

By the Committee on Children, Families, and Elder Affairs; and  
Senator Rich

586-04935-08

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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. 63.037, F.S.;  
10 conforming a cross-reference; amending s. 63.039, F.S.;  
11 requiring an adoption entity to provide adoption  
12 disclosure statements to persons whose consent is required  
13 for adoption; requiring attorney's fees and costs in  
14 certain actions to be awarded pursuant to the Florida  
15 Rules of Civil Procedures; amending s. 63.0425, F.S.;  
16 clarifying a grandparent's right to notice; amending s.  
17 63.054, F.S.; providing that an unmarried biological  
18 father who fails to register with the Florida Putative  
19 Father Registry before the filing of a petition for  
20 termination of parental rights may not file a paternity  
21 claim under ch. 742, F.S.; providing an exception from the  
22 time limitations for filing a paternity claim; providing  
23 that if a registrant fails to report a change of address,  
24 the adoption entity or adoption petitioner is not  
25 obligated to search further for the registrant; requiring  
26 a petitioner in a proceeding in which parental rights are  
27 terminated simultaneously with entry of final judgment of  
28 adoption to contact the Office of Vital Statistics for a  
29 search of the registry; providing procedures for searching

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

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

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88 under oath to the court; amending s. 63.142, F.S.;

89 requiring that if an adoption petition is dismissed, any

90 further proceedings regarding the minor be brought in a

91 separate custody action under ch. 61, F.S., a dependency

92 action under ch. 39, F.S., or a paternity action under ch.

93 742, F.S.; revising conditions under which a judgment

94 terminating parental rights is voidable; amending s.

95 63.192, F.S.; requiring the courts of this state to

96 recognize decrees of termination of parental rights and

97 adoptions from other states and countries; amending s.

98 63.212, F.S.; revising acts that are unlawful pertaining

99 to adoptions; creating s. 63.236, F.S.; providing that a

100 petition for termination of parental rights filed before

101 the effective date of the act is governed by the law in

102 effect at the time the petition was filed; amending s.

103 742.021, F.S.; requiring the clerk of court to issue

104 certain notice in cases of complaints concerning

105 determination of paternity; amending s. 742.10, F.S.;

106 providing applicability of chs. 39 and 63, F.S., to

107 jurisdiction and procedures for determination of paternity

108 for children born out of wedlock; providing an effective

109 date.

110

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

112

113 Section 1. Subsection (5) of section 39.812, Florida

114 Statutes, is amended to read:

115 39.812 Postdisposition relief; petition for adoption.--

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

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

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

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

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

148 63.032 Definitions.--As used in this chapter, the term:

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

153 (5)~~(4)~~ "Adult" means a person who is not a minor.

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

157 (7)~~(6)~~ "Child" means any unmarried person under the age of  
158 18 years who has not been emancipated by court order ~~a son or~~  
159 ~~daughter, whether by birth or adoption.~~

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

163 (9)~~(8)~~ "Department" means the Department of Children and  
164 Family Services.

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

171 (11)~~(10)~~ "Legal custody" has the meaning ascribed in s.  
172 39.01.

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

174 (12) "Parent" means a woman who gives birth to a child or a  
175 man whose consent to the adoption of the child would be required  
176 under s. 63.062(1). If a child has been legally adopted, the term  
177 "parent" means the adoptive mother or father of the child. The  
178 term does not include an individual whose parental relationship  
179 to the child has been legally terminated or an alleged or  
180 prospective parent has the same meaning ascribed in s. 39.01.

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

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

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

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

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

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202 citizen ~~employees~~ of the United States ~~Department of State~~ living  
203 in a foreign country who designates ~~designate~~ a state other than  
204 Florida as his or her ~~their~~ place of residence.

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

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

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

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

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

226 Section 4. Section 63.037, Florida Statutes, is amended to  
227 read:

228 63.037 Proceedings applicable to cases resulting from a  
229 termination of parental rights under chapter 39.--A case in which  
230 a minor becomes available for adoption after the parental rights



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231 of each parent have been terminated by a judgment entered  
232 pursuant to chapter 39 shall be governed by s. 39.812 and this  
233 chapter. Adoption proceedings initiated under chapter 39 are  
234 exempt from the following provisions of this chapter: disclosure  
235 requirements for the adoption entity provided in s. 63.085(1)  
236 ~~63.085~~; general provisions governing termination of parental  
237 rights pending adoption provided in s. 63.087; notice and service  
238 provisions governing termination of parental rights pending  
239 adoption provided in s. 63.088; and procedures for terminating  
240 parental rights pending adoption provided in s. 63.089.

241 Section 5. Paragraph (i) of subsection (1) of section  
242 63.039, Florida Statutes, is amended, paragraph (j) is added to  
243 that subsection, and subsection (3) of that section is amended,  
244 to read:

245 63.039 Duty of adoption entity to prospective adoptive  
246 parents; sanctions.--

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

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

257 (j) Provide an adoption disclosure statement, as required  
258 under s. 63.085(1), to all persons whose consent is required  
259 under s. 63.062(1).

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260 (3) The prevailing party in an action to set aside a  
261 judgment terminating parental rights pending adoption or a  
262 judgment of adoption may be awarded reasonable attorney's fees  
263 and costs pursuant to Rule 1.540(b)(3), Florida Rules of Civil  
264 Procedure. An award under this subsection must be paid by the  
265 adoption entity or by the ~~any~~ applicable insurance carrier on  
266 behalf of the adoption entity if the court finds that the acts or  
267 omissions of the entity were the basis for the court's order  
268 granting relief to the prevailing party.

269 Section 6. Section 63.0425, Florida Statutes, is amended to  
270 read:

271 63.0425 Grandparent's right to notice ~~adopt~~.--

272 (1) If ~~When~~ a child has lived with a grandparent for at  
273 least 6 months within the 24-month period immediately preceding  
274 the filing of a petition for termination of parental rights  
275 pending adoption, the adoption entity shall provide notice to  
276 that grandparent of the hearing on the petition ~~for termination~~  
277 ~~of parental rights pending adoption~~.

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

281 (3) This section does ~~shall~~ not apply in stepparent  
282 adoptions.

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

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

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

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289 (1) In order to preserve the right to notice and consent to  
290 an adoption under this chapter, an unmarried biological father  
291 must, as the "registrant," file a notarized claim of paternity  
292 form with the Florida Putative Father Registry maintained by the  
293 Office of Vital Statistics of the Department of Health which  
294 includes ~~and shall include therein~~ confirmation of his  
295 willingness and intent to support the child for whom paternity is  
296 claimed in accordance with state law. The claim of paternity may  
297 be filed at any time before ~~prior to~~ the child's birth, but a  
298 ~~claim of paternity~~ may not be filed after the date a petition is  
299 filed for termination of parental rights. In each proceeding for  
300 termination of parental rights, the petitioner must ~~shall~~ submit  
301 to the Office of Vital Statistics ~~of the Department of Health~~ a  
302 copy of the petition for termination of parental rights. The  
303 Office of Vital Statistics may ~~of the Department of Health shall~~  
304 not record a claim of paternity after the date ~~that~~ a petition  
305 for termination of parental rights is filed. The failure of an  
306 unmarried biological father to file a claim of paternity with the  
307 registry before the date a petition for termination of parental  
308 rights is filed also bars him from filing a paternity claim under  
309 chapter 742.

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

313 1. The mother identifies him to the adoption entity as a  
314 potential biological father by the date she executes a consent  
315 for adoption; and

316 2. He is served with a notice of intended adoption plan  
317 pursuant to s. 63.062(3) and the 30-day mandatory response date

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318 is later than the date the petition for termination of parental  
319 rights is filed with the court.

320 (b) If an unmarried biological father falls within the  
321 exception provided by paragraph (a), the petitioner shall also  
322 submit to the Office of Vital Statistics a copy of the notice of  
323 intended adoption plan and proof of service of the notice on the  
324 potential biological father.

325 (c) An unmarried biological father who falls within the  
326 exception provided by paragraph (a), may not file a claim of  
327 paternity with the registry or a paternity claim under chapter  
328 742 after the 30-day mandatory response date to the notice of  
329 intended adoption plan has expired. The Office of Vital  
330 Statistics may not record a claim of paternity 30 days after  
331 service of the notice of intended adoption plan.

332 (6) It is the obligation of the registrant or, if  
333 designated under subsection (4), his designated agent or  
334 representative to notify and update the Office of Vital  
335 Statistics of any change of address or change in the designation  
336 of an agent or representative. The failure of a registrant, or  
337 designated agent or representative, to report any such change is  
338 at the registrant's own risk and may ~~shall~~ not serve as a ~~valid~~  
339 defense based upon lack of notice, and the adoption entity or  
340 petitioner has no further obligation to search for the registrant  
341 unless the person petitioning for termination of parental rights  
342 or adoption has actual ~~or constructive~~ notice of the registrant's  
343 address and whereabouts from another source.

344 (7) In each proceeding for termination of parental rights  
345 or each adoption proceeding in which parental rights are being  
346 terminated simultaneously with entry of the final judgment of

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347 adoption, as in a stepparent and relative adoption filed under  
348 this chapter, the petitioner must contact the Office of Vital  
349 Statistics ~~of the Department of Health~~ by submitting an  
350 application for a search of the Florida Putative Father Registry.  
351 The petitioner must ~~shall~~ provide the same information, if known,  
352 on the search application form that ~~which~~ the registrant  
353 furnished ~~is required to furnish~~ under subsection (3).

354 Thereafter, the Office of Vital Statistics shall ~~must~~ issue a  
355 certificate signed by the State Registrar certifying:

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

360 (b) That a diligent search has been made of the ~~registry of~~  
361 registrants who may be the unmarried biological father of the  
362 subject child and that no matching registration has been located  
363 in the registry.

364  
365 The ~~This~~ certificate must be filed with the court in the  
366 proceeding to terminate parental rights or the adoption  
367 proceeding. If a termination of parental rights and an adoption  
368 proceeding are being adjudicated separately ~~simultaneously~~, the  
369 Florida Putative Father Registry need only be searched for the  
370 termination of parental rights proceeding ~~once~~.

371 Section 8. Paragraph (b) of subsection (1) and subsections  
372 (3), (7), and (9) of section 63.062, Florida Statutes, are  
373 amended to read:

374 63.062 Persons required to consent to adoption; affidavit  
375 of nonpaternity; waiver of venue.--

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

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

382 1. The minor was conceived or born while the father was  
383 married to the mother;

384 2. The minor is his child by adoption;

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

388 4. He has filed an affidavit of paternity pursuant to s.  
389 382.013(2)(c) by the date a petition is filed for termination of  
390 parental rights; or

391 5. In the case of an unmarried biological father, he has  
392 acknowledged in writing, signed in the presence of a competent  
393 witness, that he is the father of the minor, has filed such  
394 acknowledgment with the Office of Vital Statistics of the  
395 Department of Health within the required timeframes, and has  
396 complied with the requirements of subsection (2).

397 (3)~~(a)~~ Pursuant to chapter 48, an adoption entity may serve  
398 a notice of intended adoption plan upon any known and locatable  
399 unmarried biological father who is identified to the adoption  
400 entity by the mother by the date she signs her consent for  
401 adoption or who is identified by a diligent search of the Florida  
402 Putative Father Registry, or upon an entity whose consent is  
403 required. The notice may be served, ~~a notice of intended adoption~~  
404 ~~plan~~ at any time before the child's birth or before placing prior

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405 ~~to the placement of the child in the adoptive home, including~~  
406 ~~prior to the birth of the child. The recipient of the notice may~~  
407 ~~waive service of process by executing a waiver and acknowledging~~  
408 ~~receipt of the plan.~~ The notice of intended adoption plan must  
409 specifically state that if the unmarried biological father  
410 desires to contest the adoption plan, he must, within 30 days  
411 after service, file with the court, ~~within 30 days after service,~~  
412 a verified response that contains a pledge of commitment to the  
413 child in substantial compliance with subparagraph (2)(b)2. and  
414 ~~The notice of intended adoption plan shall notify the unmarried~~  
415 ~~biological father that he must file a claim of paternity form~~  
416 ~~with the Office of Vital Statistics, within 30 days after service~~  
417 ~~upon him~~ and must provide the adoption entity with a copy of the  
418 verified response filed with the court and the claim of paternity  
419 form filed with the Office of Vital Statistics. The notice must  
420 also include instructions for submitting a claim of paternity  
421 form to the Office of Vital Statistics and the address to which  
422 the claim must be sent. If the party served with the notice of  
423 intended adoption plan is an entity whose consent is required,  
424 the notice must specifically state that the entity must file,  
425 within 30 days after service, a verified response setting forth a  
426 legal basis for contesting the intended adoption plan,  
427 specifically addressing the best interest of the child.

428 (a) If the unmarried biological father or entity whose  
429 consent is required fails to timely and properly file a verified  
430 response with the court and, in the case of an unmarried  
431 biological father, a claim of paternity form with the Office of  
432 Vital Statistics ~~within 30 days after service upon that unmarried~~  
433 ~~biological father or entity whose consent is required,~~ the court

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434 shall enter a default against any unmarried biological father or  
435 entity and the consent of that unmarried biological father or  
436 entity shall no longer be required under this chapter and ~~that~~  
437 ~~party~~ shall be deemed to have waived any claim of rights to the  
438 child. To avoid a default, within 30 days after receipt of  
439 service of the notice of intended adoption plan:

440 1. The unmarried biological father must:

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

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

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

447 2. The entity whose consent is required must file a  
448 verified response setting forth a legal basis for contesting the  
449 intended adoption plan, specifically addressing the best interest  
450 of the child. ~~Each notice of intended adoption plan served upon~~  
451 ~~an unmarried biological father must include instructions as to~~  
452 ~~the procedure the unmarried biological father must follow to~~  
453 ~~submit a claim of paternity form to the Office of Vital~~  
454 ~~Statistics and the address to which the registration must be~~  
455 ~~directed.~~

456 ~~(b) If the birth mother identifies a man who she believes~~  
457 ~~is the unmarried biological father of her child, the adoption~~  
458 ~~entity may provide a notice of intended adoption plan pursuant to~~  
459 ~~paragraph (a). If the mother identifies a potential unmarried~~  
460 ~~biological father whose location is unknown, the adoption entity~~  
461 ~~shall conduct a diligent search pursuant to s. 63.088. If, upon~~  
462 ~~completion of a diligent search, the potential unmarried~~



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463 biological father's location remains unknown and a search of the  
464 Florida Putative Father Registry fails to reveal a match, the  
465 adoption entity shall request in the petition for termination of  
466 parental rights pending adoption that the court declare the  
467 diligent search to be in compliance with s. 63.088, ~~and to~~  
468 ~~further declare~~ that the adoption entity has ~~shall have~~ no  
469 further obligation to provide notice to the potential unmarried  
470 biological father, and that the potential unmarried biological  
471 father's consent to the adoption is ~~shall~~ not ~~be~~ required.

472 (7) If parental rights to the minor have previously been  
473 terminated, the adoption entity with which the minor has been  
474 placed for subsequent adoption may provide consent to the  
475 adoption. In such case, no other consent is required. The consent  
476 of the department shall be waived upon a determination by the  
477 court that such consent is being unreasonably withheld and if,  
478 ~~provided that~~ the petitioner has filed with the court a favorable  
479 preliminary adoptive home study as required under s. 63.092  
480 ~~performed by a licensed child placing agency, a child caring~~  
481 ~~agency registered under s. 409.176, or a licensed professional or~~  
482 ~~agency described in s. 61.20(2).~~

483 (9) A petition for termination of parental rights must  
484 ~~shall~~ be filed in the appropriate county as determined under s.  
485 63.087(2). If a ~~the~~ parent ~~or parents~~ whose consent is required  
486 objects ~~rights are to be terminated~~ ~~object~~ to venue in the county  
487 where the action was filed, the court may transfer venue to a  
488 proper venue consistent with this chapter and chapter 47 ~~the~~  
489 ~~action to the county where the objecting parent or parents~~  
490 ~~reside,~~ unless the objecting parent has previously executed a  
491 waiver of venue.

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492 Section 9. Section 63.063, Florida Statutes, is amended to  
493 read:

494 63.063 Responsibility of parents ~~each party~~ for ~~their own~~  
495 actions; fraud or misrepresentation; contesting termination of  
496 parental rights and adoption ~~statutory compliance~~--

497 (1) Each parent of a child conceived or born outside of  
498 marriage is responsible for his or her ~~own~~ actions and is not  
499 excused from strict compliance with ~~the provisions of~~ this  
500 chapter based upon any action, statement, or omission of the  
501 other parent or a third party, except as provided in s.  
502 63.062(2)(a).

503 (2) Any person injured by a fraudulent representation or  
504 action in connection with an adoption may ~~is entitled to~~ pursue  
505 civil or criminal penalties as provided by law. A fraudulent  
506 representation is not a defense to compliance with the  
507 requirements of this chapter and is not a basis for dismissing a  
508 petition for termination of parental rights or a petition for  
509 adoption, for vacating an adoption decree, or for granting  
510 custody to the offended party. Custody and adoption  
511 determinations must ~~shall~~ be based on the best interest of the  
512 child in accordance with s. 61.13.

513 (3) The Legislature finds no way to remove all risk of  
514 fraud or misrepresentation in adoption proceedings and has  
515 provided a method for absolute protection of an unmarried  
516 biological father's rights through ~~by~~ compliance with ~~the~~  
517 ~~provisions of~~ this chapter. In balancing the rights and interests  
518 of the state and of all parties affected by fraud, including the  
519 child, the adoptive parents, and the unmarried biological father,  
520 the Legislature has determined that the unmarried biological

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521 | father is in the best position to prevent or ameliorate the  
522 | effects of fraud and, therefore, has the burden of preventing  
523 | fraud.

524 |       (4) The Legislature finds that an unmarried biological  
525 | father who resides in another state may not, in every  
526 | circumstance, be reasonably presumed to know ~~of~~ and comply with  
527 | the requirements of this chapter. Therefore, if all of the  
528 | following requirements have been met, an unmarried biological  
529 | father may contest a termination of parental rights or subsequent  
530 | adoption and, before ~~prior to~~ entry of the final judgment of  
531 | adoption, assert his interest in the child. Following such  
532 | assertion, the court may, ~~in its discretion,~~ proceed with an  
533 | evidentiary hearing if:

534 |       (a) The unmarried biological father resides and has resided  
535 | in another state where the unmarried mother was also located or  
536 | resided.

537 |       (b) The unmarried mother left that state without notifying  
538 | or informing the unmarried biological father that she could be  
539 | located in this ~~the~~ state ~~of Florida~~.

540 |       (c) The unmarried biological father has, through every  
541 | reasonable means, attempted to locate the mother but does not  
542 | know or have reason to know that the mother is residing in this  
543 | ~~the~~ state ~~of Florida~~.

544 |       (d) The unmarried biological father has substantially  
545 | complied with the requirements of the state where the mother  
546 | previously resided or was located in order to protect and  
547 | preserve his parental interest and rights with regard to the  
548 | child.

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549 Section 10. Paragraph (d) of subsection (1), paragraphs  
550 (b), (c), and (e) of subsection (4), paragraphs (a), (b), and (d)  
551 of subsection (6), and subsection (7) of section 63.082, Florida  
552 Statutes, are amended to read:

553 63.082 Execution of consent to adoption or affidavit of  
554 nonpaternity; family social and medical history; withdrawal of  
555 consent.--

556 (1)

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

564 (4)

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

576 (c) If ~~When~~ the minor to be adopted is older than 6 months  
577 of age at the time of the execution of the consent, the consent

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578 to adoption is valid upon execution; however, it is subject to a  
579 ~~3-day~~ revocation period of 3 business days ~~or may be revoked at~~  
580 ~~any time prior to the placement of the minor with the prospective~~  
581 ~~adoptive parents, whichever is later. If a consent has been~~  
582 ~~executed, this subsection may not be construed to provide a birth~~  
583 ~~parent with more than 3 days to revoke the consent once the child~~  
584 ~~has been placed with the prospective adoptive parents.~~

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

588

589

## CONSENT TO ADOPTION

590

591 YOU HAVE THE RIGHT TO SELECT AT LEAST ONE PERSON WHO DOES NOT  
592 HAVE AN EMPLOYMENT, PROFESSIONAL, OR PERSONAL RELATIONSHIP WITH  
593 THE ADOPTION ENTITY OR THE PROSPECTIVE ADOPTIVE PARENTS TO BE  
594 PRESENT WHEN THIS AFFIDAVIT IS EXECUTED AND TO SIGN IT AS A  
595 WITNESS. YOU MUST ACKNOWLEDGE ON THIS FORM THAT YOU WERE NOTIFIED  
596 OF THIS RIGHT AND YOU MUST INDICATE THE WITNESS OR WITNESSES YOU  
597 SELECTED, IF ANY.

598

599 YOU DO NOT HAVE TO SIGN THIS CONSENT FORM. YOU MAY DO ANY OF THE  
600 FOLLOWING INSTEAD OF SIGNING THIS CONSENT OR BEFORE SIGNING THIS  
601 CONSENT:

602

- 603 1. CONSULT WITH AN ATTORNEY;  
604 2. HOLD, CARE FOR, AND FEED THE CHILD UNLESS OTHERWISE LEGALLY  
605 PROHIBITED;

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606 3. PLACE THE CHILD IN FOSTER CARE OR WITH ANY FRIEND OR FAMILY  
607 MEMBER YOU CHOOSE WHO IS WILLING TO CARE FOR THE CHILD;  
608 4. TAKE THE CHILD HOME UNLESS OTHERWISE LEGALLY PROHIBITED; AND  
609 5. FIND OUT ABOUT THE COMMUNITY RESOURCES THAT ARE AVAILABLE TO  
610 YOU IF YOU DO NOT GO THROUGH WITH THE ADOPTION.  
611

612 IF YOU DO SIGN THIS CONSENT, YOU ARE GIVING UP ALL RIGHTS TO YOUR  
613 CHILD. YOUR CONSENT IS VALID, BINDING, AND IRREVOCABLE EXCEPT  
614 UNDER SPECIFIC LEGAL CIRCUMSTANCES. IF YOU ARE GIVING UP YOUR  
615 RIGHTS TO A NEWBORN CHILD WHO IS TO BE IMMEDIATELY PLACED FOR  
616 ADOPTION UPON THE CHILD'S RELEASE FROM A LICENSED HOSPITAL OR  
617 BIRTH CENTER FOLLOWING BIRTH, A WAITING PERIOD WILL BE IMPOSED  
618 UPON THE BIRTH MOTHER BEFORE SHE MAY SIGN THE CONSENT FOR  
619 ADOPTION. A BIRTH MOTHER MUST WAIT 48 HOURS FROM THE TIME OF  
620 BIRTH, OR UNTIL THE DAY THE BIRTH MOTHER HAS BEEN NOTIFIED IN  
621 WRITING, EITHER ON HER PATIENT CHART OR IN RELEASE PAPERS, THAT  
622 SHE IS FIT TO BE RELEASED FROM A LICENSED HOSPITAL OR BIRTH  
623 CENTER, WHICHEVER IS SOONER, BEFORE THE CONSENT FOR ADOPTION MAY  
624 BE EXECUTED. ANY MAN ~~A BIOLOGICAL FATHER~~ MAY EXECUTE A CONSENT AT  
625 ANY TIME AFTER THE BIRTH OF THE CHILD. ONCE YOU HAVE SIGNED THE  
626 CONSENT, IT IS VALID, BINDING, AND IRREVOCABLE AND CANNOT BE  
627 WITHDRAWN UNLESS A COURT FINDS THAT IT WAS OBTAINED BY FRAUD OR  
628 DURESS.  
629

630 IF YOU BELIEVE THAT YOUR CONSENT WAS OBTAINED BY FRAUD OR DURESS  
631 AND YOU WISH TO REVOKE THAT CONSENT, YOU MUST:  
632

633 1. NOTIFY THE ADOPTION ENTITY, BY WRITING A LETTER, THAT YOU  
634 WISH TO WITHDRAW YOUR CONSENT; AND

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635 2. PROVE IN COURT THAT THE CONSENT WAS OBTAINED BY FRAUD OR  
636 DURESS.

637

638 This statement of rights is not required for the adoption of a  
639 relative, an adult, a stepchild, or a child older than 6 months  
640 of age. A consent form for the adoption of a child older than 6  
641 months of age at the time of the execution of consent must  
642 contain a statement outlining the revocation rights provided in  
643 paragraph (c).

644 (6) (a) If a ~~birth~~ parent executes a consent for placement  
645 of a minor with an adoption entity or qualified prospective  
646 adoptive parents and the minor child is in the custody of the  
647 department, but parental rights have not yet been terminated, the  
648 adoption consent is ~~shall be~~ valid, binding, and enforceable by  
649 the court.

650 (b) Upon execution of the consent of the ~~birth~~ parent, the  
651 adoption entity may ~~shall be permitted to~~ intervene in the  
652 dependency case as a party in interest and must ~~shall~~ provide the  
653 court having jurisdiction over the minor, pursuant to the shelter  
654 or dependency petition filed by the department, ~~with~~ a copy of  
655 the preliminary home study of the prospective adoptive parents  
656 and any other evidence of the suitability of the placement. The  
657 preliminary home study must ~~shall~~ be maintained with strictest  
658 confidentiality within the dependency court file and the  
659 department's file. A preliminary home study must be provided to  
660 the court in all cases in which an adoption entity has intervened  
661 pursuant to this section.

662 (d) In determining whether the best interest of the child  
663 is ~~will be~~ served by transferring the custody of the minor child

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664 to the prospective adoptive parent selected by the ~~birth~~ parent,  
665 the court shall consider ~~give consideration to~~ the rights of the  
666 ~~birth~~ parent to determine an appropriate placement for the child,  
667 the permanency offered, the child's bonding with any potential  
668 adoptive home that the child has been residing in, and the  
669 importance of maintaining sibling relationships, if possible.

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

673 (a) The person seeking to withdraw consent must, in  
674 accordance with paragraph (4) (c), notify ~~A consent that is being~~  
675 ~~withdrawn under paragraph (4) (c) may be withdrawn at any time~~  
676 ~~prior to the minor's placement with the prospective adoptive~~  
677 ~~parents or by notifying the adoption entity in writing by~~  
678 ~~certified United States mail, return receipt requested, within~~  
679 ~~not later than 3 business days after execution of the consent. As~~  
680 ~~used in this subsection, the term "business day" means any day on~~  
681 ~~which the United States Postal Service accepts certified mail for~~  
682 ~~delivery.~~

683 (b) Upon receiving timely written notice from a person  
684 whose consent to adoption is required of that person's desire to  
685 ~~withdraw consent to adoption,~~ the adoption entity must contact  
686 the prospective adoptive parent to arrange a time certain for the  
687 adoption entity to regain physical custody of the minor, unless,  
688 upon a motion for emergency hearing by the adoption entity, the  
689 court determines in written findings that placement of the minor  
690 with the person who had legal or physical custody of the child  
691 immediately before the child was placed for adoption withdrawing  
692 ~~consent~~ may endanger the minor, or that the person who desires to



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693 withdraw consent is to the adoption would not be required to  
694 consent to the adoption, ~~or~~ has been determined to have abandoned  
695 the child, or is otherwise subject to a determination that the  
696 person's consent is waived under this chapter.

697 (c) If the court finds that the ~~such~~ placement may endanger  
698 the minor, the court shall ~~must~~ enter an order continuing the  
699 regarding continued placement of the minor with the prospective  
700 adoptive parents pending further proceedings if they desire  
701 continued placement. If the prospective adoptive parents do not  
702 desire continued placement, the order must ~~shall~~ include, but  
703 need not be limited to, a determination of whether temporary  
704 placement in foster care with the person who had legal or  
705 physical custody of the child immediately before placing the  
706 child for adoption or with a relative is in the best interest of  
707 the child and is appropriate, whether an investigation by the  
708 department is recommended, ~~and whether a relative is available~~  
709 ~~for the temporary placement.~~

710 (d) If the person withdrawing consent claims to be the  
711 father of the minor but has not been established to be the father  
712 by marriage, court order, or scientific testing, the court may  
713 order scientific paternity testing and reserve ruling on removal  
714 of the minor until the results of such testing have been filed  
715 with the court.

716 (e) The adoption entity must return the minor within 3  
717 business days after timely and proper notification of the  
718 withdrawal of consent or after the court determines that  
719 withdrawal is valid and binding upon consideration of an  
720 emergency motion, as filed pursuant to paragraph (b), to the  
721 physical custody of the person withdrawing consent or the person

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722 directed by the court. If the person seeking to ~~validly~~ withdraw  
723 consent claims to be the father of the minor but has not been  
724 established to be the father by marriage, court order, or  
725 scientific testing, the adoption entity may return the minor to  
726 the care and custody of the mother, if she desires such  
727 placement, and she ~~the mother~~ is not otherwise prohibited by law  
728 from having custody of the child.

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

734 (g) An affidavit of nonpaternity may be withdrawn only if  
735 the court finds that the affidavit was obtained by fraud or  
736 duress.

737 Section 11. Section 63.085, Florida Statutes, is amended to  
738 read:

739 63.085 Disclosure by adoption entity.--

740 (1) DISCLOSURE REQUIRED TO PARENTS AND PROSPECTIVE ADOPTIVE  
741 PARENTS.--Within ~~Not later than~~ 14 days after a person seeking to  
742 adopt a minor or a person seeking to place a minor for adoption  
743 contacts an adoption entity in person or provides the adoption  
744 entity with a mailing address, the entity must provide a written  
745 disclosure statement to that person if the entity agrees or  
746 continues to work with the ~~such~~ person. The ~~If an~~ adoption entity  
747 shall also provide the written disclosure to the parent ~~is~~  
748 ~~assisting in the effort to terminate the parental rights of a~~  
749 ~~parent~~ who did not initiate ~~the~~ contact with the adoption entity,  
750 ~~the written disclosure must be provided~~ within 14 days after that

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751 | parent is identified and located. For purposes of providing the  
752 | written disclosure, a person is considered to be seeking to place  
753 | a minor for adoption if ~~when~~ that person has sought information  
754 | or advice from the adoption entity regarding the option of  
755 | adoptive placement. The written disclosure statement must be in  
756 | substantially the following form:

757

## 758 | ADOPTION DISCLOSURE

759

760 | THE STATE OF FLORIDA REQUIRES THAT THIS FORM BE PROVIDED TO ALL  
761 | PERSONS CONSIDERING ADOPTING A MINOR OR SEEKING TO PLACE A MINOR  
762 | FOR ADOPTION, TO ADVISE THEM OF THE FOLLOWING FACTS REGARDING  
763 | ADOPTION UNDER FLORIDA LAW:

764

765 | 1. The name, address, and telephone number of the adoption  
766 | entity providing this disclosure is:

767 | Name:

768 | Address:

769 | Telephone Number:

770

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

775 | 3. With the exception of an adoption by a stepparent or  
776 | relative, a child cannot be placed into a prospective adoptive  
777 | home unless the prospective adoptive parents have received a  
778 | favorable preliminary home study, including criminal and child  
779 | abuse clearances.

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780 4. A valid consent for adoption may not be signed by the birth  
781 mother until 48 hours after the birth of the child, or the day  
782 the birth mother is notified, in writing, that she is fit for  
783 discharge from the licensed hospital or birth center. Any man ~~A~~  
784 ~~putative father~~ may sign a valid consent for adoption at any time  
785 after the birth of the child.

786 5. A consent for adoption signed before the child attains the  
787 age of 6 months is binding and irrevocable from the moment it is  
788 signed unless it can be proven in court that the consent was  
789 obtained by fraud or duress. A consent for adoption signed after  
790 the child attains the age of 6 months is valid from the moment it  
791 is signed; however, it may be revoked ~~until the child is placed~~  
792 ~~in an adoptive home, or up to 3 days after it was signed,~~  
793 ~~whichever period is longer.~~

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

796 7. An unmarried biological father must act immediately in order  
797 to protect his parental rights. Section 63.062, Florida Statutes,  
798 prescribes that any father seeking to establish his right to  
799 consent to the adoption of his child must file a claim of  
800 paternity with the Florida Putative Father Registry maintained by  
801 the Office of Vital Statistics of the Department of Health by the  
802 date a petition to terminate parental rights is filed with the  
803 court, or within 30 days after receiving service of a Notice of  
804 Intended Adoption Plan. If he receives a Notice of Intended  
805 Adoption Plan, he must file a claim of paternity with the Florida  
806 Putative Father Registry, file a parenting plan with the court,  
807 and provide financial support to the mother or child within 30  
808 days following service. An unmarried biological father's failure

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809 to timely respond to a Notice of Intended Adoption Plan  
810 constitutes an irrevocable legal waiver of any and all rights  
811 that the father may have to the child. A claim of paternity  
812 registration form for the Florida Putative Father Registry may be  
813 obtained from any local office of the Department of Health,  
814 Office of Vital Statistics, the Department of Children and  
815 Families, the Internet websites for these agencies, and the  
816 offices of the clerks of the Florida circuit courts. The claim of  
817 paternity form must be submitted to the Office of Vital  
818 Statistics, Attention: Adoption Unit, P.O. Box 210, Jacksonville,  
819 FL 32231.

820 ~~8.7.~~ There are alternatives to adoption, including foster care,  
821 relative care, and parenting the child. There may be services and  
822 sources of financial assistance in the community available to  
823 ~~birth~~ parents if they choose to parent the child.

824 ~~9.8.~~ A ~~birth~~ parent has the right to have a witness of his or  
825 her choice, who is unconnected with the adoption entity or the  
826 adoptive parents, to be present and witness the signing of the  
827 consent or affidavit of nonpaternity.

828 ~~10.9.~~ A ~~birth~~ parent 14 years of age or younger must have a  
829 parent, legal guardian, or court-appointed guardian ad litem to  
830 assist and advise the ~~birth~~ parent as to the adoption plan.

831 ~~11.10.~~ A ~~birth~~ parent has a right to receive supportive  
832 counseling from a counselor, social worker, physician, clergy, or  
833 attorney, ~~and such counseling would be beneficial to the birth~~  
834 ~~parent.~~

835 ~~12.11.~~ The payment of living or medical expenses by the  
836 prospective adoptive parents before ~~prior to~~ the birth of the

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837 child does not, in any way, obligate the ~~birth~~ parent to sign the  
838 consent for adoption.

839 (2) DISCLOSURE TO ADOPTIVE PARENTS.--

840 (a) At the time that an adoption entity is responsible for  
841 selecting prospective adoptive parents for a born or unborn child  
842 whose parents are seeking to place the child for adoption or  
843 whose rights were terminated pursuant to chapter 39, the adoption  
844 entity must provide the prospective adoptive parents with  
845 information concerning the background of the child to the extent  
846 such information is disclosed to the adoption entity by the  
847 parents, legal custodian, or the department. This subsection  
848 applies only if the adoption entity identifies the prospective  
849 adoptive parents and supervises the physical placement of the  
850 child in the prospective adoptive parents' home. If any  
851 information cannot be disclosed because the records custodian  
852 failed or refused to produce the background information, the  
853 adoption entity has a duty to provide the information if it  
854 becomes available. An individual or entity contacted by an  
855 adoption entity to obtain the background information must release  
856 the requested information to the adoption entity without the  
857 necessity of a subpoena or a court order. In all cases, the  
858 prospective adoptive parents must receive all available  
859 information by the date of the final hearing on the petition for  
860 adoption. The information to be disclosed includes:

861 1. A family social and medical history form completed  
862 pursuant to s. 63.162(6).

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

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865 3. A complete set of the child's medical records  
866 documenting all medical treatment and care since the child's  
867 birth and before placement.

868 4. All mental health, psychological, and psychiatric  
869 records, reports, and evaluations concerning the child before  
870 placement.

871 5. The child's educational records, including all records  
872 concerning any special education needs of the child before  
873 placement.

874 6. Records documenting all incidents that required the  
875 department to provide services to the child, including all orders  
876 of adjudication of dependency or termination of parental rights  
877 issued pursuant to chapter 39, any case plans drafted to address  
878 the child's needs, all protective services investigations  
879 identifying the child as a victim, and all guardian ad litem  
880 reports filed with the court concerning the child.

881 7. Written information concerning the availability of  
882 adoption subsidies for the child, if applicable.

883 (b) When disclosing information pursuant to this  
884 subsection, the adoption entity must redact any confidential  
885 identifying information concerning the child's parents, foster  
886 parents and their families, siblings, and relatives and  
887 perpetrators of crimes against the child or involving the child.

888 (3)(2) ACKNOWLEDGMENT OF DISCLOSURE.--The adoption entity  
889 must obtain a written statement acknowledging receipt of the  
890 disclosures ~~disclosure~~ required under subsections ~~subsection~~ (1)  
891 and (2) and signed by the persons receiving the disclosure or, if  
892 it is not possible to obtain such an acknowledgment, the adoption  
893 entity must execute an affidavit stating why an acknowledgment

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894 could not be obtained. If the disclosure was delivered by  
895 certified ~~United States~~ mail, return receipt requested, a return  
896 receipt signed by the person from whom acknowledgment is required  
897 is sufficient to meet the requirements of this subsection. A copy  
898 of the acknowledgment of receipt of the disclosure must be  
899 provided to the person signing it. A copy of the acknowledgment  
900 or affidavit executed by the adoption entity in lieu of the  
901 acknowledgment must be maintained in the file of the adoption  
902 entity. The original acknowledgment or affidavit must be filed  
903 with the court.

904 (4)~~(3)~~ REVOCATION OF CONSENT.--Failure to meet the  
905 requirements of this section ~~subsection (1) or subsection (2)~~  
906 does not constitute grounds for revocation of a consent to  
907 adoption or withdrawal of an affidavit of nonpaternity unless the  
908 extent and circumstances of such a failure result in a material  
909 failure of fundamental fairness in the administration of due  
910 process, or the failure constitutes or contributes materially to  
911 fraud or duress in obtaining a consent to adoption or affidavit  
912 of nonpaternity.

913 Section 12. Subsections (2), (3), and (6) of section  
914 63.087, Florida Statutes, are amended to read:

915 63.087 Proceeding to terminate parental rights pending  
916 adoption; general provisions.--

917 (2) VENUE.--

918 (a) A petition to terminate parental rights pending  
919 adoption must be filed:

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

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



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

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

929 (b) If a petition for termination of parental rights has  
930 been filed and a parent whose consent is required ~~rights are to~~  
931 ~~be terminated~~ objects to venue, there must be a hearing in which  
932 the court shall determine whether that parent intends to assert  
933 legally recognized grounds to contest a termination of parental  
934 rights and, if so, the court may ~~shall immediately~~ transfer venue  
935 to a proper venue under this subsection ~~the county where that~~  
936 ~~parent resides or resided at the time of the execution of the~~  
937 ~~consent~~. For purposes of selecting venue, the court shall  
938 consider the ease of access to the court for the parent and the  
939 factors set forth in s. 47.122 ~~who intends to contest a~~  
940 ~~termination of parental rights.~~

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

943  
944 For purposes of the hearing under this subsection, witnesses  
945 located in another jurisdiction may testify by deposition or  
946 testify by telephone, audiovisual means, or other electronic  
947 means before a designated court or at another location.  
948 Documentary evidence transmitted from another location by  
949 technological means that do not produce an original writing may  
950 not be excluded from evidence on an objection based on the means  
951 of transmission. The court on its own motion may otherwise

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952 | prescribe the manner ~~in which~~ and the terms upon which the  
953 | testimony is taken.

954 |       (3) PREREQUISITE FOR ADOPTION.--A petition for adoption may  
955 | not be filed until after the date the court enters the judgment  
956 | terminating parental rights pending adoption ~~under this chapter~~  
957 | ~~or under chapter 39~~. Adoptions of relatives, adult adoptions, or  
958 | adoptions of stepchildren are ~~shall~~ not be required to file a  
959 | separate termination of parental rights proceeding pending  
960 | adoption. In such cases, the petitioner may file a joint petition  
961 | for termination of parental rights and adoption, attaching all  
962 | required consents, affidavits, notices, and acknowledgments shall  
963 | ~~be attached to the petition for adoption or filed separately in~~  
964 | ~~the adoption proceeding. Unless otherwise provided by law, this~~  
965 | chapter applies to joint petitions.

966 |       (6) ANSWER AND APPEARANCE REQUIRED.--An answer to the  
967 | petition or any pleading requiring an answer must ~~shall~~ be filed  
968 | in accordance with the Florida Family Law Rules of ~~Civil~~  
969 | Procedure. Failure to file a written response ~~or to appear at the~~  
970 | ~~hearing on~~ the petition constitutes grounds upon which the court  
971 | may terminate parental rights. Failure to appear at the hearing  
972 | constitutes grounds upon which the court may terminate parental  
973 | rights. ~~The petitioner shall provide notice of the final hearing~~  
974 | ~~by United States mail to any person who has been served with the~~  
975 | ~~summons and petition for termination of parental rights within~~  
976 | ~~the specified time periods. Notwithstanding the filing of any~~  
977 | ~~answer or any pleading,~~ Any person present at the hearing to  
978 | terminate parental rights pending adoption whose consent to  
979 | adoption is required under s. 63.062 must:

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

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

985 Section 13. Subsections (1), (3), (4), and (5) of section  
986 63.088, Florida Statutes, are amended to read:

987 63.088 Proceeding to terminate parental rights pending  
988 adoption; notice and service; diligent search.--

989 (1) NOTICE REQUIRED.--An unmarried biological father, by  
990 virtue of the fact that he has engaged in a sexual relationship  
991 with a woman, is deemed to be on notice that a pregnancy and an  
992 adoption proceeding regarding that child may occur and that he  
993 has a duty to protect his own rights and interest. He is,  
994 therefore, entitled to notice of a birth or adoption proceeding  
995 with regard to that child only as provided in this chapter. If a  
996 mother fails to identify an unmarried biological father to the  
997 adoption entity by the date she signs her consent for adoption,  
998 the unmarried biological father's claim that he did not receive  
999 actual notice of the adoption proceeding is not a defense to the  
1000 termination of his parental rights.

1001 (3) LOCATION AND IDENTITY KNOWN.--Before the court may  
1002 determine that a minor is available for adoption, ~~and in addition~~  
1003 ~~to the other requirements set forth in this chapter,~~ each person  
1004 whose consent is required under s. 63.062, who has not executed a  
1005 consent for adoption or an affidavit of nonpaternity, and whose  
1006 location and identity have been determined by compliance with the  
1007 procedures in this section must be personally served, pursuant to  
1008 chapter 48, at least 20 days before the hearing with a copy of

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1009 | the petition to terminate parental rights pending adoption and  
1010 | with notice in substantially the following form:

1011 |  
1012 |                   NOTICE OF PETITION AND HEARING  
1013 |                   TO TERMINATE PARENTAL RIGHTS  
1014 |                   PENDING ADOPTION  
1015 |

1016 | A petition to terminate parental rights pending adoption has been  
1017 | filed. A copy of the petition is being served with this notice.  
1018 | There will be a hearing on the petition to terminate parental  
1019 | rights pending adoption on   (date)   at   (time)   before  
1020 | (judge)   at   (location, including complete name and street  
1021 | address of the courthouse) . The court has set aside   (amount  
1022 | of time)   for this hearing.  
1023 |

1024 | UNDER SECTION 63.089, FLORIDA STATUTES, FAILURE TO TIMELY FILE A  
1025 | WRITTEN RESPONSE TO THIS NOTICE AND THE PETITION WITH THE COURT  
1026 | AND ~~OR~~ TO APPEAR AT THIS HEARING CONSTITUTES GROUNDS UPON WHICH  
1027 | THE COURT SHALL END ANY PARENTAL RIGHTS YOU MAY HAVE OR ASSERT  
1028 | REGARDING THE MINOR CHILD.

1029 |         (4) REQUIRED INQUIRY.--In proceedings initiated under s.  
1030 | 63.087, the court shall ~~must~~ conduct an inquiry of the person who  
1031 | is placing the minor for adoption and of any relative or person  
1032 | having legal custody of the minor who is present at the hearing  
1033 | and likely to have the following information regarding the  
1034 | identity of:

1035 |         (a) Any person to whom the mother of the minor was married  
1036 | at any time when conception of the minor may have occurred or at  
1037 | the time of the birth of the minor;

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1038           (b) Any man who has filed an affidavit of paternity  
1039 pursuant to s. 382.013(2)(c) before the date that a petition for  
1040 termination of parental rights is filed with the court ~~person who~~  
1041 ~~has been declared by a court to be the father of the minor;~~

1042           (c) Any man who has adopted the minor;

1043           (d) Any man who has been adjudicated by a court as the  
1044 father of the minor child before the date a petition for  
1045 termination of parental rights is filed with the court ~~with whom~~  
1046 ~~the mother was cohabiting at any time when conception of the~~  
1047 ~~minor may have occurred; and~~

1048           (e) Any man whom the mother identified to the adoption  
1049 entity as a potential biological father before the date she  
1050 signed the consent for adoption ~~person who has acknowledged or~~  
1051 ~~claimed paternity of the minor.~~

1052  
1053 The information sought ~~required~~ under this subsection may be  
1054 provided to the court in the form of a sworn affidavit by a  
1055 person having personal knowledge of the facts, addressing each  
1056 inquiry enumerated in this subsection, except that, if the  
1057 inquiry identifies a father under paragraph (a), paragraph (b),  
1058 or paragraph (c), the inquiry may ~~shall~~ not continue further. The  
1059 inquiry required under this subsection may be conducted before  
1060 the birth of the minor.

1061           (5) LOCATION UNKNOWN; IDENTITY KNOWN.--If the inquiry by  
1062 the court under subsection (4) identifies any person ~~whose~~  
1063 ~~consent to adoption is required under s. 63.062 and~~ who has not  
1064 executed a consent to adoption or an affidavit of nonpaternity,  
1065 and the location of the person ~~from whom consent is required is~~

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1066 unknown, the adoption entity must conduct a diligent search for  
1067 that person which must include inquiries concerning:

1068 (a) The person's current address, or any previous address,  
1069 through an inquiry of the United States Postal Service through  
1070 the Freedom of Information Act;

1071 (b) The last known employment of the person, including the  
1072 name and address of the person's employer;

1073 ~~(c) Regulatory agencies, including those regulating~~  
1074 ~~licensing in the area where the person last resided;~~

1075 (c)~~(d)~~ Names and addresses of relatives to the extent they  
1076 ~~such~~ can be reasonably obtained from the petitioner or other  
1077 sources, contacts with those relatives, and inquiry as to the  
1078 person's last known address. The petitioner must ~~shall~~ pursue any  
1079 leads to ~~of~~ any addresses where ~~to which~~ the person may have  
1080 moved;

1081 (d)~~(e)~~ Information as to whether or not the person may have  
1082 died and, if so, the date and location;

1083 (e)~~(f)~~ Telephone listings in the area where the person last  
1084 resided;

1085 (f)~~(g)~~ Inquiries of law enforcement agencies in the area  
1086 where the person last resided;

1087 (g)~~(h)~~ Highway patrol records in the state where the person  
1088 last resided;

1089 (h)~~(i)~~ Department of Corrections records in the state where  
1090 the person last resided;

1091 (i)~~(j)~~ Hospitals in the area where the person last resided;

1092 (j)~~(k)~~ Records of utility companies, including water,  
1093 sewer, cable television, and electric companies, in the area  
1094 where the person last resided;

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1095        (k)~~(l)~~ Records of the Armed Forces of the United States as  
1096 to whether there is any information as to the person;

1097        (l)~~(m)~~ Records of the tax assessor and tax collector in the  
1098 area where the person last resided; and

1099        (m)~~(n)~~ Search of one Internet databank locator service.  
1100

1101 A person contacted by a petitioner or adoption entity requesting  
1102 records under this subsection must release the requested records  
1103 to the petitioner or adoption entity without the necessity of a  
1104 subpoena or a court order, except when prohibited by law. An  
1105 affidavit of diligent search conducted in accordance with this  
1106 section executed by the petitioner and the adoption entity must  
1107 be filed with the court confirming completion of each aspect of  
1108 the diligent search enumerated in this subsection and specifying  
1109 the results. The diligent search required under this subsection  
1110 may be conducted before the birth of the minor. A judgment  
1111 terminating parental rights and approving a diligent search that  
1112 fails to locate a person is valid and is not subject to direct or  
1113 collateral attack because the mother failed or refused to provide  
1114 the adoption entity with sufficient information to locate the  
1115 person.

1116        Section 14. Subsections (2), (3), (4), and (6), paragraph  
1117 (a) of subsection (7), and subsection (8) of section 63.089,  
1118 Florida Statutes, are amended to read:

1119        63.089 Proceeding to terminate parental rights pending  
1120 adoption; hearing; grounds; dismissal of petition; judgment.--

1121        (2) HEARING PREREQUISITES.--The court may hold the hearing  
1122 only when:

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1123 (a) For each person whose consent to adoption is required  
1124 under s. 63.062:

1125 1. A consent under s. 63.082 has been executed and filed  
1126 with the court;

1127 2. An affidavit of nonpaternity under s. 63.082 has been  
1128 executed and filed with the court;

1129 3. Notice has been provided under ss. 63.087 and 63.088; or

1130 4. The certificate from the Office of Vital Statistics has  
1131 been provided to the court stating that a diligent search has  
1132 been made of the Florida Putative Father Registry created in s.  
1133 63.054 and that no filing has been found pertaining to the father  
1134 of the child in question or, if a filing is found, stating the  
1135 name of the putative father and the time and date of the filing.

1136 (b) For each notice and petition that must be served under  
1137 ss. 63.087 and 63.088:

1138 1. At least 20 days have elapsed since the date of personal  
1139 service and an affidavit of service has been filed with the  
1140 court;

1141 2. At least 30 days have elapsed since the first date of  
1142 publication of constructive service and an affidavit of service  
1143 has been filed with the court; or

1144 3. An affidavit of nonpaternity, consent for adoption, or  
1145 other document that ~~which~~ affirmatively waives service has been  
1146 executed and filed with the court.†

1147 (c) The minor named in the petition has been born.†~~and~~

1148 (d) The petition contains all information required under s.  
1149 63.087 and all affidavits of inquiry, diligent search, and  
1150 service required under s. 63.088 have been obtained and filed  
1151 with the court.



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1152 (3) GROUNDS FOR TERMINATING PARENTAL RIGHTS PENDING  
1153 ADOPTION.--The court may enter a judgment terminating parental  
1154 rights pending adoption if the court determines by clear and  
1155 convincing evidence, supported by written findings of fact, that  
1156 each person whose consent to adoption is required under s.  
1157 63.062:

1158 (a) Has executed a valid consent under s. 63.082 and the  
1159 consent was obtained according to the requirements of this  
1160 chapter;

1161 (b) Has executed an affidavit of nonpaternity and the  
1162 affidavit was obtained according to the requirements of this  
1163 chapter;

1164 (c) Has been served with a notice of the intended adoption  
1165 plan in accordance with the provisions of s. 63.062(3) and has  
1166 failed to respond within the designated time period;

1167 (d) Has been properly served notice of the proceeding in  
1168 accordance with the requirements of this chapter and has failed  
1169 to file a written answer or appear at the evidentiary hearing  
1170 resulting in the judgment terminating parental rights pending  
1171 adoption;

1172 (e) Has been properly served notice of the proceeding in  
1173 accordance with the requirements of this chapter and has been  
1174 determined under subsection (4) to have abandoned the minor ~~as~~  
1175 ~~defined in s. 63.032;~~

1176 (f) Is a parent of the person to be adopted, which parent  
1177 has been judicially declared incapacitated with restoration of  
1178 competency found to be medically improbable;

1179 (g) Is a person who has legal custody of the person to be  
1180 adopted, other than a parent, who has failed to respond in

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1181 writing to a request for consent for a period of 60 days or,  
1182 after examination of his or her written reasons for withholding  
1183 consent, is found by the court to be withholding his or her  
1184 consent unreasonably;

1185 (h) Has been properly served notice of the proceeding in  
1186 accordance with the requirements of this chapter, but has been  
1187 found by the court, after examining written reasons for the  
1188 withholding of consent, to be unreasonably withholding his or her  
1189 consent; or

1190 (i) Is the spouse of the person to be adopted who has  
1191 failed to consent, and the failure of the spouse to consent to  
1192 the adoption is excused by reason of prolonged and unexplained  
1193 absence, unavailability, incapacity, or circumstances that are  
1194 found by the court to constitute unreasonable withholding of  
1195 consent.

1196 (4) FINDING OF ABANDONMENT.--A finding of abandonment  
1197 resulting in a termination of parental rights must be based upon  
1198 clear and convincing evidence that a parent or person having  
1199 legal custody has abandoned the child in accordance with the  
1200 definition contained in s. 63.032 ~~s. 63.032(1)~~. A finding of  
1201 abandonment may also be based upon emotional abuse or a refusal  
1202 to provide reasonable financial support, when able, to a birth  
1203 mother during her pregnancy. ~~If, in the opinion of the court, the~~  
1204 ~~efforts of a parent or person having legal custody of the child~~  
1205 ~~to support and communicate with the child are only marginal~~  
1206 ~~efforts that do not evince a settled purpose to assume all~~  
1207 ~~parental duties, the court may declare the child to be abandoned.~~  
1208 ~~In making this decision, the court may consider the conduct of a~~  
1209 ~~father toward the child's mother during her pregnancy.~~

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1210 (a) In making a determination of abandonment at a hearing  
1211 for termination of parental rights under ~~pursuant to~~ this  
1212 chapter, the court shall ~~must~~ consider, among other relevant  
1213 factors not inconsistent with this section:

1214 1. Whether the actions alleged to constitute abandonment  
1215 demonstrate a willful disregard for the safety or welfare of the  
1216 child or the unborn child;

1217 2. Whether the person alleged to have abandoned the child,  
1218 while being able, failed to provide financial support;

1219 3. Whether the person alleged to have abandoned the child,  
1220 while being able, failed to pay for medical treatment; and

1221 4. Whether the amount of support provided or medical  
1222 expenses paid was appropriate, taking into consideration the  
1223 needs of the child and relative means and resources available to  
1224 the person alleged to have abandoned the child.

1225 (b) The child has been abandoned when the parent of a child  
1226 is incarcerated on or after October 1, 2001, in a federal, state,  
1227 or county ~~federal~~ correctional institution and:

1228 1. The period of time for which the parent has been or is  
1229 expected to be incarcerated will constitute a significant  
1230 ~~substantial~~ portion of the child's minority. In determining  
1231 whether the period of time is significant, the court shall  
1232 consider the child's age and the child's need for a permanent and  
1233 stable home. The period of time begins on the date that the  
1234 parent enters into incarceration ~~period of time before the child~~  
1235 ~~will attain the age of 18 years;~~

1236 2. The incarcerated parent has been determined by a ~~the~~  
1237 court of competent jurisdiction to be a violent career criminal  
1238 as defined in s. 775.084, a habitual violent felony offender as

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1239 defined in s. 775.084, convicted of child abuse as defined in s.  
1240 827.03, or a sexual predator as defined in s. 775.21; has been  
1241 convicted of first degree or second degree murder in violation of  
1242 s. 782.04 or a sexual battery that constitutes a capital, life,  
1243 or first degree felony violation of s. 794.011; or has been  
1244 convicted of a substantially similar ~~an~~ offense in another  
1245 jurisdiction ~~which is substantially similar to one of the~~  
1246 ~~offenses listed in this subparagraph.~~ As used in this section,  
1247 the term "substantially similar offense" means any offense that  
1248 is substantially similar in elements and penalties to one of  
1249 those listed in this subparagraph, and that is in violation of a  
1250 law of any other jurisdiction, whether that of another state, the  
1251 District of Columbia, the United States or any possession or  
1252 territory thereof, or any foreign jurisdiction; or

1253 3. The court determines by clear and convincing evidence  
1254 that continuing the parental relationship with the incarcerated  
1255 parent would be harmful to the child and, for this reason, ~~that~~  
1256 termination of the parental rights of the incarcerated parent is  
1257 in the best interest of the child.

1258 (6) JUDGMENT TERMINATING PARENTAL RIGHTS PENDING  
1259 ADOPTION.--

1260 (a) The judgment terminating parental rights pending  
1261 adoption must be in writing and contain findings of fact as to  
1262 the grounds for terminating parental rights ~~pending adoption.~~

1263 (b) Within 7 days after filing, the court shall mail a copy  
1264 of the judgment to the department. The clerk shall execute a  
1265 certificate of the ~~such~~ mailing.

1266 (c) The judgment terminating parental rights pending  
1267 adoption legally frees the child for subsequent adoption,

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1268 adjudicates the child's status, and may not be challenged by a  
1269 person claiming parental status who did not establish parental  
1270 rights before the filing of the petition for termination, except  
1271 as specifically provided in this chapter.

1272 (7) RELIEF FROM JUDGMENT TERMINATING PARENTAL RIGHTS.--

1273 (a) A motion for relief from a judgment terminating  
1274 parental rights must be filed with the court originally entering  
1275 the judgment. The motion must be filed within a reasonable time,  
1276 but not later than 1 year after the entry of the judgment  
1277 ~~terminating parental rights.~~ An unmarried biological father does  
1278 not have standing to seek relief from a judgment terminating  
1279 parental rights if the mother did not identify him to the  
1280 adoption entity before the date she signed a consent for adoption  
1281 or if he was not located because the mother failed or refused to  
1282 provide sufficient information to locate him.

1283 (8) RECORDS; CONFIDENTIAL INFORMATION.--All papers and  
1284 records pertaining to a petition to terminate parental rights  
1285 pending adoption are related to the subsequent adoption of the  
1286 minor and are subject to ~~the provisions of~~ s. 63.162. An  
1287 unmarried biological father does not have standing to seek the  
1288 court case number or access the court file if the mother did not  
1289 identify him to the adoption entity before the date she signed  
1290 the consent for adoption. The confidentiality provisions of this  
1291 chapter do not apply to the extent information regarding persons  
1292 or proceedings ~~is must be~~ made available as specified under s.  
1293 63.088.

1294 Section 15. Subsection (1) of section 63.092, Florida  
1295 Statutes, is amended to read:

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1296           63.092 Report to the court of intended placement by an  
1297 adoption entity; at-risk placement; preliminary study.--

1298           (1) REPORT TO THE COURT.--The adoption entity must report  
1299 any intended placement of a minor for adoption with any person  
1300 who is not a relative or a stepparent if the adoption entity ~~has~~  
1301 ~~knowledge of, or~~ participates in the, ~~such~~ intended placement.  
1302 The report must be made to the court before the minor is placed  
1303 in the home or within 2 business days ~~48 hours~~ thereafter.

1304           Section 16. Subsections (1) and (2) of section 63.102,  
1305 Florida Statutes, are amended to read:

1306           63.102 Filing of petition for adoption or declaratory  
1307 statement; venue; proceeding for approval of fees and costs.--

1308           (1) PETITION FOR ADOPTION.--A petition for adoption may not  
1309 be filed until after the entry of the judgment or decree  
1310 terminating parental rights ~~pending adoption under this chapter,~~  
1311 unless the adoptee is an adult or, the petitioner is a stepparent  
1312 or a relative, ~~or the minor has been the subject of a judgment~~  
1313 ~~terminating parental rights under chapter 39.~~ After a judgment  
1314 terminating parental rights has been entered, a proceeding for  
1315 adoption may be commenced by filing a petition entitled, "In the  
1316 Matter of the Adoption of \_\_\_\_\_" in the circuit court. The person  
1317 to be adopted shall be designated in the caption in the name by  
1318 which he or she is to be known if the petition is granted. Except  
1319 for a joint petition for the adoption of a stepchild, a relative,  
1320 or an adult, any name by which the minor was previously known may  
1321 not be disclosed in the petition, the notice of hearing, ~~or~~ the  
1322 judgment of adoption, or the court docket as provided in s.  
1323 63.162(3).

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1324 (2) VENUE.--A petition for adoption or for a declaratory  
1325 statement as to the adoption contract must ~~shall~~ be filed in the  
1326 county where the petition for termination of parental rights was  
1327 filed or granted, ~~unless the court, in accordance with s. 47.122,~~  
1328 ~~changes the venue to the county where the petitioner or~~  
1329 ~~petitioners or the minor resides or where the adoption entity~~  
1330 ~~with which the minor has been placed~~ is located. The circuit  
1331 court in this state shall ~~must~~ retain jurisdiction over the  
1332 matter until a final judgment is entered on the adoption, either  
1333 within or outside the state. The Uniform Child Custody  
1334 Jurisdiction and Enforcement Act does not apply until a final  
1335 judgment is entered on the adoption.

1336 Section 17. Subsection (3) of section 63.122, Florida  
1337 Statutes, is amended to read:

1338 63.122 Notice of hearing on petition.--

1339 (3) Upon a showing by the petitioner or parent that the  
1340 privacy, safety, or ~~and~~ welfare of the petitioner, parent, or  
1341 minor may be endangered, the court may order that the names of  
1342 the petitioner, parent, ~~or~~ minor, or all both, ~~to~~ be deleted from  
1343 the notice of hearing and from the copy of the petition attached  
1344 thereto if, provided the substantive rights of any person are  
1345 ~~will~~ not ~~thereby~~ be affected.

1346 Section 18. Subsection (4) of section 63.132, Florida  
1347 Statutes, is amended to read:

1348 63.132 Affidavit of expenses and receipts.--

1349 (4) This section does not apply to an adoption by a  
1350 stepparent or an adoption of a relative or adult, the  
1351 finalization of an adoption of a minor if the parental rights

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1352 were terminated under chapter 39, or the domestication of an  
1353 adoption decree of a minor child adopted in a foreign country.

1354 Section 19. Section 63.135, Florida Statutes, is amended to  
1355 read:

1356 63.135 Information ~~under oath~~ to be submitted to the  
1357 court.--

1358 (1) The adoption entity or petitioner must file an  
1359 affidavit under the Uniform Child Custody Jurisdiction and  
1360 Enforcement Act in the termination of parental rights ~~Each party~~  
1361 ~~in an adoption proceeding,~~ in the first pleading or in an  
1362 affidavit attached to that pleading, ~~shall give information under~~  
1363 ~~oath as to the child's present address, the places where the~~  
1364 ~~child has lived within the last 5 years, and the names and~~  
1365 ~~present addresses of the persons with whom the child has lived~~  
1366 ~~during that period. In the pleading or affidavit each party shall~~  
1367 ~~further declare under oath whether:~~

1368 ~~(a) The party has participated as a party or witness or in~~  
1369 ~~any other capacity in any other litigation concerning the custody~~  
1370 ~~of the same child in this or any other state;~~

1371 ~~(b) The party has information of any custody proceeding~~  
1372 ~~concerning the child pending in a court of this or any other~~  
1373 ~~state; and~~

1374 ~~(c) The party knows of any person not a party to the~~  
1375 ~~proceedings who has physical custody of the child or claims to~~  
1376 ~~have custody or visitation rights with respect to the child.~~

1377 (2) ~~If the declaration as to any item specified in~~  
1378 ~~subsection (1) is in the affirmative, the declarant shall give~~  
1379 ~~additional information under oath as required by the court. The~~  
1380 ~~court may examine the parties under oath about details of the~~



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1381 ~~information furnished and other matters pertinent to the court's~~  
1382 ~~jurisdiction and judgment of adoption.~~

1383 ~~(2)~~<sup>(3)</sup> Each party has a continuing duty to inform the court  
1384 of any custody proceeding concerning the child in this or any  
1385 other state about which he or she obtained information during  
1386 this proceeding.

1387 Section 20. Subsections (3) and (4) of section 63.142,  
1388 Florida Statutes, are amended to read:

1389 63.142 Hearing; judgment of adoption.--

1390 (3) DISMISSAL.--

1391 (a) If the petition is dismissed, further proceedings, if  
1392 any, regarding the minor must be brought in a separate custody  
1393 action under chapter 61, a dependency action under chapter 39, or  
1394 a paternity action under chapter 742 ~~the court shall determine~~  
1395 ~~the person that is to have custody of the minor.~~

1396 (b) If the petition is dismissed, the court shall state  
1397 with specificity the reasons for the dismissal.

1398 (4) JUDGMENT.--At the conclusion of the hearing, after the  
1399 court determines that the date for a parent to file an appeal of  
1400 a valid judgment terminating that parent's parental rights has  
1401 passed and no appeal, pursuant to the Florida Rules of Appellate  
1402 Procedure, is pending and that the adoption is in the best  
1403 interest of the person to be adopted, a judgment of adoption  
1404 shall be entered. A judgment terminating parental rights pending  
1405 adoption is voidable and any later judgment of adoption of that  
1406 minor is voidable if, upon a parent's motion for relief from  
1407 judgment, the court finds that the adoption substantially fails  
1408 to meet the requirements of this chapter. The motion must be

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1409 | filed within a reasonable time, but not later than 1 year after  
1410 | the date the judgment terminating parental rights was entered.

1411 |       Section 21. Section 63.192, Florida Statutes, is amended to  
1412 | read:

1413 |       63.192 Recognition of foreign judgment or decree affecting  
1414 | adoption.--A judgment ~~of court~~ terminating the relationship of  
1415 | parent and child or establishing the relationship by adoption, or  
1416 | a decree granting legal guardianship for purposes of adoption,  
1417 | issued pursuant to due process of law by a court or authorized  
1418 | body of any other jurisdiction within or without the United  
1419 | States shall be recognized in this state, and the rights and  
1420 | obligations of the parties ~~on matters within the jurisdiction of~~  
1421 | ~~this state~~ shall be determined as though the judgment or decree  
1422 | were issued by a court of this state. A judgment or decree of a  
1423 | court or authorized body terminating the relationship of a parent  
1424 | and child, whether independent, incorporated in an adoption  
1425 | decree, or incorporated in a legal guardianship order issued  
1426 | pursuant to due process of law of any other jurisdiction within  
1427 | or without the United States, shall be deemed to effectively  
1428 | terminate parental rights for purposes of a proceeding on a  
1429 | petition for adoption in this state. If a minor child has been  
1430 | made available for adoption in a foreign state or foreign country  
1431 | and the parental rights of the minor child's parent have been  
1432 | terminated or the child has been declared to be abandoned or  
1433 | orphaned, no additional termination of parental rights proceeding  
1434 | need occur, and the adoption may be finalized according to the  
1435 | procedures set forth in this chapter.

1436 |       Section 22. Subsection (2) of section 63.212, Florida  
1437 | Statutes, is amended to read:

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1438 63.212 Prohibited acts; penalties for violation.--  
1439 (2) ~~(a)~~ It is unlawful for:  
1440 (a) Any person or adoption entity under this chapter to:  
1441 1. Knowingly provide false information; or  
1442 2. Knowingly withhold material information.  
1443 ~~(b) It is unlawful for~~ A parent, with the intent to  
1444 defraud, to accept benefits related to the same pregnancy from  
1445 more than one adoption entity without disclosing that fact to  
1446 each entity.  
1447 ~~(c) It is unlawful for any person who knows that the parent~~  
1448 ~~whose rights are to be terminated intends to object to said~~  
1449 ~~termination to intentionally file the petition for termination of~~  
1450 ~~parental rights in a county inconsistent with the required venue~~  
1451 ~~under such circumstances.~~  
1452  
1453 Any person who willfully violates any provision of this  
1454 subsection commits a misdemeanor of the second degree, punishable  
1455 as provided in s. 775.082 or s. 775.083. In addition, the such  
1456 person is liable for damages caused by such acts or omissions,  
1457 including reasonable attorney's fees and costs. Damages may be  
1458 awarded through restitution in any related criminal prosecution  
1459 or by filing a separate civil action.  
1460 Section 23. Section 63.236, Florida Statutes, is created to  
1461 read:  
1462 63.236 Petitions filed before July 1, 2009; governing  
1463 law.--A petition for termination of parental rights filed before  
1464 July 1, 2009, is governed by the law in effect at the time the  
1465 petition was filed.

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1466 Section 24. Section 742.021, Florida Statutes, is amended  
1467 to read:

1468 742.021 Venue, process, complaint.--

1469 (1) The proceedings must ~~shall~~ be in the circuit court of  
1470 the county where the plaintiff resides or ~~of~~ the county where the  
1471 defendant resides.

1472 (2) The complaint shall assert ~~aver~~ sufficient facts  
1473 charging the paternity of the child. Upon filing of a complaint  
1474 seeking to determine paternity, the clerk of court shall issue a  
1475 notice to each petitioner and to each respondent or defendant  
1476 along with service of the petition. The notice must be in  
1477 substantially the following form:

1478  
1479 In order to preserve the right to notice and consent to  
1480 the adoption of the child, an unmarried biological  
1481 father must, as the "registrant," file a notarized  
1482 claim of paternity form with the Florida Putative  
1483 Father Registry maintained by the Office of Vital  
1484 Statistics of the Department of Health which includes  
1485 confirmation of his willingness and intent to support  
1486 the child for whom paternity is claimed in accordance  
1487 with state law. The claim of paternity may be filed at  
1488 any time before the child's birth, but a claim of  
1489 paternity may not be filed after the date a petition is  
1490 filed for termination of parental rights.

1491  
1492 (3) Process served on ~~directed to~~ the defendant must  
1493 require ~~shall issue forthwith requiring~~ the defendant to file  
1494 written defenses to the complaint in the same manner as suits in

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1495 chancery. Upon application and proof under oath, the court may  
1496 issue a writ of ne exeat against the defendant on such terms and  
1497 conditions and conditioned upon bond in such amount as the court  
1498 may determine.

1499 Section 25. Subsection (1) of section 742.10, Florida  
1500 Statutes, is amended to read:

1501 742.10 Establishment of paternity for children born out of  
1502 wedlock.--

1503 (1) Except as provided in chapters 39 and 63, this chapter  
1504 provides the primary jurisdiction and procedures for the  
1505 determination of paternity for children born out of wedlock. If  
1506 ~~When~~ the establishment of paternity has been raised and  
1507 determined within an adjudicatory hearing brought under the  
1508 statutes governing inheritance, or dependency under workers'  
1509 compensation or similar compensation programs; if, ~~or when~~ an  
1510 affidavit acknowledging paternity or a stipulation of paternity  
1511 is executed by both parties and filed with the clerk of the  
1512 court; if, ~~or when~~ an affidavit, a notarized voluntary  
1513 acknowledgment of paternity, or a voluntary acknowledgment of  
1514 paternity that is witnessed by two individuals and signed under  
1515 penalty of perjury as provided for in s. 382.013 or s. 382.016 is  
1516 executed by both parties; or if ~~when~~ paternity is adjudicated by  
1517 the Department of Revenue as provided in s. 409.256, such  
1518 adjudication, affidavit, or acknowledgment constitutes the  
1519 establishment of paternity for purposes of this chapter. If an ~~ne~~  
1520 adjudicatory proceeding was not held, a notarized voluntary  
1521 acknowledgment of paternity or voluntary acknowledgment of  
1522 paternity, which ~~that~~ is witnessed by two individuals and signed  
1523 under penalty of perjury as specified by s. 92.525(2), creates

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1524 | ~~shall create~~ a rebuttable presumption, as defined by s. 90.304,  
1525 | of paternity and is subject to the right of any signatory to  
1526 | rescind the acknowledgment within 60 days after the date the  
1527 | acknowledgment was signed or the date of an administrative or  
1528 | judicial proceeding relating to the child, including a proceeding  
1529 | to establish a support order, in which the signatory is a party,  
1530 | whichever is earlier. Both parents must provide their social  
1531 | security numbers on any acknowledgment of paternity, consent  
1532 | affidavit, or stipulation of paternity. Except for affidavits  
1533 | under seal pursuant to ss. 382.015 and 382.016, the Office of  
1534 | Vital Statistics shall provide certified copies of affidavits to  
1535 | the Title IV-D agency upon request.

1536 |       Section 26. This act shall take effect July 1, 2008.