the agreement entitled "In the Matter of the Proposed  
1641 Adoption of a Minor Child" in the circuit court.

1642 (a) The petition must be filed by the adoption entity with  
1643 the consent of the parties to the agreement.

1644 (b) A contract for the payment of fees, costs, and  
1645 expenses permitted under this chapter must be in writing, and  
1646 any person who enters into the contract has 3 business days in  
1647 which to cancel the contract unless placement of the child has  
1648 occurred. To cancel the contract, the person must notify the  
1649 adoption entity in writing by certified United States mail,  
1650 return receipt requested, no later than 3 business days after  
1651 signing the contract. For the purposes of this subsection, the  
1652 term "business day" means a day on which the United States  
1653 Postal Service accepts certified mail for delivery. If the  
1654 contract is canceled within the first 3 business days, the  
1655 person who cancels the contract does not owe any legal,  
1656 intermediary, or other fees, but may be responsible for the  
1657 adoption entity's actual costs during that time.

1658 (c) The court may grant approval only of fees and expenses  
1659 permitted under s. 63.097. A prior approval of prospective fees  
1660 and costs shall create a presumption that these items will  
1661 subsequently be approved by the court under s. 63.132. The  
1662 court, under s. 63.132, may order an adoption entity to refund  
1663 any amounts paid under this subsection that are subsequently  
1664 found by the court to be greater than fees, costs, and expenses  
1665 actually incurred.

1666 (d) The contract may not require, and the court may not  
 1667 approve, any amount that constitutes payment for locating a  
 1668 minor for adoption, except as authorized under s. 63.212(1).

1669 (e) A declaratory statement as to the adoption contract,  
 1670 regardless of when filed, shall be consolidated with any related  
 1671 petition for adoption. The clerk of the court shall only assess  
 1672 one filing fee that includes the adoption action, the  
 1673 declaratory statement petition, and the petition for termination  
 1674 of parental rights.

1675 (f) Prior approval of fees and costs by the court does not  
 1676 obligate the parent to ultimately relinquish the minor for  
 1677 adoption.

1678 (6) STEPCHILD, RELATIVE, AND ADULT ADOPTIONS.--Petitions  
 1679 for the adoption of a stepchild, a relative, or an adult shall  
 1680 not require the filing of a separate judgment or separate  
 1681 proceeding terminating parental rights pending adoption. The  
 1682 final judgment of adoption has ~~shall have~~ the effect of  
 1683 terminating parental rights simultaneously with the granting of  
 1684 the decree of adoption.

1685 Section 20. Subsection (2) of section 63.112, Florida  
 1686 Statutes, is amended to read:

1687 63.112 Petition for adoption; description; report or  
 1688 recommendation, exceptions; mailing.--

1689 (2) The following documents are required to be filed with  
 1690 the clerk of the court at the time the petition is filed:

1691 (a) A certified copy of the court judgment terminating  
 1692 parental rights ~~under chapter 39 or under this chapter~~ or, if  
 1693 the adoptee is an adult or a minor relative or stepchild of the

1694 petitioner, the required consent, unless such consent is excused  
 1695 by the court.

1696 (b) The favorable preliminary home study by a ~~of the~~  
 1697 ~~department,~~ licensed child-placing agency, a licensed or  
 1698 professional, or an agency described in s. 61.20(2), pursuant to  
 1699 s. 63.092, as to the suitability of the home in which the minor  
 1700 has been placed, unless the petitioner is a stepparent or a  
 1701 relative.

1702 (c) A copy of any declaratory statement previously entered  
 1703 by the court pursuant to s. 63.102.

1704 (d) Documentation that an interview was held with the  
 1705 minor, if older than 12 years of age, unless the court, in the  
 1706 best interest of the minor, dispenses with the minor's consent  
 1707 under s. 63.062(1)(c).

1708 Section 21. Subsection (3) of section 63.122, Florida  
 1709 Statutes, is amended to read:

1710 63.122 Notice of hearing on petition.--

1711 (3) Upon a showing by the petitioner or parent that the  
 1712 privacy, safety, or ~~and~~ welfare of the petitioner, parent, or  
 1713 minor may be endangered, the court may order the names of the  
 1714 petitioner, parent, or minor, or all both, to be deleted from  
 1715 the notice of hearing and from the copy of the petition attached  
 1716 thereto, provided the substantive rights of any person will not  
 1717 thereby be affected.

1718 Section 22. Subsection (4) of section 63.125, Florida  
 1719 Statutes, is amended to read:

1720 63.125 Final home investigation.--

1721 (4) The department, the licensed child-placing agency, or  
 1722 the professional making the required investigation may request  
 1723 other state agencies, licensed professionals qualified to  
 1724 conduct a home study, or child-placing agencies within or  
 1725 outside this state to make investigations of designated parts of  
 1726 the inquiry and to make a written report to the department, the  
 1727 professional, or other person or agency.

1728 Section 23. Subsection (4) of section 63.132, Florida  
 1729 Statutes, is amended to read:

1730 63.132 Affidavit of expenses and receipts.--

1731 (4) This section does not apply to an adoption by a  
 1732 stepparent or an adoption of a relative or adult, the  
 1733 finalization of an adoption of a minor whose parent's parental  
 1734 rights were terminated under chapter 39, or the domestication of  
 1735 an adoption decree of a minor child adopted in a foreign  
 1736 country.

1737 Section 24. Section 63.135, Florida Statutes, is amended  
 1738 to read:

1739 63.135 Information ~~under oath~~ to be submitted to the  
 1740 court.--

1741 (1) The adoption entity or petitioner must file an  
 1742 affidavit under the Uniform Child Custody Jurisdiction and  
 1743 Enforcement Act in a termination of parental rights ~~Each party~~  
 1744 ~~in an adoption proceeding,~~ in the first pleading or in an  
 1745 affidavit attached to that pleading, ~~shall give information~~  
 1746 ~~under oath as to the child's present address, the places where~~  
 1747 ~~the child has lived within the last 5 years, and the names and~~  
 1748 ~~present addresses of the persons with whom the child has lived~~

1749 ~~during that period. In the pleading or affidavit each party~~  
 1750 ~~shall further declare under oath whether:~~

1751 ~~(a) The party has participated as a party or witness or in~~  
 1752 ~~any other capacity in any other litigation concerning the~~  
 1753 ~~custody of the same child in this or any other state;~~

1754 ~~(b) The party has information of any custody proceeding~~  
 1755 ~~concerning the child pending in a court of this or any other~~  
 1756 ~~state; and~~

1757 ~~(c) The party knows of any person not a party to the~~  
 1758 ~~proceedings who has physical custody of the child or claims to~~  
 1759 ~~have custody or visitation rights with respect to the child.~~

1760 ~~(2) If the declaration as to any item specified in~~  
 1761 ~~subsection (1) is in the affirmative, the declarant shall give~~  
 1762 ~~additional information under oath as required by the court. The~~  
 1763 ~~court may examine the parties under oath about details of the~~  
 1764 ~~information furnished and other matters pertinent to the court's~~  
 1765 ~~jurisdiction and judgment of adoption.~~

1766 (2)~~(3)~~ Each party has a continuing duty to inform the  
 1767 court of any custody proceeding concerning the child in this or  
 1768 any other state about which he or she obtained information  
 1769 during this proceeding.

1770 Section 25. Subsections (3) and (4) of section 63.142,  
 1771 Florida Statutes, are amended to read:

1772 63.142 Hearing; judgment of adoption.--

1773 (3) DISMISSAL.--

1774 (a) If the petition is dismissed, further proceedings, if  
 1775 any, regarding the minor must be brought in a separate custody  
 1776 action under chapter 61, a dependency action under chapter 39,



1777 or a paternity action under chapter 742 ~~the court shall~~  
 1778 ~~determine the person that is to have custody of the minor.~~

1779 (b) If the petition is dismissed, the court shall state  
 1780 with specificity the reasons for the dismissal.

1781 (4) JUDGMENT.--At the conclusion of the hearing, after the  
 1782 court determines that the date for a parent to file an appeal of  
 1783 a valid judgment terminating that parent's parental rights has  
 1784 passed and no appeal, under ~~pursuant to~~ the Florida Rules of  
 1785 Appellate Procedure, is pending and that the adoption is in the  
 1786 best interest of the person to be adopted, a judgment of  
 1787 adoption shall be entered. A judgment terminating parental  
 1788 rights pending adoption is voidable and any later judgment of  
 1789 adoption of that minor is voidable if, upon a parent's motion  
 1790 for relief from judgment, the court finds that the adoption  
 1791 fails to substantially meet the requirements of this chapter.  
 1792 The motion must be filed within a reasonable time, but not later  
 1793 than 1 year after the date the judgment terminating parental  
 1794 rights was entered.

1795 Section 26. Section 63.152, Florida Statutes, is amended  
 1796 to read:

1797 63.152 Application for new birth record.--Within 30 days  
 1798 after entry of a judgment of adoption, the clerk of the court  
 1799 shall transmit a certified statement of the entry to the state  
 1800 registrar of vital statistics in the state where the adopted  
 1801 person was born on a form provided by the registrar. A new birth  
 1802 record containing the necessary information supplied by the  
 1803 certificate shall be issued by the registrar on application of  
 1804 the adopting parents or the adopted person.

1805 Section 27. Subsections (1), (3), and (7) of section  
 1806 63.162, Florida Statutes, are amended to read:

1807 63.162 Hearings and records in adoption proceedings;  
 1808 confidential nature.--

1809 (1) All hearings held in proceedings under this chapter  
 1810 ~~act~~ shall be held in closed court without admittance of any  
 1811 person other than essential officers of the court, the parties,  
 1812 witnesses, counsel, persons who have not consented to the  
 1813 adoption and are required to consent, and representatives of the  
 1814 agencies who are present to perform their official duties.

1815 (3) The court files, records, and papers in the adoption  
 1816 of a minor shall be indexed only in the name of the petitioner,  
 1817 and the names ~~name~~ of the petitioner and the minor shall not be  
 1818 noted on any docket, index, or other record outside the court  
 1819 file, except that closed agency files may be cross-referenced in  
 1820 the original and adoptive names of the minor.

1821 (7) The court may, upon petition of an adult adoptee, for  
 1822 good cause shown, appoint an intermediary or a licensed child-  
 1823 placing agency to contact a birth parent and to ~~who has not~~  
 1824 ~~registered with the adoption registry pursuant to s. 63.165 and~~  
 1825 advise him or her ~~them~~ of the adoptee's request to open the file  
 1826 and the adoption registry and offer the parent the opportunity  
 1827 to waive confidentiality and consent to the opening of the  
 1828 parent's records ~~availability of same.~~

1829 Section 28. Paragraph (a) of subsection (2) of section  
 1830 63.182, Florida Statutes, is amended to read:

1831 63.182 Statute of repose.--

1832           (2) (a) Except for the specific persons expressly entitled  
 1833 to be given notice of an adoption in accordance with this  
 1834 chapter, the interest that entitles a person to notice of an  
 1835 adoption of a minor must be direct, financial, and immediate,  
 1836 and the person must show that he or she will gain or lose by the  
 1837 direct legal operation and effect of the judgment. A showing of  
 1838 an indirect, inconsequential, or contingent interest is wholly  
 1839 inadequate, and a person with this indirect interest lacks  
 1840 standing to set aside a judgment of adoption.

1841           Section 29. Section 63.192, Florida Statutes, is amended  
 1842 to read:

1843           63.192 Recognition of foreign judgment or decree affecting  
 1844 adoption.--A judgment ~~of court~~ terminating the relationship of  
 1845 parent and child or establishing the relationship by adoption,  
 1846 or a decree granting legal guardianship for purposes of  
 1847 adoption, issued pursuant to due process of law by a court or  
 1848 authorized body of any other jurisdiction within or without the  
 1849 United States shall be recognized in this state, and the rights  
 1850 and obligations of the parties ~~on matters within the~~  
 1851 ~~jurisdiction of this state~~ shall be determined as though the  
 1852 judgment or decree were issued by a court of this state. A  
 1853 judgment or decree of a court or authorized body terminating the  
 1854 relationship of a parent and child, whether independent,  
 1855 incorporated in an adoption decree, or incorporated in a legal  
 1856 guardianship order issued pursuant to due process of law of any  
 1857 other jurisdiction within or without the United States, shall be  
 1858 deemed to effectively terminate parental rights for purposes of  
 1859 a proceeding on a petition for adoption in this state. When a

1860 minor child has been made available for adoption in a foreign  
1861 state or foreign country and the parental rights of the minor  
1862 child's parent have been terminated or the child has been  
1863 declared to be abandoned or orphaned, no additional termination  
1864 of parental rights proceeding need occur, and the adoption may  
1865 be finalized according to the procedures set forth in this  
1866 chapter.

1867 Section 30. Paragraph (b) of subsection (1) of section  
1868 63.207, Florida Statutes, is amended to read:

1869 63.207 Out-of-state placement.--

1870 (1) Unless the parent placing a minor for adoption files  
1871 an affidavit that the parent chooses to place the minor outside  
1872 the state, giving the reason for that placement, or the minor is  
1873 to be placed with a relative or with a stepparent, or the minor  
1874 is a special needs child, as defined in s. 409.166, or for other  
1875 good cause shown, an adoption entity may not:

1876 (b) Place or attempt to place a minor for the purpose of  
1877 adoption with a family who primarily lives and works outside  
1878 Florida in another state. If an adoption entity is acting under  
1879 this subsection, the adoption entity must file a petition for  
1880 declaratory statement pursuant to s. 63.102 for ~~prior~~ approval  
1881 of fees and costs. The court shall review the costs pursuant to  
1882 s. 63.097. The petition for declaratory statement must be  
1883 converted to a petition for an adoption upon placement of the  
1884 minor in the home. When a minor is placed for adoption with  
1885 prospective adoptive parents who primarily live and work outside  
1886 this state, the circuit court in this state may retain  
1887 jurisdiction over the matter until the adoption becomes final.

1888 The prospective adoptive parents may finalize the adoption in  
 1889 this state or in their home state.

1890 Section 31. Paragraph (c) of subsection (1) and  
 1891 subsections (2) and (7) of section 63.212, Florida Statutes, are  
 1892 amended to read:

1893 63.212 Prohibited acts; penalties for violation.--

1894 (1) It is unlawful for any person:

1895 (c) To sell or surrender, or to arrange for the sale or  
 1896 surrender of, a minor to another person for money or anything of  
 1897 value or to receive a ~~such~~ minor child for a ~~such~~ payment or  
 1898 thing of value. If a minor is being adopted by a relative or by  
 1899 a stepparent, or is being adopted through an adoption entity,  
 1900 this paragraph does not prohibit the person who is contemplating  
 1901 adopting the child from paying, under ss. 63.097 and 63.132, the  
 1902 actual prenatal care and living expenses of the mother of the  
 1903 child to be adopted, or from paying, under ss. 63.097 and  
 1904 63.132, the actual living and medical expenses of the ~~such~~  
 1905 mother for a reasonable time, not to exceed 6 weeks, if medical  
 1906 needs require such support, after the birth of the minor.

1907 (2) (a) It is unlawful for any person or adoption entity  
 1908 under this chapter to:

- 1909 1. Knowingly provide false information; or
- 1910 2. Knowingly withhold material information.

1911 (b) It is unlawful for a parent, with the intent to  
 1912 defraud, to accept benefits related to the same pregnancy from  
 1913 more than one adoption entity without disclosing that fact to  
 1914 each entity.

1915           ~~(c) It is unlawful for any person who knows that the~~  
 1916 ~~parent whose rights are to be terminated intends to object to~~  
 1917 ~~said termination to intentionally file the petition for~~  
 1918 ~~termination of parental rights in a county inconsistent with the~~  
 1919 ~~required venue under such circumstances.~~

1920  
 1921 Any person who willfully violates any provision of this  
 1922 subsection commits a misdemeanor of the second degree,  
 1923 punishable as provided in s. 775.082 or s. 775.083. In addition,  
 1924 the ~~such~~ person is liable for damages caused by the ~~such~~ acts or  
 1925 omissions, including reasonable attorney's fees and costs.  
 1926 Damages may be awarded through restitution in any related  
 1927 criminal prosecution or by filing a separate civil action.

1928           (7) It is unlawful for any adoptive parent or adoption  
 1929 entity to obtain a preliminary home study or final home  
 1930 investigation and fail to disclose the existence of the study or  
 1931 investigation to the court ~~when required by law to do so.~~

1932           Section 32. Subsection (4) and paragraph (c) of subsection  
 1933 (6) of section 63.213, Florida Statutes, are amended to read:

1934           63.213 Preplanned adoption agreement.--

1935           (4) An attorney who represents an intended father and  
 1936 intended mother or any other attorney with whom that attorney is  
 1937 associated shall not represent simultaneously a female who is or  
 1938 proposes to be a volunteer mother in the same ~~any matter~~  
 1939 ~~relating to a preplanned adoption agreement or preplanned~~  
 1940 adoption arrangement.

1941           (6) As used in this section, the term:

1942 (c) "Fertility technique" means artificial embryonation  
 1943 or, artificial insemination, whether in vivo or in vitro or, egg  
 1944 donation, ~~or embryo adoption.~~

1945 Section 33. Section 63.236, Florida Statutes, is created  
 1946 to read:

1947 63.236 Petitions filed before effective date; governing  
 1948 law.--Any petition for termination of parental rights filed  
 1949 before July 1, 2007, shall be governed by the law in effect at  
 1950 the time the petition was filed.

1951 Section 34. Section 382.017, Florida Statutes, is amended  
 1952 to read:

1953 382.017 Foreign births.--

1954 (1) Upon request, the department shall prepare and  
 1955 register a certificate of foreign birth for an adoptee born in a  
 1956 foreign country who is not a citizen of the United States and  
 1957 whose judgment of adoption was entered by a court of competent  
 1958 jurisdiction of this state. The certificate shall be established  
 1959 upon receipt of the report or certified copy of the adoption  
 1960 decree, proof of the date and place of the adoptee's birth, and  
 1961 a request that the certificate be prepared from the court, the  
 1962 adopting parents, or the adoptee if of legal age. The  
 1963 certificate shall be labeled "Certificate of Foreign Birth" and  
 1964 shall show the true country and date of birth of the adoptee,  
 1965 and must include a statement that the certificate is not  
 1966 evidence of United States citizenship. After registering the  
 1967 certificate of foreign birth in the ~~new~~ name of the adoptee, the  
 1968 department shall place the adoption report or decree under seal,  
 1969 not to be broken except pursuant to court order.

1970           (2) A certificate of foreign birth for an adoptee born in  
 1971 a foreign country may be issued without a judgment of adoption  
 1972 by a court of competent jurisdiction of this state if the  
 1973 adopting parents submit all of the following:

1974           (a) A certified translation of all documents described in  
 1975 this subsection that are not in English.

1976           (b) The decree, order, or certificate of adoption that  
 1977 provides evidence that the adoption has been finalized in the  
 1978 country in which the adoptee was born.

1979           (c) An IR-3 visa with proof of United States citizenship  
 1980 issued upon entry into the United States for the adoptee. An IR-  
 1981 3 visa is given to a child when the adoptive parent or parents  
 1982 saw the child prior to adoption, and the adoption is completed  
 1983 in the country in which the adoptee was born.

1984           (d) A certified document, signed by each adoptive parent  
 1985 under penalty of perjury, that states that the adoption complies  
 1986 with the eligibility requirements set forth in s. 63.042(3).

1987           (e) Proof that each adopting parent is a resident of the  
 1988 state.

1989           ~~(3)(2)~~ If the adoptee was born in a foreign country but  
 1990 was a citizen of the United States at the time of birth, the  
 1991 department shall not prepare a certificate of foreign birth but  
 1992 shall notify the adoptive parents, or the adoptee if of legal  
 1993 age, of the procedure for obtaining a revised birth certificate  
 1994 through the United States Department of State.

1995           Section 35. Subsection (1) of section 383.50, Florida  
 1996 Statutes, is amended to read:

1997           383.50 Treatment of abandoned newborn infant.--



1998 (1) As used in this section, the term "newborn infant"  
 1999 means a child that a licensed physician reasonably believes to  
 2000 be approximately 7 ~~3~~ days old or younger at the time the child  
 2001 is left at a hospital, emergency medical services station, or  
 2002 fire station.

2003 Section 36. Paragraph (b) of subsection (5), paragraph (b)  
 2004 of subsection (10), paragraph (b) of subsection (11), and  
 2005 subsection (14) of section 409.176, Florida Statutes, are  
 2006 amended to read:

2007 409.176 Registration of residential child-caring agencies  
 2008 and family foster homes.--

2009 (5) The licensing provisions of s. 409.175 do not apply to  
 2010 a facility operated by an organization that:

2011 (b) Is certified by a Florida statewide child care  
 2012 organization that ~~which~~ was in existence on January 1, 1984, and  
 2013 that ~~which~~ publishes, and requires compliance with, its  
 2014 standards and files copies thereof with the department. These  
 2015 ~~Such~~ standards shall be in substantial compliance with published  
 2016 minimum standards that similar licensed child-caring agencies,  
 2017 licensed child-placing agencies, or family foster homes are  
 2018 required to meet, as determined by the department, with the  
 2019 exception of those standards of a curricular or religious nature  
 2020 and those relating to staffing or financial stability of  
 2021 licensed child-caring agencies or family foster homes. Once the  
 2022 department has determined that the standards for child-caring  
 2023 agencies, child-placing agencies, or family foster homes are in  
 2024 substantial compliance with minimum standards that similar  
 2025 facilities are required to meet, the standards need ~~do~~ not ~~have~~

2026 ~~to~~ be resubmitted to the department unless a change occurs in  
 2027 the standards. Any changes in the standards shall be provided to  
 2028 the department within 10 days after ~~of~~ their adoption.

2029 (10)

2030 (b) The qualified association shall notify the department  
 2031 when the qualified association finds, within 30 days after  
 2032 written notification by registered mail of the requirement for  
 2033 registration, that a person or facility continues to care for or  
 2034 place children without a certificate of registration. The  
 2035 department shall notify the appropriate state attorney of the  
 2036 violation of law and, if necessary, shall institute a civil suit  
 2037 to enjoin the person or facility from continuing the care or  
 2038 placement of children.

2039 (11)

2040 (b) If the department determines that a person or facility  
 2041 is caring for or placing a child without a valid certificate of  
 2042 registration issued by the qualified association or has made a  
 2043 willful or intentional misstatement on any registration  
 2044 application or other document required to be filed in connection  
 2045 with an application for a certificate of registration, the  
 2046 qualified association, as an alternative to or in conjunction  
 2047 with an administrative action against the ~~such~~ person or  
 2048 facility, shall make a reasonable attempt to discuss each  
 2049 violation with, and recommend corrective action to, the person  
 2050 or the administrator of the facility, ~~7~~ prior to written  
 2051 notification thereof.

2052 (14) Registration under this section, including the issue  
 2053 of substantial compliance with published minimum standards that

2054 similar licensed child-caring facilities, licensed child-placing  
2055 agencies, or family foster homes are required to meet, as  
2056 provided in paragraph (5) (b), is subject to ~~the provisions of~~  
2057 chapter 120.

2058 Section 37. Section 742.021, Florida Statutes, is amended  
2059 to read:

2060 742.021 Venue, process, complaint.--The proceedings shall  
2061 be in the circuit court of the county where the plaintiff  
2062 resides or of the county where the defendant resides. The  
2063 complaint shall aver sufficient facts charging the paternity of  
2064 the child. Upon filing of every complaint seeking to determine  
2065 paternity, the clerk of court shall issue a notice to be  
2066 provided to each petitioner upon filing and to each respondent  
2067 with service of the petition. The notice shall be in  
2068 substantially the following form:

2069  
2070 In order to preserve the right to notice and consent to the  
2071 adoption of the child, an unmarried biological father must,  
2072 as the "registrant," file a notarized claim of paternity  
2073 form with the Florida Putative Father Registry maintained  
2074 by the Office of Vital Statistics of the Department of  
2075 Health and shall include therein confirmation of his  
2076 willingness and intent to support the child for whom  
2077 paternity is claimed in accordance with state law. The  
2078 claim of paternity may be filed at any time prior to the  
2079 child's birth, but a claim of paternity may not be filed  
2080 after the date a petition is filed for termination of  
2081 parental rights.

2082  
2083 Process directed to the defendant shall issue forthwith  
2084 requiring the defendant to file written defenses to the  
2085 complaint in the same manner as suits in chancery. Upon  
2086 application and proof under oath, the court may issue a writ of  
2087 ne exeat against the defendant on such terms and conditions and  
2088 conditioned upon bond in such amount as the court may determine.

2089 Section 38. Subsection (1) of section 742.10, Florida  
2090 Statutes, is amended to read:

2091 742.10 Establishment of paternity for children born out of  
2092 wedlock.--

2093 (1) Except as provided chapters 39 and 63, this chapter  
2094 provides the primary jurisdiction and procedures for the  
2095 determination of paternity for children born out of wedlock.  
2096 When the establishment of paternity has been raised and  
2097 determined within an adjudicatory hearing brought under the  
2098 statutes governing inheritance, or dependency under workers'  
2099 compensation or similar compensation programs, or when an  
2100 affidavit acknowledging paternity or a stipulation of paternity  
2101 is executed by both parties and filed with the clerk of the  
2102 court, or when an affidavit, a notarized voluntary  
2103 acknowledgment of paternity, or a voluntary acknowledgment of  
2104 paternity that is witnessed by two individuals and signed under  
2105 penalty of perjury as provided for in s. 382.013 or s. 382.016  
2106 is executed by both parties, or when paternity is adjudicated by  
2107 the Department of Revenue as provided in s. 409.256, such  
2108 adjudication, affidavit, or acknowledgment constitutes the  
2109 establishment of paternity for purposes of this chapter. If no

2110 adjudicatory proceeding was held, a notarized voluntary  
2111 acknowledgment of paternity or voluntary acknowledgment of  
2112 paternity that is witnessed by two individuals and signed under  
2113 penalty of perjury as specified by s. 92.525(2) shall create a  
2114 rebuttable presumption, as defined by s. 90.304, of paternity  
2115 and is subject to the right of any signatory to rescind the  
2116 acknowledgment within 60 days after the date the acknowledgment  
2117 was signed or the date of an administrative or judicial  
2118 proceeding relating to the child, including a proceeding to  
2119 establish a support order, in which the signatory is a party,  
2120 whichever is earlier. Both parents must provide their social  
2121 security numbers on any acknowledgment of paternity, consent  
2122 affidavit, or stipulation of paternity. Except for affidavits  
2123 under seal pursuant to ss. 382.015 and 382.016, the Office of  
2124 Vital Statistics shall provide certified copies of affidavits to  
2125 the Title IV-D agency upon request.

2126       Section 39. If any provision of this act or its  
2127 application to any person or circumstance is held invalid, the  
2128 invalidity does not affect other provisions or applications of  
2129 the act which can be given effect without the invalid provision  
2130 or application, and to this end the provisions of this act are  
2131 severable.

2132       Section 40. This act shall take effect July 1, 2007.