

By Senator Rich

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1 A bill to be entitled

2 An act relating to the termination of parental rights;
3 amending s. 39.812, F.S.; requiring a petition for
4 adoption to be accompanied by a statement verifying that
5 adoptive parents have received all information required to
6 be disclosed; amending s. 49.011, F.S.; providing for
7 service of process by publication for termination of
8 parental rights under ch. 63, F.S.; amending s. 63.032,
9 F.S.; redefining terms; amending s. 63.039, F.S.;
10 requiring an adoption entity to provide adoption
11 disclosure statements to persons whose consent is required
12 for adoption; requiring attorney's fees and costs in
13 certain actions to be awarded pursuant to the Florida
14 Rules of Civil Procedures; amending s. 63.0425, F.S.;
15 clarifying a grandparent's right to notice; amending s.
16 63.054, F.S.; providing that an unmarried biological
17 father who fails to register with the Florida Putative
18 Father Registry before the filing of a petition for
19 termination of parental rights may not file a paternity
20 claim under ch. 742, F.S.; providing an exception from the
21 time limitations for filing a paternity claim; providing
22 that if a registrant fails to report a change of address,
23 the adoption entity or adoption petitioner is not
24 obligated to search further for the registrant; requiring
25 a petitioner in a proceeding in which parental rights are
26 terminated simultaneously with entry of final judgment of
27 adoption to contact the Office of Vital Statistics for a
28 search of the registry; providing procedures for searching
29 the registry when termination of parental rights and an

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30 adoption proceeding are adjudicated separately; amending
31 s. 63.062, F.S.; revising criteria for serving notice of
32 terminating parental rights to the father of a minor;
33 revising procedures for serving notice of intended
34 adoption plan; providing criteria for avoiding default on
35 providing consent to adoption; providing for the proper
36 venue to file a petition to terminate parental rights;
37 amending s. 63.063, F.S.; revising the standard for
38 compliance with laws relating to adoption; amending s.
39 63.082, F.S.; revising the notice and consent requirements
40 to adoption to also exclude cases involving sexual
41 activity with certain minors; revising consent
42 requirements that apply to men; limiting the time period
43 for revoking consent to adopt a child older than 6 months
44 of age to 3 business days; revising requirements for
45 withdrawing a consent for adoption; amending s. 63.085,
46 F.S.; revising requirements for required disclosures by an
47 adoption entity; requiring that background information
48 concerning the child be revealed to prospective adoptive
49 parents; amending s. 63.087, F.S.; revising procedures for
50 terminating parental rights pending an adoption; providing
51 the proper venue in which to file a petition to terminate
52 parental rights; providing for joint petitions for
53 termination of parental rights and adoption; providing
54 that failure to appear at certain hearings constitutes
55 grounds for termination of parental rights; removing a
56 provision relating to the procedure for notifying a
57 petitioner of a final hearing; amending s. 63.088, F.S.;
58 providing that a mother's failure to identify an unmarried

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59 | biological father is not a defense to a termination of
60 | parental rights; revising information relating to a
61 | court's inquiry about the father of the child who is to be
62 | adopted; requiring persons contacted by a petitioner or
63 | adoption entity to release certain information; providing
64 | that a judgment approving a diligent search is not subject
65 | to direct or collateral attack; amending s. 63.089, F.S.;
66 | revising provisions relating to service of notice and
67 | petition regarding termination of parental rights and
68 | consent to adoption; revising conditions for making a
69 | finding of abandonment; prohibiting a person who failed to
70 | establish parental rights from challenging a judgment
71 | terminating parental rights under certain circumstances;
72 | amending s. 63.092, F.S.; revising the conditions and
73 | timeframe for an adoption entity to report to the court
74 | the intent to place a minor for adoption; amending s.
75 | 63.102, F.S.; revising procedures for the filing of a
76 | petition for adoption; providing the proper venue where
77 | the petition may be filed; amending s. 63.122, F.S.;
78 | revising whose name may be removed from a petition under
79 | certain circumstances; amending s. 63.132, F.S.; providing
80 | additional exceptions to the requirement that the adoptive
81 | parent and the adoption entity file an affidavit itemizing
82 | all expenses and receipts; amending s. 63.135, F.S.;
83 | requiring the adoption entity or petitioner to file an
84 | affidavit under the Uniform Child Custody Jurisdiction and
85 | Enforcement Act in a termination of parental rights
86 | proceeding; deleting information required to be submitted
87 | under oath to the court; amending s. 63.142, F.S.;

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88 requiring that if an adoption petition is dismissed, any
89 further proceedings regarding the minor be brought in a
90 separate custody action under ch. 61, F.S., a dependency
91 action under ch. 39, F.S., or a paternity action under ch.
92 742, F.S.; revising conditions under which a judgment
93 terminating parental rights is voidable; amending s.
94 63.192, F.S.; requiring the courts of this state to
95 recognize decrees of termination of parental rights and
96 adoptions from other states and countries; amending s.
97 63.212, F.S.; revising acts that are unlawful pertaining
98 to adoptions; creating s. 63.236, F.S.; providing that a
99 petition for termination of parental rights filed before
100 the effective date of the act is governed by the law in
101 effect at the time the petition was filed; amending s.
102 742.021, F.S.; requiring the clerk of court to issue
103 certain notice in cases of complaints concerning
104 determination of paternity; amending s. 742.10, F.S.;
105 providing applicability of chs. 39 and 63, F.S., to
106 jurisdiction and procedures for determination of paternity
107 for children born out of wedlock; providing an effective
108 date.

109
110 Be It Enacted by the Legislature of the State of Florida:

111
112 Section 1. Subsection (5) of section 39.812, Florida
113 Statutes, is amended to read:

114 39.812 Postdisposition relief; petition for adoption.--

115 (5) The petition for adoption must be filed in the division
116 of the circuit court which entered the judgment terminating

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117 | parental rights, unless a motion for change of venue is granted
118 | pursuant to s. 47.122. A copy of the consent executed by the
119 | department ~~as required under s. 63.062(7)~~ must be attached to the
120 | petition, unless waived pursuant to s. 63.062(7) ~~the court~~
121 | ~~determines that such consent is being unreasonably withheld and~~
122 | ~~provided that the petitioner has filed with the court a favorable~~
123 | ~~preliminary adoptive home study performed by a licensed child-~~
124 | ~~placing agency, a child-caring agency registered under s.~~
125 | ~~409.176, or a licensed professional or agency described in s.~~
126 | ~~61.20(2).~~ The petition must be accompanied by a statement, signed
127 | by the prospective adoptive parents, acknowledging receipt of all
128 | information required to be disclosed under s. 63.085 and a form
129 | provided by the department which details the social and medical
130 | history of the child and each parent and includes the social
131 | security number and date of birth for each parent, if such
132 | information is available or readily obtainable. The prospective
133 | adoptive parents ~~person seeking to adopt the child~~ may not file a
134 | petition for adoption until the judgment terminating parental
135 | rights becomes final. An adoption proceeding under this
136 | subsection is governed by chapter 63, ~~as limited under s. 63.037.~~

137 | Section 2. Subsection (13) of section 49.011, Florida
138 | Statutes, is amended to read:

139 | 49.011 Service of process by publication; cases in which
140 | allowed.--Service of process by publication may be made in any
141 | court on any party identified in s. 49.021 in any action or
142 | proceeding:

143 | (13) For termination of parental rights pursuant to part IX
144 | of chapter 39 or chapter 63.

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145 Section 3. Subsections (4) through (20) of section 63.032,
146 Florida Statutes, are amended to read:

147 63.032 Definitions.--As used in this chapter, the term:

148 (4) "Adoption plan" means an arrangement made by a birth
149 parent or other individual having a legal right to custody of a
150 minor, born or to be born, with an adoption entity in furtherance
151 of placing the minor for adoption.

152 (5)~~(4)~~ "Adult" means a person who is not a minor.

153 (6)~~(5)~~ "Agency" means any child-placing agency licensed by
154 the department pursuant to s. 63.202 to place minors for
155 adoption.

156 (7)~~(6)~~ "Child" means a minor son or daughter, whether by
157 birth or adoption.

158 (8)~~(7)~~ "Court" means a ~~any~~ circuit court of this state and,
159 if when the context requires, the court of any state that is
160 empowered to grant petitions for adoption.

161 (9)~~(8)~~ "Department" means the Department of Children and
162 Family Services.

163 (10)~~(9)~~ "Intermediary" means an attorney who is licensed or
164 authorized to practice in this state and who is placing or
165 intends to place a child for adoption, including placing children
166 born in another state with citizens of this state or country or
167 placing children born in this state with citizens of another
168 state or country.

169 (11)~~(10)~~ "Legal custody" has the meaning ascribed in s.
170 39.01.

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

172 (12) "Parent" means a woman who gives birth to a child or a
173 man whose consent to the adoption of the child would be required

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174 under s. 63.062(1). If a child has been legally adopted, the term
175 "parent" means the adoptive mother or father of the child. The
176 term does not include an individual whose parental relationship
177 to the child has been legally terminated or an alleged or
178 prospective parent has the same meaning ascribed in s. 39.01.

179 (13) "Person" includes a natural person, corporation,
180 government or governmental subdivision or agency, business trust,
181 estate, trust, partnership, or association, and any other legal
182 entity.

183 ~~(14) "Relative" means a person related by blood to the~~
184 ~~person being adopted within the third degree of consanguinity.~~

185 ~~(15) "To place" means the process of a parent or legal~~
186 ~~guardian surrendering a child for adoption and the prospective~~
187 ~~adoptive parents receiving and adopting the child, and includes~~
188 ~~all actions by any person or adoption entity participating in the~~
189 ~~process.~~

190 ~~(14)~~(16) "Placement" means the process of a parent or legal
191 guardian surrendering a child for adoption and the prospective
192 adoptive parents receiving and adopting the child and all actions
193 by any adoption entity participating in placing the child.

194 ~~(15)~~(17) "Primarily lives and works outside Florida" means
195 that a person who lives and works outside this state at least 6
196 months and 1 day per of the year, is a member of the military
197 personnel who designates a state other than designate Florida as
198 his or her their place of residence in accordance with the
199 Servicemembers' Civil Relief Act, Pub. L. No. 108-189, or is a
200 citizen employees of the United States Department of State living
201 in a foreign country who designates designate a state other than
202 Florida as his or her their place of residence.

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203 (16) "Relative" means a person related by blood to the
204 person being adopted within the third degree of consanguinity.

205 ~~(17)-(18)~~ "Suitability of the intended placement" means
206 ~~includes~~ the fitness of the intended placement, with primary
207 consideration being given to the best interest of the child.

208 (18) "To place" means the process whereby a parent or legal
209 guardian surrenders a child for adoption and the prospective
210 adoptive parents receive and adopt the child, and includes all
211 actions by any person or adoption entity participating in the
212 process.

213 (19) "Unmarried biological father" means the child's
214 biological father who is not married to the child's mother at the
215 time of conception or birth of the child and who, before the
216 filing of a petition to terminate parental rights, has not been
217 adjudicated ~~declared~~ by a court of competent jurisdiction to be
218 the legal father of the child or has not executed an affidavit
219 pursuant to s. 382.013(2)(c).

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

224 Section 4. Paragraph (i) of subsection (1) of section
225 63.039, Florida Statutes, is amended, paragraph (j) is added to
226 that subsection, and subsection (3) of that section is amended,
227 to read:

228 63.039 Duty of adoption entity to prospective adoptive
229 parents; sanctions.--

230 (1) An adoption entity placing a minor for adoption has an
231 affirmative duty to follow the requirements of this chapter and

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232 specifically the following provisions, which protect and promote
233 the well-being of persons being adopted and their parents and
234 prospective adoptive parents by promoting certainty, finality,
235 and permanency for such persons. The adoption entity must:

236 (i) Obtain the written waiver of venue required under s.
237 63.062, if applicable ~~in cases in which venue for the termination~~
238 ~~of parental rights will be located in a county other than the~~
239 ~~county where a parent whose rights are to be terminated resides.~~

240 (j) Provide an adoption disclosure statement, as required
241 under s. 63.085(1), to all persons whose consent is required
242 under s. 63.062(1).

243 (3) The prevailing party in an action to set aside a
244 judgment terminating parental rights pending adoption or a
245 judgment of adoption may be awarded reasonable attorney's fees
246 and costs pursuant to Rule 1.540(b)(3), Florida Rules of Civil
247 Procedure. An award under this subsection must be paid by the
248 adoption entity or by the ~~any~~ applicable insurance carrier on
249 behalf of the adoption entity if the court finds that the acts or
250 omissions of the entity were the basis for the court's order
251 granting relief to the prevailing party.

252 Section 5. Section 63.0425, Florida Statutes, is amended to
253 read:

254 63.0425 Grandparent's right to notice ~~adopt~~.--

255 (1) If ~~When~~ a child has lived with a grandparent for at
256 least 6 months within the 24-month period immediately preceding
257 the filing of a petition for termination of parental rights
258 pending adoption, the adoption entity shall provide notice to
259 that grandparent of the hearing on the petition ~~for termination~~
260 ~~of parental rights pending adoption.~~

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261 (2) This section does ~~shall~~ not apply if the placement for
262 adoption is the a result of the death of the child's parent and a
263 different preference is stated in the parent's will.

264 (3) This section does ~~shall~~ not apply in stepparent
265 adoptions.

266 (4) ~~Nothing in~~ This section does not ~~shall~~ contravene the
267 provisions of s. 63.142(4).

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

270 63.054 Actions required by an unmarried biological father
271 to establish parental rights; Florida Putative Father Registry.--

272 (1) In order to preserve the right to notice and consent to
273 an adoption under this chapter, an unmarried biological father
274 must, as the "registrant," file a notarized claim of paternity
275 form with the Florida Putative Father Registry maintained by the
276 Office of Vital Statistics of the Department of Health which
277 includes ~~and shall include therein~~ confirmation of his
278 willingness and intent to support the child for whom paternity is
279 claimed in accordance with state law. The claim of paternity may
280 be filed at any time before ~~prior to~~ the child's birth, but a
281 ~~claim of paternity~~ may not be filed after the date a petition is
282 filed for termination of parental rights. In each proceeding for
283 termination of parental rights, the petitioner must ~~shall~~ submit
284 to the Office of Vital Statistics ~~of the Department of Health~~ a
285 copy of the petition for termination of parental rights. The
286 Office of Vital Statistics may ~~of the Department of Health shall~~
287 not record a claim of paternity after the date ~~that~~ a petition
288 for termination of parental rights is filed. The failure of an
289 unmarried biological father to file a claim of paternity with the

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290 Registry before the date a petition for termination of parental
291 rights is filed also bars him from filing a paternity claim under
292 chapter 742.

293 (a) An unmarried biological father is excepted from the
294 time limitations for filing a claim of paternity with the
295 registry or for filing a paternity claim under chapter 742 if:

296 1. The mother identifies him to the adoption entity as a
297 potential biological father by the date she executes a consent
298 for adoption; and

299 2. He is served with a notice of intended adoption plan
300 pursuant to s. 63.062(3) and the 30-day mandatory response date
301 is later than the date the petition for termination of parental
302 rights is filed with the court.

303 (b) If an unmarried biological father falls within the
304 exception provided by paragraph (a), the petitioner shall also
305 submit to the Office of Vital Statistics a copy of the notice of
306 intended adoption plan and proof of service of the notice on the
307 potential biological father.

308 (c) An unmarried biological father who falls within the
309 exception provided by paragraph (a), may not file a claim of
310 paternity with the registry or a paternity claim under chapter
311 742 after the 30-day mandatory response date to the notice of
312 intended adoption plan has expired. The Office of Vital
313 Statistics may not record a claim of paternity 30 days after
314 service of the notice of intended adoption plan.

315 (6) It is the obligation of the registrant or, if
316 designated under subsection (4), his designated agent or
317 representative to notify and update the Office of Vital
318 Statistics of any change of address or change in the designation

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319 of an agent or representative. The failure of a registrant, or
320 designated agent or representative, to report any such change is
321 at the registrant's own risk and may ~~shall~~ not serve as a ~~valid~~
322 defense based upon lack of notice, and the adoption entity or
323 petitioner has no further obligation to search for the registrant
324 unless the person petitioning for termination of parental rights
325 or adoption has actual ~~or constructive~~ notice of the registrant's
326 address and whereabouts from another source.

327 (7) In each proceeding for termination of parental rights
328 or each adoption proceeding in which parental rights are being
329 terminated simultaneously with entry of the final judgment of
330 adoption, as in a stepparent and relative adoption filed under
331 this chapter, the petitioner must contact the Office of Vital
332 Statistics ~~of the Department of Health~~ by submitting an
333 application for a search of the Florida Putative Father Registry.
334 The petitioner must ~~shall~~ provide the same information, if known,
335 on the search application form that ~~which~~ the registrant
336 furnished ~~is required to furnish~~ under subsection (3).
337 Thereafter, the Office of Vital Statistics shall ~~must~~ issue a
338 certificate signed by the State Registrar certifying:

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

343 (b) That a diligent search has been made of the ~~registry of~~
344 registrants who may be the unmarried biological father of the
345 subject child and that no matching registration has been located
346 in the registry.

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348 The ~~This~~ certificate must be filed with the court in the
349 proceeding to terminate parental rights or the adoption
350 proceeding. If a termination of parental rights and an adoption
351 proceeding are being adjudicated separately ~~simultaneously~~, the
352 Florida Putative Father Registry need only be searched for the
353 termination of parental rights proceeding ~~once~~.

354 Section 7. Paragraph (b) of subsection (1) and subsections
355 (3), (7), and (9) of section 63.062, Florida Statutes, are
356 amended to read:

357 63.062 Persons required to consent to adoption; affidavit
358 of nonpaternity; waiver of venue.--

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

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

365 1. The minor was conceived or born while the father was
366 married to the mother;

367 2. The minor is his child by adoption;

368 3. The minor has been adjudicated ~~established~~ by the court
369 ~~proceeding~~ to be his child by the date a petition is filed for
370 termination of parental rights;

371 4. He has filed an affidavit of paternity pursuant to s.
372 382.013(2)(c) by the date a petition is filed for termination of
373 parental rights; or

374 5. In the case of an unmarried biological father, he has
375 acknowledged in writing, signed in the presence of a competent
376 witness, that he is the father of the minor, has filed such

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377 acknowledgment with the Office of Vital Statistics of the
378 Department of Health within the required timeframes, and has
379 complied with the requirements of subsection (2).

380 (3)(a) Pursuant to chapter 48, an adoption entity may serve
381 a notice of intended adoption plan upon any known and locatable
382 unmarried biological father who is identified to the adoption
383 entity by the mother by the date she signs her consent for
384 adoption or who is identified by a diligent search of the Florida
385 Putative Father Registry, or upon an entity whose consent is
386 required. The notice may be served, ~~a notice of intended adoption~~
387 ~~plan~~ at any time before the child's birth or before placing ~~prior~~
388 ~~to the placement of the child in the adoptive home, including~~
389 ~~prior to the birth of the child. The recipient of the notice may~~
390 waive service of process by executing a waiver and acknowledging
391 receipt of the plan. The notice of intended adoption plan must
392 specifically state that if the unmarried biological father
393 desires to contest the adoption plan, he must, within 30 days
394 after service, file with the court, ~~within 30 days after service,~~
395 a verified response that contains a pledge of commitment to the
396 child in substantial compliance with subparagraph (2)(b)2. and
397 ~~The notice of intended adoption plan shall notify the unmarried~~
398 ~~biological father that he must file a claim of paternity form~~
399 ~~with the Office of Vital Statistics, within 30 days after service~~
400 ~~upon him~~ and must provide the adoption entity with a copy of the
401 verified response filed with the court and the claim of paternity
402 form filed with the Office of Vital Statistics. The notice must
403 also include instructions for submitting a claim of paternity
404 form to the Office of Vital Statistics and the address to which
405 the claim must be sent. If the party served with the notice of

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406 intended adoption plan is an entity whose consent is required,
407 the notice must specifically state that the entity must file,
408 within 30 days after service, a verified response setting forth a
409 legal basis for contesting the intended adoption plan,
410 specifically addressing the best interest of the child.

411 (a) If the unmarried biological father or entity whose
412 consent is required fails to timely and properly file a verified
413 response with the court and, in the case of an unmarried
414 biological father, a claim of paternity form with the Office of
415 Vital Statistics ~~within 30 days after service upon that unmarried~~
416 ~~biological father or entity whose consent is required~~, the court
417 shall enter a default against any unmarried biological father or
418 entity and the consent of that unmarried biological father or
419 entity shall no longer be required under this chapter and ~~that~~
420 ~~party~~ shall be deemed to have waived any claim of rights to the
421 child. To avoid a default, within 30 days after receipt of
422 service of the notice of intended adoption plan:

423 1. The unmarried biological father must:

424 a. File a claim of paternity with the Florida Putative
425 Father Registry maintained by the Office of Vital Statistics;

426 b. File a verified response with the court which contains a
427 pledge of commitment to the child in substantial compliance with
428 subparagraph (2) (b) 2.; and

429 c. Provide support for the birth mother and child.

430 2. The entity whose consent is required must file a
431 verified response setting forth a legal basis for contesting the
432 intended adoption plan, specifically addressing the best interest
433 of the child. ~~Each notice of intended adoption plan served upon~~
434 ~~an unmarried biological father must include instructions as to~~

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435 ~~the procedure the unmarried biological father must follow to~~
436 ~~submit a claim of paternity form to the Office of Vital~~
437 ~~Statistics and the address to which the registration must be~~
438 ~~directed.~~

439 (b) ~~If the birth mother identifies a man who she believes~~
440 ~~is the unmarried biological father of her child, the adoption~~
441 ~~entity may provide a notice of intended adoption plan pursuant to~~
442 ~~paragraph (a).~~ If the mother identifies a potential unmarried
443 biological father whose location is unknown, the adoption entity
444 shall conduct a diligent search pursuant to s. 63.088. If, upon
445 completion of a diligent search, the potential unmarried
446 biological father's location remains unknown and a search of the
447 Florida Putative Father Registry fails to reveal a match, the
448 adoption entity shall request in the petition for termination of
449 parental rights pending adoption that the court declare the
450 diligent search to be in compliance with s. 63.088, and to
451 ~~further declare~~ that the adoption entity has ~~shall have~~ no
452 further obligation to provide notice to the potential unmarried
453 biological father, and that the potential unmarried biological
454 father's consent to the adoption is ~~shall~~ not ~~be~~ required.

455 (7) If parental rights to the minor have previously been
456 terminated, the adoption entity with which the minor has been
457 placed for subsequent adoption may provide consent to the
458 adoption. In such case, no other consent is required. The consent
459 of the department shall be waived upon a determination by the
460 court that such consent is being unreasonably withheld and if,
461 ~~provided that~~ the petitioner has filed with the court a favorable
462 preliminary adoptive home study as required under s. 63.092
463 ~~performed by a licensed child-placing agency, a child-caring~~

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464 agency registered under ~~s. 409.176~~, or a licensed professional or
465 agency described in ~~s. 61.20(2)~~.

466 (9) A petition for termination of parental rights must
467 ~~shall~~ be filed in the appropriate county as determined under s.
468 63.087(2). If a ~~the~~ parent ~~or parents~~ whose consent is required
469 objects ~~rights are to be terminated~~ ~~object~~ to venue in the county
470 where the action was filed, the court may transfer venue to a
471 proper venue consistent with this chapter and chapter 47 ~~the~~
472 ~~action to the county where the objecting parent or parents~~
473 ~~reside~~, unless the objecting parent has previously executed a
474 waiver of venue.

475 Section 8. Section 63.063, Florida Statutes, is amended to
476 read:

477 63.063 Responsibility of parents ~~each party~~ for ~~their own~~
478 actions; fraud or misrepresentation; contesting termination of
479 parental rights and adoption ~~statutory compliance~~.--

480 (1) Each parent of a child conceived or born outside of
481 marriage is responsible for his or her ~~own~~ actions and is not
482 excused from strict compliance with ~~the provisions of this~~
483 chapter based upon any action, statement, or omission of the
484 other parent or a third party, except as provided in s.
485 63.062(2)(a).

486 (2) Any person injured by a fraudulent representation or
487 action in connection with an adoption may ~~is entitled to~~ pursue
488 civil or criminal penalties as provided by law. A fraudulent
489 representation is not a defense to compliance with the
490 requirements of this chapter and is not a basis for dismissing a
491 petition for termination of parental rights or a petition for
492 adoption, for vacating an adoption decree, or for granting

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493 custody to the offended party. Custody and adoption
494 determinations must ~~shall~~ be based on the best interest of the
495 child in accordance with s. 61.13.

496 (3) The Legislature finds no way to remove all risk of
497 fraud or misrepresentation in adoption proceedings and has
498 provided a method for absolute protection of an unmarried
499 biological father's rights through ~~by~~ compliance with ~~the~~
500 ~~provisions of~~ this chapter. In balancing the rights and interests
501 of the state and of all parties affected by fraud, including the
502 child, the adoptive parents, and the unmarried biological father,
503 the Legislature has determined that the unmarried biological
504 father is in the best position to prevent or ameliorate the
505 effects of fraud and, therefore, has the burden of preventing
506 fraud.

507 (4) The Legislature finds that an unmarried biological
508 father who resides in another state may not, in every
509 circumstance, be reasonably presumed to know ~~of~~ and comply with
510 the requirements of this chapter. Therefore, if all of the
511 following requirements have been met, an unmarried biological
512 father may contest a termination of parental rights or subsequent
513 adoption and, before ~~prior to~~ entry of the final judgment of
514 adoption, assert his interest in the child. Following such
515 assertion, the court may, ~~in its discretion,~~ proceed with an
516 evidentiary hearing if:

517 (a) The unmarried biological father resides and has resided
518 in another state where the unmarried mother was also located or
519 resided.

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520 (b) The unmarried mother left that state without notifying
521 or informing the unmarried biological father that she could be
522 located in this ~~the~~ state ~~of Florida~~.

523 (c) The unmarried biological father has, through every
524 reasonable means, attempted to locate the mother but does not
525 know or have reason to know that the mother is residing in this
526 ~~the~~ state ~~of Florida~~.

527 (d) The unmarried biological father has substantially
528 complied with the requirements of the state where the mother
529 previously resided or was located in order to protect and
530 preserve his parental interest and rights with regard to the
531 child.

532 Section 9. Paragraph (d) of subsection (1), paragraphs (b),
533 (c), and (e) of subsection (4), paragraphs (a), (b), and (d) of
534 subsection (6), and subsection (7) of section 63.082, Florida
535 Statutes, are amended to read:

536 63.082 Execution of consent to adoption or affidavit of
537 nonpaternity; family social and medical history; withdrawal of
538 consent.--

539 (1)

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

547 (4)

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

559 (c) If ~~When~~ the minor to be adopted is older than 6 months
560 of age at the time of the execution of the consent, the consent
561 to adoption is valid upon execution; however, it is subject to a
562 ~~3-day~~ revocation period of 3 business days ~~or may be revoked at~~
563 ~~any time prior to the placement of the minor with the prospective~~
564 ~~adoptive parents, whichever is later. If a consent has been~~
565 ~~executed, this subsection may not be construed to provide a birth~~
566 ~~parent with more than 3 days to revoke the consent once the child~~
567 ~~has been placed with the prospective adoptive parents.~~

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

571

572 CONSENT TO ADOPTION

573

574 YOU HAVE THE RIGHT TO SELECT AT LEAST ONE PERSON WHO DOES NOT
575 HAVE AN EMPLOYMENT, PROFESSIONAL, OR PERSONAL RELATIONSHIP WITH
576 THE ADOPTION ENTITY OR THE PROSPECTIVE ADOPTIVE PARENTS TO BE

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577 PRESENT WHEN THIS AFFIDAVIT IS EXECUTED AND TO SIGN IT AS A
578 WITNESS. YOU MUST ACKNOWLEDGE ON THIS FORM THAT YOU WERE NOTIFIED
579 OF THIS RIGHT AND YOU MUST INDICATE THE WITNESS OR WITNESSES YOU
580 SELECTED, IF ANY.

581
582 YOU DO NOT HAVE TO SIGN THIS CONSENT FORM. YOU MAY DO ANY OF THE
583 FOLLOWING INSTEAD OF SIGNING THIS CONSENT OR BEFORE SIGNING THIS
584 CONSENT:

- 585
586 1. CONSULT WITH AN ATTORNEY;
587 2. HOLD, CARE FOR, AND FEED THE CHILD UNLESS OTHERWISE LEGALLY
588 PROHIBITED;
589 3. PLACE THE CHILD IN FOSTER CARE OR WITH ANY FRIEND OR FAMILY
590 MEMBER YOU CHOOSE WHO IS WILLING TO CARE FOR THE CHILD;
591 4. TAKE THE CHILD HOME UNLESS OTHERWISE LEGALLY PROHIBITED; AND
592 5. FIND OUT ABOUT THE COMMUNITY RESOURCES THAT ARE AVAILABLE TO
593 YOU IF YOU DO NOT GO THROUGH WITH THE ADOPTION.

594
595 IF YOU DO SIGN THIS CONSENT, YOU ARE GIVING UP ALL RIGHTS TO YOUR
596 CHILD. YOUR CONSENT IS VALID, BINDING, AND IRREVOCABLE EXCEPT
597 UNDER SPECIFIC LEGAL CIRCUMSTANCES. IF YOU ARE GIVING UP YOUR
598 RIGHTS TO A NEWBORN CHILD WHO IS TO BE IMMEDIATELY PLACED FOR
599 ADOPTION UPON THE CHILD'S RELEASE FROM A LICENSED HOSPITAL OR
600 BIRTH CENTER FOLLOWING BIRTH, A WAITING PERIOD WILL BE IMPOSED
601 UPON THE BIRTH MOTHER BEFORE SHE MAY SIGN THE CONSENT FOR
602 ADOPTION. A BIRTH MOTHER MUST WAIT 48 HOURS FROM THE TIME OF
603 BIRTH, OR UNTIL THE DAY THE BIRTH MOTHER HAS BEEN NOTIFIED IN
604 WRITING, EITHER ON HER PATIENT CHART OR IN RELEASE PAPERS, THAT
605 SHE IS FIT TO BE RELEASED FROM A LICENSED HOSPITAL OR BIRTH

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606 CENTER, WHICHEVER IS SOONER, BEFORE THE CONSENT FOR ADOPTION MAY
607 BE EXECUTED. ANY MAN ~~A BIOLOGICAL FATHER~~ MAY EXECUTE A CONSENT AT
608 ANY TIME AFTER THE BIRTH OF THE CHILD. ONCE YOU HAVE SIGNED THE
609 CONSENT, IT IS VALID, BINDING, AND IRREVOCABLE AND CANNOT BE
610 WITHDRAWN UNLESS A COURT FINDS THAT IT WAS OBTAINED BY FRAUD OR
611 DURESS.

612
613 IF YOU BELIEVE THAT YOUR CONSENT WAS OBTAINED BY FRAUD OR DURESS
614 AND YOU WISH TO REVOKE THAT CONSENT, YOU MUST:

- 615
- 616 1. NOTIFY THE ADOPTION ENTITY, BY WRITING A LETTER, THAT YOU
617 WISH TO WITHDRAW YOUR CONSENT; AND
 - 618 2. PROVE IN COURT THAT THE CONSENT WAS OBTAINED BY FRAUD OR
619 DURESS.

620
621 This statement of rights is not required for the adoption of a
622 relative, an adult, a stepchild, or a child older than 6 months
623 of age. A consent form for the adoption of a child older than 6
624 months of age at the time of the execution of consent must
625 contain a statement outlining the revocation rights provided in
626 paragraph (c).

627 (6) (a) If a ~~birth~~ parent executes a consent for placement
628 of a minor with an adoption entity or qualified prospective
629 adoptive parents and the minor child is in the custody of the
630 department, but parental rights have not yet been terminated, the
631 adoption consent is ~~shall be~~ valid, binding, and enforceable by
632 the court.

633 (b) Upon execution of the consent of the ~~birth~~ parent, the
634 adoption entity may ~~shall be permitted to~~ intervene in the

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635 dependency case as a party in interest and must ~~shall~~ provide the
636 court having jurisdiction over the minor, pursuant to the shelter
637 or dependency petition filed by the department, ~~with~~ a copy of
638 the preliminary home study of the prospective adoptive parents
639 and any other evidence of the suitability of the placement. The
640 preliminary home study must ~~shall~~ be maintained with strictest
641 confidentiality within the dependency court file and the
642 department's file. A preliminary home study must be provided to
643 the court in all cases in which an adoption entity has intervened
644 pursuant to this section.

645 (d) In determining whether the best interest of the child
646 ~~is will be~~ served by transferring the custody of the minor child
647 to the prospective adoptive parent selected by the ~~birth~~ parent,
648 the court shall consider ~~give consideration to~~ the rights of the
649 ~~birth~~ parent to determine an appropriate placement for the child,
650 the permanency offered, the child's bonding with any potential
651 adoptive home that the child has been residing in, and the
652 importance of maintaining sibling relationships, if possible.

653 (7) If a person is seeking to withdraw consent for a child
654 older than 6 months of age who has been placed with prospective
655 adoptive parents:

656 (a) The person seeking to withdraw consent must, in
657 accordance with paragraph (4) (c), notify ~~A consent that is being~~
658 ~~withdrawn under paragraph (4) (c) may be withdrawn at any time~~
659 ~~prior to the minor's placement with the prospective adoptive~~
660 ~~parents or by notifying~~ the adoption entity in writing by
661 certified ~~United States~~ mail, return receipt requested, within
662 ~~not later than~~ 3 business days after execution of the consent. As
663 used in this subsection, the term "business day" means any day on

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664 | which the United States Postal Service accepts certified mail for
665 | delivery.

666 | (b) Upon receiving timely written notice from a person
667 | whose consent to adoption is required of that person's desire to
668 | withdraw consent ~~to adoption~~, the adoption entity must contact
669 | the prospective adoptive parent to arrange a time certain for the
670 | adoption entity to regain physical custody of the minor, unless,
671 | upon a motion for emergency hearing by the adoption entity, the
672 | court determines in written findings that placement of the minor
673 | with the person who had legal or physical custody of the child
674 | immediately before the child was placed for adoption ~~withdrawing~~
675 | ~~consent~~ may endanger the minor, or that the person who desires to
676 | withdraw consent is to the adoption ~~would not be~~ required to
677 | consent to the adoption, ~~or~~ has been determined to have abandoned
678 | the child, or is otherwise subject to a determination that the
679 | person's consent is waived under this chapter.

680 | (c) If the court finds that the ~~such~~ placement may endanger
681 | the minor, the court shall ~~must~~ enter an order continuing the
682 | ~~regarding continued~~ placement of the minor with the prospective
683 | adoptive parents pending further proceedings if they desire
684 | continued placement. If the prospective adoptive parents do not
685 | desire continued placement, the order must ~~shall~~ include, but
686 | need not be limited to, a determination of whether temporary
687 | placement in foster care with the person who had legal or
688 | physical custody of the child immediately before placing the
689 | child for adoption or with a relative is in the best interest of
690 | the child and is appropriate, whether an investigation by the
691 | department is recommended, ~~and whether a relative is available~~
692 | ~~for the temporary placement.~~

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693 (d) If the person withdrawing consent claims to be the
694 father of the minor but has not been established to be the father
695 by marriage, court order, or scientific testing, the court may
696 order scientific paternity testing and reserve ruling on removal
697 of the minor until the results of such testing have been filed
698 with the court.

699 (e) The adoption entity must return the minor within 3
700 business days after timely and proper notification of the
701 withdrawal of consent or after the court determines that
702 withdrawal is valid and binding upon consideration of an
703 emergency motion, as filed pursuant to paragraph (b), to the
704 physical custody of the person withdrawing consent or the person
705 directed by the court. If the person seeking to ~~validly~~ withdraw
706 consent claims to be the father of the minor but has not been
707 established to be the father by marriage, court order, or
708 scientific testing, the adoption entity may return the minor to
709 the care and custody of the mother, if she desires such
710 placement, and she ~~the mother~~ is not otherwise prohibited by law
711 from having custody of the child.

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

717 (g) An affidavit of nonpaternity may be withdrawn only if
718 the court finds that the affidavit was obtained by fraud or
719 duress.

720 Section 10. Section 63.085, Florida Statutes, is amended to
721 read:

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722 63.085 Disclosure by adoption entity.--

723 (1) DISCLOSURE REQUIRED TO PARENTS AND PROSPECTIVE ADOPTIVE
724 PARENTS.--Within ~~Not later than~~ 14 days after a person seeking to
725 adopt a minor or a person seeking to place a minor for adoption
726 contacts an adoption entity in person or provides the adoption
727 entity with a mailing address, the entity must provide a written
728 disclosure statement to that person if the entity agrees or
729 continues to work with the ~~such~~ person. The ~~If an~~ adoption entity
730 shall also provide the written disclosure to the parent is
731 ~~assisting in the effort to terminate the parental rights of a~~
732 ~~parent~~ who did not initiate ~~the~~ contact with the adoption entity,
733 ~~the written disclosure must be provided~~ within 14 days after that
734 parent is identified and located. For purposes of providing the
735 written disclosure, a person is considered to be seeking to place
736 a minor for adoption if ~~when~~ that person has sought information
737 or advice from the adoption entity regarding the option of
738 adoptive placement. The written disclosure statement must be in
739 substantially the following form:

740

741 ADOPTION DISCLOSURE

742

743 THE STATE OF FLORIDA REQUIRES THAT THIS FORM BE PROVIDED TO ALL
744 PERSONS CONSIDERING ADOPTING A MINOR OR SEEKING TO PLACE A MINOR
745 FOR ADOPTION, TO ADVISE THEM OF THE FOLLOWING FACTS REGARDING
746 ADOPTION UNDER FLORIDA LAW:

747

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

750 Name:

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751 | Address:

752 | Telephone Number:

753 |

754 | 2. The adoption entity does not provide legal representation or
755 | advice to ~~birth~~ parents or anyone signing a consent for adoption
756 | or affidavit of nonpaternity, and ~~birth~~ parents have the right to
757 | consult with an attorney of their own choosing to advise them.

758 | 3. With the exception of an adoption by a stepparent or
759 | relative, a child cannot be placed into a prospective adoptive
760 | home unless the prospective adoptive parents have received a
761 | favorable preliminary home study, including criminal and child
762 | abuse clearances.

763 | 4. A valid consent for adoption may not be signed by the birth
764 | mother until 48 hours after the birth of the child, or the day
765 | the birth mother is notified, in writing, that she is fit for
766 | discharge from the licensed hospital or birth center. Any man A
767 | ~~putative father~~ may sign a valid consent for adoption at any time
768 | after the birth of the child.

769 | 5. A consent for adoption signed before the child attains the
770 | age of 6 months is binding and irrevocable from the moment it is
771 | signed unless it can be proven in court that the consent was
772 | obtained by fraud or duress. A consent for adoption signed after
773 | the child attains the age of 6 months is valid from the moment it
774 | is signed; however, it may be revoked ~~until the child is placed~~
775 | ~~in an adoptive home, or up to 3 days after it was signed,~~
776 | ~~whichever period is longer.~~

777 | 6. A consent for adoption is not valid if the signature of the
778 | person who signed the consent was obtained by fraud or duress.

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779 7. An unmarried biological father must act immediately in order
780 to protect his parental rights. Section 63.062, Florida Statutes,
781 prescribes that any father seeking to establish his right to
782 consent to the adoption of his child must file a claim of
783 paternity with the Florida Putative Father Registry maintained by
784 the Office of Vital Statistics of the Department of Health by the
785 date a petition to terminate parental rights is filed with the
786 court, or within 30 days after receiving service of a Notice of
787 Intended Adoption Plan. If he receives a Notice of Intended
788 Adoption Plan, he must file a claim of paternity with the Florida
789 Putative Father Registry, file a parenting plan with the court,
790 and provide financial support to the mother or child within 30
791 days following service. An unmarried biological father's failure
792 to timely respond to a Notice of Intended Adoption Plan
793 constitutes an irrevocable legal waiver of any and all rights
794 that the father may have to the child. A claim of paternity
795 registration form for the Florida Putative Father Registry may be
796 obtained from any local office of the Department of Health,
797 Office of Vital Statistics, the Department of Children and
798 Families, the Internet websites for these agencies, and the
799 offices of the clerks of the Florida circuit courts. The claim of
800 paternity form must be submitted to the Office of Vital
801 Statistics, Attention: Adoption Unit, P.O. Box 210, Jacksonville,
802 FL 32231.

803 8.7. There are alternatives to adoption, including foster care,
804 relative care, and parenting the child. There may be services and
805 sources of financial assistance in the community available to
806 ~~birth~~ parents if they choose to parent the child.

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807 ~~9.8.~~ A ~~birth~~ parent has the right to have a witness of his or
808 her choice, who is unconnected with the adoption entity or the
809 adoptive parents, to be present and witness the signing of the
810 consent or affidavit of nonpaternity.

811 ~~10.9.~~ A ~~birth~~ parent 14 years of age or younger must have a
812 parent, legal guardian, or court-appointed guardian ad litem to
813 assist and advise the ~~birth~~ parent as to the adoption plan.

814 ~~11.10.~~ A ~~birth~~ parent has a right to receive supportive
815 counseling from a counselor, social worker, physician, clergy, or
816 attorney, ~~and such counseling would be beneficial to the birth~~
817 ~~parent.~~

818 ~~12.11.~~ The payment of living or medical expenses by the
819 prospective adoptive parents before ~~prior to~~ the birth of the
820 child does not, in any way, obligate the ~~birth~~ parent to sign the
821 consent for adoption.

822 (2) DISCLOSURE TO ADOPTIVE PARENTS.--

823 (a) At the time that an adoption entity is responsible for
824 selecting prospective adoptive parents for a born or unborn child
825 whose parents are seeking to place the child for adoption or
826 whose rights were terminated pursuant to chapter 39, the adoption
827 entity must provide the prospective adoptive parents with
828 information concerning the background of the child to the extent
829 such information is disclosed to the adoption entity by the
830 parents, legal custodian, or the department. This subsection
831 applies only if the adoption entity identifies the prospective
832 adoptive parents and supervises the physical placement of the
833 child in the prospective adoptive parents' home. If any
834 information cannot be disclosed because the records custodian
835 failed or refused to produce the background information, the

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836 adoption entity has a duty to provide the information if it
837 becomes available. An individual or entity contacted by an
838 adoption entity to obtain the background information must release
839 the requested information to the adoption entity without the
840 necessity of a subpoena or a court order. In all cases, the
841 prospective adoptive parents must receive all available
842 information by the date of the final hearing on the petition for
843 adoption. The information to be disclosed includes:

- 844 1. A family social and medical history form completed
845 pursuant to s. 63.162(6).
- 846 2. The biological mother's medical records documenting her
847 prenatal care and the birth and delivery of the child.
- 848 3. A complete set of the child's medical records
849 documenting all medical treatment and care since the child's
850 birth and before placement.
- 851 4. All mental health, psychological, and psychiatric
852 records, reports, and evaluations concerning the child before
853 placement.
- 854 5. The child's educational records, including all records
855 concerning any special education needs of the child before
856 placement.
- 857 6. Records documenting all incidents that required the
858 department to provide services to the child, including all orders
859 of adjudication of dependency or termination of parental rights
860 issued pursuant to chapter 39, any case plans drafted to address
861 the child's needs, all protective services investigations
862 identifying the child as a victim, and all guardian ad litem
863 reports filed with the court concerning the child.

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864 7. Written information concerning the availability of
865 adoption subsidies for the child, if applicable.

866 (b) When disclosing information pursuant to this
867 subsection, the adoption entity must redact any confidential
868 identifying information concerning the child's parents,
869 siblings, and relatives, and perpetrators of crimes against the
870 child or involving the child.

871 (3)~~(2)~~ ACKNOWLEDGMENT OF DISCLOSURE.--The adoption entity
872 must obtain a written statement acknowledging receipt of the
873 disclosures ~~disclosure~~ required under subsections ~~subsection~~ (1)
874 and (2) and signed by the persons receiving the disclosure or, if
875 it is not possible to obtain such an acknowledgment, the adoption
876 entity must execute an affidavit stating why an acknowledgment
877 could not be obtained. If the disclosure was delivered by
878 certified ~~United States~~ mail, return receipt requested, a return
879 receipt signed by the person from whom acknowledgment is required
880 is sufficient to meet the requirements of this subsection. A copy
881 of the acknowledgment of receipt of the disclosure must be
882 provided to the person signing it. A copy of the acknowledgment
883 or affidavit executed by the adoption entity in lieu of the
884 acknowledgment must be maintained in the file of the adoption
885 entity. The original acknowledgment or affidavit must be filed
886 with the court.

887 (4)~~(3)~~ REVOCATION OF CONSENT.--Failure to meet the
888 requirements of this section ~~subsection (1) or subsection (2)~~
889 does not constitute grounds for revocation of a consent to
890 adoption or withdrawal of an affidavit of nonpaternity unless the
891 extent and circumstances of such a failure result in a material
892 failure of fundamental fairness in the administration of due

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893 process, or the failure constitutes or contributes materially to
894 fraud or duress in obtaining a consent to adoption or affidavit
895 of nonpaternity.

896 Section 11. Subsections (2), (3), and (6) of section
897 63.087, Florida Statutes, are amended to read:

898 63.087 Proceeding to terminate parental rights pending
899 adoption; general provisions.--

900 (2) VENUE.--

901 (a) A petition to terminate parental rights pending
902 adoption must be filed:

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

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

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

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

912 (b) If a petition for termination of parental rights has
913 been filed and a parent whose consent is required ~~rights are to~~
914 ~~be terminated~~ objects to venue, there must be a hearing in which
915 the court shall determine whether that parent intends to assert
916 legally recognized grounds to contest a termination of parental
917 rights and, if so, the court may ~~shall immediately~~ transfer venue
918 to a proper venue under this subsection ~~the county where that~~
919 ~~parent resides or resided at the time of the execution of the~~
920 ~~consent~~. For purposes of selecting venue, the court shall
921 consider the ease of access to the court for the parent and the

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922 factors set forth in s. 47.122 ~~who intends to contest a~~
923 ~~termination of parental rights.~~

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

926

927 For purposes of the hearing under this subsection, witnesses
928 located in another jurisdiction may testify by deposition or
929 testify by telephone, audiovisual means, or other electronic
930 means before a designated court or at another location.

931 Documentary evidence transmitted from another location by
932 technological means that do not produce an original writing may
933 not be excluded from evidence on an objection based on the means
934 of transmission. The court on its own motion may otherwise
935 prescribe the manner ~~in which~~ and ~~the~~ terms upon which the
936 testimony is taken.

937 (3) PREREQUISITE FOR ADOPTION.--A petition for adoption may
938 not be filed until after the date the court enters the judgment
939 terminating parental rights pending adoption ~~under this chapter~~
940 ~~or under chapter 39~~. Adoptions of relatives, adult adoptions, or
941 adoptions of stepchildren are ~~shall~~ not be required to file a
942 separate termination of parental rights proceeding pending
943 adoption. In such cases, the petitioner may file a joint petition
944 for termination of parental rights and adoption, attaching all
945 required consents, affidavits, notices, and acknowledgments shall
946 ~~be attached to the petition for adoption or filed separately in~~
947 ~~the adoption proceeding.~~ Unless otherwise provided by law, this
948 chapter applies to joint petitions.

949 (6) ANSWER AND APPEARANCE REQUIRED.--An answer to the
950 petition or any pleading requiring an answer must ~~shall~~ be filed

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951 in accordance with the Florida Family Law Rules of Civil
952 Procedure. Failure to file a written response ~~or to appear at the~~
953 ~~hearing on~~ the petition constitutes grounds upon which the court
954 may terminate parental rights. Failure to appear at the hearing
955 constitutes grounds upon which the court may terminate parental
956 rights. ~~The petitioner shall provide notice of the final hearing~~
957 ~~by United States mail to any person who has been served with the~~
958 ~~summons and petition for termination of parental rights within~~
959 ~~the specified time periods. Notwithstanding the filing of any~~
960 ~~answer or any pleading,~~ Any person present at the hearing to
961 terminate parental rights pending adoption whose consent to
962 adoption is required under s. 63.062 must:

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

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

968 Section 12. Subsections (1), (3), (4), and (5) of section
969 63.088, Florida Statutes, are amended to read:

970 63.088 Proceeding to terminate parental rights pending
971 adoption; notice and service; diligent search.--

972 (1) NOTICE REQUIRED.--An unmarried biological father, by
973 virtue of the fact that he has engaged in a sexual relationship
974 with a woman, is deemed to be on notice that a pregnancy and an
975 adoption proceeding regarding that child may occur and that he
976 has a duty to protect his own rights and interest. He is,
977 therefore, entitled to notice of a birth or adoption proceeding
978 with regard to that child only as provided in this chapter. If a
979 mother fails to identify an unmarried biological father to the

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980 adoption entity by the date she signs her consent for adoption,
981 the unmarried biological father's claim that he did not receive
982 actual notice of the adoption proceeding is not a defense to the
983 termination of his parental rights.

984 (3) LOCATION AND IDENTITY KNOWN.--Before the court may
985 determine that a minor is available for adoption, ~~and in addition~~
986 ~~to the other requirements set forth in this chapter,~~ each person
987 whose consent is required under s. 63.062, who has not executed a
988 consent for adoption or an affidavit of nonpaternity, and whose
989 location and identity have been determined by compliance with the
990 procedures in this section must be personally served, pursuant to
991 chapter 48, at least 20 days before the hearing with a copy of
992 the petition to terminate parental rights pending adoption and
993 with notice in substantially the following form:

994
995 NOTICE OF PETITION AND HEARING
996 TO TERMINATE PARENTAL RIGHTS
997 PENDING ADOPTION
998

999 A petition to terminate parental rights pending adoption has been
1000 filed. A copy of the petition is being served with this notice.
1001 There will be a hearing on the petition to terminate parental
1002 rights pending adoption on (date) at (time) before
1003 (judge) at (location, including complete name and street
1004 address of the courthouse) . The court has set aside (amount
1005 of time) for this hearing.

1006
1007 UNDER SECTION 63.089, FLORIDA STATUTES, FAILURE TO TIMELY FILE A
1008 WRITTEN RESPONSE TO THIS NOTICE AND THE PETITION WITH THE COURT

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1009 AND ~~OR~~ TO APPEAR AT THIS HEARING CONSTITUTES GROUNDS UPON WHICH
1010 THE COURT SHALL END ANY PARENTAL RIGHTS YOU MAY HAVE OR ASSERT
1011 REGARDING THE MINOR CHILD.

1012 (4) REQUIRED INQUIRY.--In proceedings initiated under s.
1013 63.087, the court shall ~~must~~ conduct an inquiry of the person who
1014 is placing the minor for adoption and of any relative or person
1015 having legal custody of the minor who is present at the hearing
1016 and likely to have the following information regarding the
1017 identity of:

1018 (a) Any person to whom the mother of the minor was married
1019 at any time when conception of the minor may have occurred or at
1020 the time of the birth of the minor;

1021 (b) Any man who has filed an affidavit of paternity
1022 pursuant to s. 382.013(2)(c) before the date that a petition for
1023 termination of parental rights is filed with the court ~~person who~~
1024 ~~has been declared by a court to be the father of the minor;~~

1025 (c) Any man who has adopted the minor;

1026 (d) Any man who has been adjudicated by a court as the
1027 father of the minor child before the date a petition for
1028 termination of parental rights is filed with the court ~~with whom~~
1029 ~~the mother was cohabiting at any time when conception of the~~
1030 ~~minor may have occurred; and~~

1031 (e) Any man whom the mother identified to the adoption
1032 entity as a potential biological father before the date she
1033 signed the consent for adoption ~~person who has acknowledged or~~
1034 ~~claimed paternity of the minor.~~

1035
1036 The information sought ~~required~~ under this subsection may be
1037 provided to the court in the form of a sworn affidavit by a

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1038 person having personal knowledge of the facts, addressing each
1039 inquiry enumerated in this subsection, except that, if the
1040 inquiry identifies a father under paragraph (a), paragraph (b),
1041 or paragraph (c), the inquiry may ~~shall~~ not continue further. The
1042 inquiry required under this subsection may be conducted before
1043 the birth of the minor.

1044 (5) LOCATION UNKNOWN; IDENTITY KNOWN.--If the inquiry by
1045 the court under subsection (4) identifies any person ~~whose~~
1046 ~~consent to adoption is required under s. 63.062 and~~ who has not
1047 executed a consent to adoption or an affidavit of nonpaternity,
1048 and the location of the person ~~from whom consent is required~~ is
1049 unknown, the adoption entity must conduct a diligent search for
1050 that person which must include inquiries concerning:

1051 (a) The person's current address, or any previous address,
1052 through an inquiry of the United States Postal Service through
1053 the Freedom of Information Act;

1054 (b) The last known employment of the person, including the
1055 name and address of the person's employer;

1056 ~~(c) Regulatory agencies, including those regulating~~
1057 ~~licensing in the area where the person last resided;~~

1058 (c) ~~(d)~~ Names and addresses of relatives to the extent they
1059 ~~such~~ can be reasonably obtained from the petitioner or other
1060 sources, contacts with those relatives, and inquiry as to the
1061 person's last known address. The petitioner must ~~shall~~ pursue any
1062 leads to ~~of~~ any addresses where ~~to which~~ the person may have
1063 moved;

1064 (d) ~~(e)~~ Information as to whether or not the person may have
1065 died and, if so, the date and location;

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1066 ~~(e)(f)~~ Telephone listings in the area where the person last
1067 resided;

1068 ~~(f)(g)~~ Inquiries of law enforcement agencies in the area
1069 where the person last resided;

1070 ~~(g)(h)~~ Highway patrol records in the state where the person
1071 last resided;

1072 ~~(h)(i)~~ Department of Corrections records in the state where
1073 the person last resided;

1074 ~~(i)(j)~~ Hospitals in the area where the person last resided;

1075 ~~(j)(k)~~ Records of utility companies, including water,
1076 sewer, cable television, and electric companies, in the area
1077 where the person last resided;

1078 ~~(k)(l)~~ Records of the Armed Forces of the United States as
1079 to whether there is any information as to the person;

1080 ~~(l)(m)~~ Records of the tax assessor and tax collector in the
1081 area where the person last resided; and

1082 ~~(m)(n)~~ Search of one Internet databank locator service.

1083

1084 A person contacted by a petitioner or adoption entity requesting

1085 information under this subsection must release the requested

1086 information to the petitioner or adoption entity without the

1087 necessity of a subpoena or a court order, except when prohibited

1088 by law. An affidavit of diligent search conducted in accordance

1089 with this section executed by the petitioner and the adoption

1090 entity must be filed with the court confirming completion of each

1091 aspect of the diligent search enumerated in this subsection and

1092 specifying the results. The diligent search required under this

1093 subsection may be conducted before the birth of the minor. A

1094 judgment terminating parental rights and approving a diligent

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1095 search that fails to locate a person is valid and is not subject
1096 to direct or collateral attack because the mother failed or
1097 refused to provide the adoption entity with sufficient
1098 information to locate the person.

1099 Section 13. Subsections (2), (3), (4), and (6), paragraph
1100 (a) of subsection (7), and subsection (8) of section 63.089,
1101 Florida Statutes, are amended to read:

1102 63.089 Proceeding to terminate parental rights pending
1103 adoption; hearing; grounds; dismissal of petition; judgment.--

1104 (2) HEARING PREREQUISITES.--The court may hold the hearing
1105 only when:

1106 (a) For each person whose consent to adoption is required
1107 under s. 63.062:

1108 1. A consent under s. 63.082 has been executed and filed
1109 with the court;

1110 2. An affidavit of nonpaternity under s. 63.082 has been
1111 executed and filed with the court;

1112 3. Notice has been provided under ss. 63.087 and 63.088; or

1113 4. The certificate from the Office of Vital Statistics has
1114 been provided to the court stating that a diligent search has
1115 been made of the Florida Putative Father Registry created in s.
1116 63.054 and that no filing has been found pertaining to the father
1117 of the child in question or, if a filing is found, stating the
1118 name of the putative father and the time and date of the filing.

1119 (b) For each notice and petition that must be served under
1120 ss. 63.087 and 63.088:

1121 1. At least 20 days have elapsed since the date of personal
1122 service and an affidavit of service has been filed with the
1123 court;

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1124 2. At least 30 days have elapsed since the first date of
1125 publication of constructive service and an affidavit of service
1126 has been filed with the court; or

1127 3. An affidavit of nonpaternity, consent for adoption, or
1128 other document that ~~which~~ affirmatively waives service has been
1129 executed and filed with the court.†

1130 (c) The minor named in the petition has been born.†~~and~~

1131 (d) The petition contains all information required under s.
1132 63.087 and all affidavits of inquiry, diligent search, and
1133 service required under s. 63.088 have been obtained and filed
1134 with the court.

1135 (3) GROUNDS FOR TERMINATING PARENTAL RIGHTS PENDING
1136 ADOPTION.--The court may enter a judgment terminating parental
1137 rights pending adoption if the court determines by clear and
1138 convincing evidence, supported by written findings of fact, that
1139 each person whose consent to adoption is required under s.
1140 63.062:

1141 (a) Has executed a valid consent under s. 63.082 and the
1142 consent was obtained according to the requirements of this
1143 chapter;

1144 (b) Has executed an affidavit of nonpaternity and the
1145 affidavit was obtained according to the requirements of this
1146 chapter;

1147 (c) Has been served with a notice of the intended adoption
1148 plan in accordance with the provisions of s. 63.062(3) and has
1149 failed to respond within the designated time period;

1150 (d) Has been properly served notice of the proceeding in
1151 accordance with the requirements of this chapter and has failed
1152 to file a written answer or appear at the evidentiary hearing

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1153 resulting in the judgment terminating parental rights pending
1154 adoption;

1155 (e) Has been properly served notice of the proceeding in
1156 accordance with the requirements of this chapter and has been
1157 determined under subsection (4) to have abandoned the minor ~~as~~
1158 ~~defined in s. 63.032;~~

1159 (f) Is a parent of the person to be adopted, which parent
1160 has been judicially declared incapacitated with restoration of
1161 competency found to be medically improbable;

1162 (g) Is a person who has legal custody of the person to be
1163 adopted, other than a parent, who has failed to respond in
1164 writing to a request for consent for a period of 60 days or,
1165 after examination of his or her written reasons for withholding
1166 consent, is found by the court to be withholding his or her
1167 consent unreasonably;

1168 (h) Has been properly served notice of the proceeding in
1169 accordance with the requirements of this chapter, but has been
1170 found by the court, after examining written reasons for the
1171 withholding of consent, to be unreasonably withholding his or her
1172 consent; or

1173 (i) Is the spouse of the person to be adopted who has
1174 failed to consent, and the failure of the spouse to consent to
1175 the adoption is excused by reason of prolonged and unexplained
1176 absence, unavailability, incapacity, or circumstances that are
1177 found by the court to constitute unreasonable withholding of
1178 consent.

1179 (4) FINDING OF ABANDONMENT.--A finding of abandonment
1180 resulting in a termination of parental rights must be based upon
1181 clear and convincing evidence that a parent or person having

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1182 legal custody has abandoned the child in accordance with the
1183 definition contained in s. 63.032 ~~s. 63.032(1)~~. A finding of
1184 abandonment may also be based upon emotional abuse or a refusal
1185 to provide reasonable financial support, when able, to a birth
1186 mother during her pregnancy. ~~If, in the opinion of the court, the~~
1187 ~~efforts of a parent or person having legal custody of the child~~
1188 ~~to support and communicate with the child are only marginal~~
1189 ~~efforts that do not evince a settled purpose to assume all~~
1190 ~~parental duties, the court may declare the child to be abandoned.~~
1191 ~~In making this decision, the court may consider the conduct of a~~
1192 ~~father toward the child's mother during her pregnancy.~~

1193 (a) In making a determination of abandonment at a hearing
1194 for termination of parental rights under ~~pursuant to~~ this
1195 chapter, the court shall ~~must~~ consider, among other relevant
1196 factors not inconsistent with this section:

1197 1. Whether the actions alleged to constitute abandonment
1198 demonstrate a willful disregard for the safety or welfare of the
1199 child or the unborn child;

1200 2. Whether the person alleged to have abandoned the child,
1201 while being able, failed to provide financial support;

1202 3. Whether the person alleged to have abandoned the child,
1203 while being able, failed to pay for medical treatment; and

1204 4. Whether the amount of support provided or medical
1205 expenses paid was appropriate, taking into consideration the
1206 needs of the child and relative means and resources available to
1207 the person alleged to have abandoned the child.

1208 (b) The child has been abandoned when the parent of a child
1209 is incarcerated on or after October 1, 2001, in a federal, state,
1210 or county ~~federal~~ correctional institution and:

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1211 1. The period of time for which the parent has been or is
1212 expected to be incarcerated will constitute a significant
1213 ~~substantial~~ portion of the child's minority. In determining
1214 whether the period of time is significant, the court shall
1215 consider the child's age and the child's need for a permanent and
1216 stable home. The period of time begins on the date that the
1217 parent enters into incarceration ~~period of time before the child~~
1218 ~~will attain the age of 18 years;~~

1219 2. The incarcerated parent has been determined by a ~~the~~
1220 court of competent jurisdiction to be a violent career criminal
1221 as defined in s. 775.084, a habitual violent felony offender as
1222 defined in s. 775.084, convicted of child abuse as defined in s.
1223 827.03, or a sexual predator as defined in s. 775.21; has been
1224 convicted of first degree or second degree murder in violation of
1225 s. 782.04 or a sexual battery that constitutes a capital, life,
1226 or first degree felony violation of s. 794.011; or has been
1227 convicted of a substantially similar ~~an~~ offense in another
1228 jurisdiction ~~which is substantially similar to one of the~~
1229 ~~offenses listed in this subparagraph~~. As used in this section,
1230 the term "substantially similar offense" means any offense that
1231 is substantially similar in elements and penalties to one of
1232 those listed in this subparagraph, and that is in violation of a
1233 law of any other jurisdiction, whether that of another state, the
1234 District of Columbia, the United States or any possession or
1235 territory thereof, or any foreign jurisdiction; or

1236 3. The court determines by clear and convincing evidence
1237 that continuing the parental relationship with the incarcerated
1238 parent would be harmful to the child and, for this reason, ~~that~~

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1239 termination of the parental rights of the incarcerated parent is
1240 in the best interest of the child.

1241 (6) JUDGMENT TERMINATING PARENTAL RIGHTS PENDING
1242 ADOPTION.--

1243 (a) The judgment terminating parental rights pending
1244 adoption must be in writing and contain findings of fact as to
1245 the grounds for terminating parental rights ~~pending adoption~~.

1246 (b) Within 7 days after filing, the court shall mail a copy
1247 of the judgment to the department. The clerk shall execute a
1248 certificate of the ~~such~~ mailing.

1249 (c) The judgment terminating parental rights pending
1250 adoption legally frees the child for subsequent adoption,
1251 adjudicates the child's status, and may not be challenged by a
1252 person claiming parental status who did not establish parental
1253 rights before the filing of the petition for termination, except
1254 as specifically provided in this chapter.

1255 (7) RELIEF FROM JUDGMENT TERMINATING PARENTAL RIGHTS.--

1256 (a) A motion for relief from a judgment terminating
1257 parental rights must be filed with the court originally entering
1258 the judgment. The motion must be filed within a reasonable time,
1259 but not later than 1 year after the entry of the judgment
1260 ~~terminating parental rights~~. An unmarried biological father does
1261 not have standing to seek relief from a judgment terminating
1262 parental rights if the mother did not identify him to the
1263 adoption entity before the date she signed a consent for adoption
1264 or if he was not located because the mother failed or refused to
1265 provide sufficient information to locate him.

1266 (8) RECORDS; CONFIDENTIAL INFORMATION.--All papers and
1267 records pertaining to a petition to terminate parental rights

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1268 pending adoption are related to the subsequent adoption of the
1269 minor and are subject to ~~the provisions of~~ s. 63.162. An
1270 unmarried biological father does not have standing to seek the
1271 court case number or access the court file if the mother did not
1272 identify him to the adoption entity before the date she signed
1273 the consent for adoption. The confidentiality provisions of this
1274 chapter do not apply to the extent information regarding persons
1275 or proceedings is ~~must be~~ made available as specified under s.
1276 63.088.

1277 Section 14. Subsection (1) of section 63.092, Florida
1278 Statutes, is amended to read:

1279 63.092 Report to the court of intended placement by an
1280 adoption entity; at-risk placement; preliminary study.--

1281 (1) REPORT TO THE COURT.--The adoption entity must report
1282 any intended placement of a minor for adoption with any person
1283 who is not a relative or a stepparent if the adoption entity ~~has~~
1284 ~~knowledge of, or~~ participates in the, ~~such~~ intended placement.
1285 The report must be made to the court before the minor is placed
1286 in the home or within 2 business days ~~48 hours~~ thereafter.

1287 Section 15. Subsections (1) and (2) of section 63.102,
1288 Florida Statutes, are amended to read:

1289 63.102 Filing of petition for adoption or declaratory
1290 statement; venue; proceeding for approval of fees and costs.--

1291 (1) PETITION FOR ADOPTION.--A petition for adoption may not
1292 be filed until after the entry of the judgment or decree
1293 ~~terminating parental rights pending adoption under this chapter,~~
1294 unless the adoptee is an adult or, the petitioner is a stepparent
1295 or a relative, ~~or the minor has been the subject of a judgment~~
1296 ~~terminating parental rights under chapter 39.~~ After a judgment

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1297 terminating parental rights has been entered, a proceeding for
1298 adoption may be commenced by filing a petition entitled, "In the
1299 Matter of the Adoption of _____" in the circuit court. The person
1300 to be adopted shall be designated in the caption in the name by
1301 which he or she is to be known if the petition is granted. Except
1302 for a joint petition for the adoption of a stepchild, a relative,
1303 or an adult, any name by which the minor was previously known may
1304 not be disclosed in the petition, the notice of hearing, ~~or~~ the
1305 judgment of adoption, or the court docket as provided in s.
1306 63.162 (3).

1307 (2) VENUE.--A petition for adoption or for a declaratory
1308 statement as to the adoption contract must ~~shall~~ be filed in the
1309 county where the petition for termination of parental rights was
1310 filed or granted, ~~unless the court, in accordance with s. 47.122,~~
1311 ~~changes the venue to the county where the petitioner or~~
1312 ~~petitioners or the minor resides~~ or where the adoption entity
1313 ~~with which the minor has been placed~~ is located. The circuit
1314 court in this state shall ~~must~~ retain jurisdiction over the
1315 matter until a final judgment is entered on the adoption, either
1316 within or outside the state. The Uniform Child Custody
1317 Jurisdiction and Enforcement Act does not apply until a final
1318 judgment is entered on the adoption.

1319 Section 16. Subsection (3) of section 63.122, Florida
1320 Statutes, is amended to read:

1321 63.122 Notice of hearing on petition.--

1322 (3) Upon a showing by the petitioner or parent that the
1323 privacy, safety, or ~~and~~ welfare of the petitioner, parent, or
1324 minor may be endangered, the court may order that the names of
1325 the petitioner, parent, ~~or~~ minor, or all both, ~~to~~ be deleted from

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1326 the notice of hearing and from the copy of the petition attached
1327 thereto ~~if, provided~~ the substantive rights of any person are
1328 ~~will not thereby be~~ affected.

1329 Section 17. Subsection (4) of section 63.132, Florida
1330 Statutes, is amended to read:

1331 63.132 Affidavit of expenses and receipts.--

1332 (4) This section does not apply to an adoption by a
1333 stepparent or an adoption of a relative or adult, the
1334 finalization of an adoption of a minor if the parental rights
1335 were terminated under chapter 39, or the domestication of an
1336 adoption decree of a minor child adopted in a foreign country.

1337 Section 18. Section 63.135, Florida Statutes, is amended to
1338 read:

1339 63.135 Information ~~under oath~~ to be submitted to the
1340 court.--

1341 (1) The adoption entity or petitioner must file an
1342 affidavit under the Uniform Child Custody Jurisdiction and
1343 Enforcement Act in the termination of parental rights ~~Each party~~
1344 ~~in an adoption proceeding,~~ in the first pleading or in an
1345 affidavit attached to that pleading, ~~shall give information under~~
1346 ~~oath as to the child's present address, the places where the~~
1347 ~~child has lived within the last 5 years, and the names and~~
1348 ~~present addresses of the persons with whom the child has lived~~
1349 ~~during that period. In the pleading or affidavit each party shall~~
1350 ~~further declare under oath whether:~~

1351 ~~(a) The party has participated as a party or witness or in~~
1352 ~~any other capacity in any other litigation concerning the custody~~
1353 ~~of the same child in this or any other state;~~

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1354 ~~(b) The party has information of any custody proceeding~~
1355 ~~concerning the child pending in a court of this or any other~~
1356 ~~state; and~~

1357 ~~(c) The party knows of any person not a party to the~~
1358 ~~proceedings who has physical custody of the child or claims to~~
1359 ~~have custody or visitation rights with respect to the child.~~

1360 ~~(2) If the declaration as to any item specified in~~
1361 ~~subsection (1) is in the affirmative, the declarant shall give~~
1362 ~~additional information under oath as required by the court. The~~
1363 ~~court may examine the parties under oath about details of the~~
1364 ~~information furnished and other matters pertinent to the court's~~
1365 ~~jurisdiction and judgment of adoption.~~

1366 ~~(2)(3)~~ Each party has a continuing duty to inform the court
1367 of any custody proceeding concerning the child in this or any
1368 other state about which he or she obtained information during
1369 this proceeding.

1370 Section 19. Subsections (3) and (4) of section 63.142,
1371 Florida Statutes, are amended to read:

1372 63.142 Hearing; judgment of adoption.--

1373 (3) DISMISSAL.--

1374 (a) If the petition is dismissed, further proceedings, if
1375 any, regarding the minor must be brought in a separate custody
1376 action under chapter 61, a dependency action under chapter 39, or
1377 a paternity action under chapter 742 ~~the court shall determine~~
1378 ~~the person that is to have custody of the minor.~~

1379 (b) If the petition is dismissed, the court shall state
1380 with specificity the reasons for the dismissal.

1381 (4) JUDGMENT.--At the conclusion of the hearing, after the
1382 court determines that the date for a parent to file an appeal of

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1383 a valid judgment terminating that parent's parental rights has
1384 passed and no appeal, pursuant to the Florida Rules of Appellate
1385 Procedure, is pending and that the adoption is in the best
1386 interest of the person to be adopted, a judgment of adoption
1387 shall be entered. A judgment terminating parental rights pending
1388 adoption is voidable and any later judgment of adoption of that
1389 minor is voidable if, upon a parent's motion for relief from
1390 judgment, the court finds that the adoption substantially fails
1391 to meet the requirements of this chapter. The motion must be
1392 filed within a reasonable time, but not later than 1 year after
1393 the date the judgment terminating parental rights was entered.

1394 Section 20. Section 63.192, Florida Statutes, is amended to
1395 read:

1396 63.192 Recognition of foreign judgment or decree affecting
1397 adoption.--A judgment ~~of court~~ terminating the relationship of
1398 parent and child or establishing the relationship by adoption, or
1399 a decree granting legal guardianship for purposes of adoption,
1400 issued pursuant to due process of law by a court or authorized
1401 body of any other jurisdiction within or without the United
1402 States shall be recognized in this state, and the rights and
1403 obligations of the parties ~~on matters within the jurisdiction of~~
1404 ~~this state~~ shall be determined as though the judgment or decree
1405 were issued by a court of this state. A judgment or decree of a
1406 court or authorized body terminating the relationship of a parent
1407 and child, whether independent, incorporated in an adoption
1408 decree, or incorporated in a legal guardianship order issued
1409 pursuant to due process of law of any other jurisdiction within
1410 or without the United States, shall be deemed to effectively
1411 terminate parental rights for purposes of a proceeding on a

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1412 petition for adoption in this state. If a minor child has been
1413 made available for adoption in a foreign state or foreign country
1414 and the parental rights of the minor child's parent have been
1415 terminated or the child has been declared to be abandoned or
1416 orphaned, no additional termination of parental rights proceeding
1417 need occur, and the adoption may be finalized according to the
1418 procedures set forth in this chapter.

1419 Section 21. Subsection (2) of section 63.212, Florida
1420 Statutes, is amended to read:

1421 63.212 Prohibited acts; penalties for violation.--

1422 (2) ~~(a)~~ It is unlawful for:

1423 (a) Any person or adoption entity under this chapter to:

1424 1. Knowingly provide false information; or

1425 2. Knowingly withhold material information.

1426 ~~(b) It is unlawful for~~ A parent, with the intent to
1427 defraud, to accept benefits related to the same pregnancy from
1428 more than one adoption entity without disclosing that fact to
1429 each entity.

1430 ~~(c) It is unlawful for any person who knows that the parent~~
1431 ~~whose rights are to be terminated intends to object to said~~
1432 ~~termination to intentionally file the petition for termination of~~
1433 ~~parental rights in a county inconsistent with the required venue~~
1434 ~~under such circumstances.~~

1435
1436 Any person who willfully violates any provision of this
1437 subsection commits a misdemeanor of the second degree, punishable
1438 as provided in s. 775.082 or s. 775.083. In addition, the ~~such~~
1439 person is liable for damages caused by such acts or omissions,
1440 including reasonable attorney's fees and costs. Damages may be

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1441 awarded through restitution in any related criminal prosecution
1442 or by filing a separate civil action.

1443 Section 22. Section 63.236, Florida Statutes, is created to
1444 read:

1445 63.236 Petitions filed before July 1, 2009; governing
1446 law.--A petition for termination of parental rights filed before
1447 July 1, 2009, is governed by the law in effect at the time the
1448 petition was filed.

1449 Section 23. Section 742.021, Florida Statutes, is amended
1450 to read:

1451 742.021 Venue, process, complaint.--

1452 (1) The proceedings must ~~shall~~ be in the circuit court of
1453 the county where the plaintiff resides or ~~of~~ the county where the
1454 defendant resides.

1455 (2) The complaint shall assert ~~aver~~ sufficient facts
1456 charging the paternity of the child. Upon filing of a complaint
1457 seeking to determine paternity, the clerk of court shall issue a
1458 notice to each petitioner and to each respondent or defendant
1459 along with service of the petition. The notice must be in
1460 substantially the following form:

1461
1462 In order to preserve the right to notice and consent to
1463 the adoption of the child, an unmarried biological
1464 father must, as the "registrant," file a notarized
1465 claim of paternity form with the Florida Putative
1466 Father Registry maintained by the Office of Vital
1467 Statistics of the Department of Health which includes
1468 confirmation of his willingness and intent to support
1469 the child for whom paternity is claimed in accordance

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1470 with state law. The claim of paternity may be filed at
1471 any time before the child's birth, but a claim of
1472 paternity may not be filed after the date a petition is
1473 filed for termination of parental rights.

1474
1475 (3) Process served on ~~directed to~~ the defendant must
1476 require ~~shall issue forthwith requiring~~ the defendant to file
1477 written defenses to the complaint in the same manner as suits in
1478 chancery. Upon application and proof under oath, the court may
1479 issue a writ of ne exeat against the defendant on such terms and
1480 conditions and conditioned upon bond in such amount as the court
1481 may determine.

1482 Section 24. Subsection (1) of section 742.10, Florida
1483 Statutes, is amended to read:

1484 742.10 Establishment of paternity for children born out of
1485 wedlock.--

1486 (1) Except as provided in chapters 39 and 63, this chapter
1487 provides the primary jurisdiction and procedures for the
1488 determination of paternity for children born out of wedlock. If
1489 ~~When~~ the establishment of paternity has been raised and
1490 determined within an adjudicatory hearing brought under the
1491 statutes governing inheritance, or dependency under workers'
1492 compensation or similar compensation programs; if, ~~or when~~ an
1493 affidavit acknowledging paternity or a stipulation of paternity
1494 is executed by both parties and filed with the clerk of the
1495 court; if, ~~or when~~ an affidavit, a notarized voluntary
1496 acknowledgment of paternity, or a voluntary acknowledgment of
1497 paternity that is witnessed by two individuals and signed under
1498 penalty of perjury as provided for in s. 382.013 or s. 382.016 is

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1499 | executed by both parties;~~;~~ or if ~~when~~ paternity is adjudicated by
1500 | the Department of Revenue as provided in s. 409.256, such
1501 | adjudication, affidavit, or acknowledgment constitutes the
1502 | establishment of paternity for purposes of this chapter. If an ~~ne~~
1503 | adjudicatory proceeding was not held, a notarized voluntary
1504 | acknowledgment of paternity or voluntary acknowledgment of
1505 | paternity, which ~~that~~ is witnessed by two individuals and signed
1506 | under penalty of perjury as specified by s. 92.525(2), creates
1507 | ~~shall create~~ a rebuttable presumption, as defined by s. 90.304,
1508 | of paternity and is subject to the right of any signatory to
1509 | rescind the acknowledgment within 60 days after the date the
1510 | acknowledgment was signed or the date of an administrative or
1511 | judicial proceeding relating to the child, including a proceeding
1512 | to establish a support order, in which the signatory is a party,
1513 | whichever is earlier. Both parents must provide their social
1514 | security numbers on any acknowledgment of paternity, consent
1515 | affidavit, or stipulation of paternity. Except for affidavits
1516 | under seal pursuant to ss. 382.015 and 382.016, the Office of
1517 | Vital Statistics shall provide certified copies of affidavits to
1518 | the Title IV-D agency upon request.

1519 | Section 25. This act shall take effect July 1, 2008.