

By the Committees on Judiciary; Children, Families, and Elder Affairs; and Senators Rich, Lynn and Margolis

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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 shall ~~may~~  
398 serve a notice of intended adoption plan upon any known and  
399 locatable unmarried biological father who is identified to the  
400 adoption entity by the mother by the date she signs her consent  
401 for adoption or who is identified by a diligent search of the  
402 Florida Putative Father Registry, or upon an entity whose consent  
403 is required. Service of the notice of intended adoption plan is  
404 not mandatory when the unmarried biological father signs a

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

431 (a) If the unmarried biological father or entity whose  
432 consent is required fails to timely and properly file a verified  
433 response with the court and, in the case of an unmarried

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

443 1. The unmarried biological father must:

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

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

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

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

459 (b) ~~If the birth mother identifies a man who she believes~~  
460 ~~is the unmarried biological father of her child, the adoption~~  
461 ~~entity may provide a notice of intended adoption plan pursuant to~~  
462 ~~paragraph (a).~~ If the mother identifies a potential unmarried



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

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

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

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492 ~~action to the county where the objecting parent or parents~~  
493 ~~reside,~~ unless the objecting parent has previously executed a  
494 waiver of venue.

495 Section 9. Section 63.063, Florida Statutes, is amended to  
496 read:

497 63.063 Responsibility of parents ~~each party~~ for ~~their own~~  
498 actions; fraud or misrepresentation; contesting termination of  
499 parental rights and adoption ~~statutory compliance.--~~

500 (1) Each parent of a child conceived or born outside of  
501 marriage is responsible for his or her ~~own~~ actions and is not  
502 excused from strict compliance with ~~the provisions of~~ this  
503 chapter based upon any action, statement, or omission of the  
504 other parent or a third party, except as provided in s.  
505 63.062(2)(a).

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

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

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521 | of the state and of all parties affected by fraud, including the  
522 | child, the adoptive parents, and the unmarried biological father,  
523 | the Legislature has determined that the unmarried biological  
524 | father is in the best position to prevent or ameliorate the  
525 | effects of fraud and, therefore, has the burden of preventing  
526 | fraud.

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

537 |         (a) The unmarried biological father resides and has resided  
538 | in another state where the unmarried mother was also located or  
539 | resided.

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

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

547 |         (d) The unmarried biological father has substantially  
548 | complied with the requirements of the state where the mother  
549 | previously resided or was located in order to protect and

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550 preserve his parental interest and rights with regard to the  
551 child.

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

556 63.082 Execution of consent to adoption or affidavit of  
557 nonpaternity; family social and medical history; withdrawal of  
558 consent.--

559 (1)

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

567 (4)

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

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579 (c) If ~~When~~ the minor to be adopted is older than 6 months  
580 of age at the time of the execution of the consent, the consent  
581 to adoption is valid upon execution; however, it is subject to a  
582 ~~3-day~~ revocation period of 3 business days ~~or may be revoked at~~  
583 ~~any time prior to the placement of the minor with the prospective~~  
584 ~~adoptive parents, whichever is later. If a consent has been~~  
585 ~~executed, this subsection may not be construed to provide a birth~~  
586 ~~parent with more than 3 days to revoke the consent once the child~~  
587 ~~has been placed with the prospective adoptive parents.~~

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

591

592

## CONSENT TO ADOPTION

593

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

601

602 YOU DO NOT HAVE TO SIGN THIS CONSENT FORM. YOU MAY DO ANY OF THE  
603 FOLLOWING INSTEAD OF SIGNING THIS CONSENT OR BEFORE SIGNING THIS  
604 CONSENT:

605

606 1. CONSULT WITH AN ATTORNEY;

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607 2. HOLD, CARE FOR, AND FEED THE CHILD UNLESS OTHERWISE LEGALLY  
608 PROHIBITED;

609 3. PLACE THE CHILD IN FOSTER CARE OR WITH ANY FRIEND OR FAMILY  
610 MEMBER YOU CHOOSE WHO IS WILLING TO CARE FOR THE CHILD;

611 4. TAKE THE CHILD HOME UNLESS OTHERWISE LEGALLY PROHIBITED; AND

612 5. FIND OUT ABOUT THE COMMUNITY RESOURCES THAT ARE AVAILABLE TO  
613 YOU IF YOU DO NOT GO THROUGH WITH THE ADOPTION.

614

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

632

633 IF YOU BELIEVE THAT YOUR CONSENT WAS OBTAINED BY FRAUD OR DURESS  
634 AND YOU WISH TO REVOKE THAT CONSENT, YOU MUST:

635

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- 636 1. NOTIFY THE ADOPTION ENTITY, BY WRITING A LETTER, THAT YOU  
637 WISH TO WITHDRAW YOUR CONSENT; AND  
638 2. PROVE IN COURT THAT THE CONSENT WAS OBTAINED BY FRAUD OR  
639 DURESS.

640

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

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

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

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665 (d) In determining whether the best interest of the child  
666 ~~is will be~~ served by transferring the custody of the minor child  
667 to the prospective adoptive parent selected by the ~~birth~~ parent,  
668 the court shall consider ~~give consideration to~~ the rights of the  
669 ~~birth~~ parent to determine an appropriate placement for the child,  
670 the permanency offered, the child's bonding with any potential  
671 adoptive home that the child has been residing in, and the  
672 importance of maintaining sibling relationships, if possible.

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

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

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



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694 immediately before the child was placed for adoption ~~withdrawing~~  
695 ~~consent~~ may endanger the minor, or that the person who desires to  
696 withdraw consent is to the adoption would not be required to  
697 consent to the adoption, ~~or~~ has been determined to have abandoned  
698 the child, or is otherwise subject to a determination that the  
699 person's consent is waived under this chapter.

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

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

719 (e) The adoption entity must return the minor within 3  
720 business days after timely and proper notification of the  
721 withdrawal of consent or after the court determines that  
722 withdrawal is valid and binding upon consideration of an

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723 emergency motion, as filed pursuant to paragraph (b), to the  
724 physical custody of the person withdrawing consent or the person  
725 directed by the court. If the person seeking to ~~validly~~ withdraw  
726 consent claims to be the father of the minor but has not been  
727 established to be the father by marriage, court order, or  
728 scientific testing, the adoption entity may return the minor to  
729 the care and custody of the mother, if she desires such  
730 placement, and she ~~the mother~~ is not otherwise prohibited by law  
731 from having custody of the child.

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

737 (g) An affidavit of nonpaternity may be withdrawn only if  
738 the court finds that the affidavit was obtained by fraud or  
739 duress.

740 Section 11. Section 63.085, Florida Statutes, is amended to  
741 read:

742 63.085 Disclosure by adoption entity.--

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

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752 ~~parent~~ who did not initiate ~~the~~ contact with the adoption entity,  
753 ~~the written disclosure must be provided~~ within 14 days after that  
754 parent is identified and located. For purposes of providing the  
755 written disclosure, a person is considered to be seeking to place  
756 a minor for adoption if ~~when~~ that person has sought information  
757 or advice from the adoption entity regarding the option of  
758 adoptive placement. The written disclosure statement must be in  
759 substantially the following form:

760  
761 ADOPTION DISCLOSURE

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

- 767
- 768 1. The name, address, and telephone number of the adoption  
769 entity providing this disclosure is:  
770 Name:  
771 Address:  
772 Telephone Number:  
773
- 774 2. The adoption entity does not provide legal representation or  
775 advice to ~~birth~~ parents or anyone signing a consent for adoption  
776 or affidavit of nonpaternity, and ~~birth~~ parents have the right to  
777 consult with an attorney of their own choosing to advise them.
- 778 3. With the exception of an adoption by a stepparent or  
779 relative, a child cannot be placed into a prospective adoptive  
780 home unless the prospective adoptive parents have received a

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781 favorable preliminary home study, including criminal and child  
782 abuse clearances.

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

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

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

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

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810 and provide financial support to the mother or child within 30  
811 days following service. An unmarried biological father's failure  
812 to timely respond to a Notice of Intended Adoption Plan  
813 constitutes an irrevocable legal waiver of any and all rights  
814 that the father may have to the child. A claim of paternity  
815 registration form for the Florida Putative Father Registry may be  
816 obtained from any local office of the Department of Health,  
817 Office of Vital Statistics, the Department of Children and  
818 Families, the Internet websites for these agencies, and the  
819 offices of the clerks of the Florida circuit courts. The claim of  
820 paternity form must be submitted to the Office of Vital  
821 Statistics, Attention: Adoption Unit, P.O. Box 210, Jacksonville,  
822 FL 32231.

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

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

831 ~~10.9.~~ A ~~birth~~ parent 14 years of age or younger must have a  
832 parent, legal guardian, or court-appointed guardian ad litem to  
833 assist and advise the ~~birth~~ parent as to the adoption plan.

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

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838 ~~12.11.~~ The payment of living or medical expenses by the  
839 prospective adoptive parents before ~~prior to~~ the birth of the  
840 child does not, in any way, obligate the ~~birth~~ parent to sign the  
841 consent for adoption.

842 (2) DISCLOSURE TO ADOPTIVE PARENTS.--

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

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

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

868        3. A complete set of the child's medical records  
869 documenting all medical treatment and care since the child's  
870 birth and before placement.

871        4. All mental health, psychological, and psychiatric  
872 records, reports, and evaluations concerning the child before  
873 placement.

874        5. The child's educational records, including all records  
875 concerning any special education needs of the child before  
876 placement.

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

884        7. Written information concerning the availability of  
885 adoption subsidies for the child, if applicable.

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

891        (3)-(2) ACKNOWLEDGMENT OF DISCLOSURE.--The adoption entity  
892 must obtain a written statement acknowledging receipt of the  
893 disclosures disclosure required under this section subsection (1)-  
894 and signed by the persons receiving the disclosure or, if it is

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

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

916 |       Section 12. Subsections (2), (3), and (6) of section  
917 | 63.087, Florida Statutes, are amended to read:

918 |       63.087 Proceeding to terminate parental rights pending  
919 | adoption; general provisions.--

920 |       (2) VENUE.--

921 |       (a) A petition to terminate parental rights pending  
922 | adoption must be filed:

923 |       1. In the county where the child resides; or



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

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

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

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

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

946  
947 For purposes of the hearing under this subsection, witnesses  
948 located in another jurisdiction may testify by deposition or  
949 testify by telephone, audiovisual means, or other electronic  
950 means before a designated court or at another location.

951 Documentary evidence transmitted from another location by  
952 technological means that do not produce an original writing may

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953 not be excluded from evidence on an objection based on the means  
954 of transmission. The court on its own motion may otherwise  
955 prescribe the manner ~~in which~~ and ~~the~~ terms upon which the  
956 testimony is taken.

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

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

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981 terminate parental rights pending adoption whose consent to  
982 adoption is required under s. 63.062 must:

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

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

988 Section 13. Subsections (1), (3), (4), and (5) of section  
989 63.088, Florida Statutes, are amended to read:

990 63.088 Proceeding to terminate parental rights pending  
991 adoption; notice and service; diligent search.--

992 (1) NOTICE REQUIRED.--An unmarried biological father, by  
993 virtue of the fact that he has engaged in a sexual relationship  
994 with a woman, is deemed to be on notice that a pregnancy and an  
995 adoption proceeding regarding that child may occur and that he  
996 has a duty to protect his own rights and interest. He is,  
997 therefore, entitled to notice of a birth or adoption proceeding  
998 with regard to that child only as provided in this chapter. If a  
999 mother fails to identify an unmarried biological father to the  
1000 adoption entity by the date she signs her consent for adoption,  
1001 the unmarried biological father's claim that he did not receive  
1002 actual notice of the adoption proceeding is not a defense to the  
1003 termination of his parental rights.

1004 (3) LOCATION AND IDENTITY KNOWN.--Before the court may  
1005 determine that a minor is available for adoption, ~~and in addition~~  
1006 ~~to the other requirements set forth in this chapter,~~ each person  
1007 whose consent is required under s. 63.062, who has not executed a  
1008 consent for adoption or an affidavit of nonpaternity, and whose  
1009 location and identity have been determined by compliance with the

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1010 procedures in this section must be personally served, pursuant to  
1011 chapter 48, at least 20 days before the hearing with a copy of  
1012 the petition to terminate parental rights pending adoption and  
1013 with notice in substantially the following form:

1014  
1015 NOTICE OF PETITION AND HEARING  
1016 TO TERMINATE PARENTAL RIGHTS  
1017 PENDING ADOPTION  
1018

1019 A petition to terminate parental rights pending adoption has been  
1020 filed. A copy of the petition is being served with this notice.  
1021 There will be a hearing on the petition to terminate parental  
1022 rights pending adoption on (date) at (time) before  
1023 (judge) at (location, including complete name and street  
1024 address of the courthouse) . The court has set aside (amount  
1025 of time) for this hearing.  
1026

1027 UNDER SECTION 63.089, FLORIDA STATUTES, FAILURE TO TIMELY FILE A  
1028 WRITTEN RESPONSE TO THIS NOTICE AND THE PETITION WITH THE COURT  
1029 AND ~~OR~~ TO APPEAR AT THIS HEARING CONSTITUTES GROUNDS UPON WHICH  
1030 THE COURT SHALL END ANY PARENTAL RIGHTS YOU MAY HAVE OR ASSERT  
1031 REGARDING THE MINOR CHILD.

1032 (4) REQUIRED INQUIRY.--In proceedings initiated under s.  
1033 63.087, the court shall ~~must~~ conduct an inquiry of the person who  
1034 is placing the minor for adoption and of any relative or person  
1035 having legal custody of the minor who is present at the hearing  
1036 and likely to have the following information regarding the  
1037 identity of:

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1038 (a) Any person to whom the mother of the minor was married  
1039 at any time when conception of the minor may have occurred or at  
1040 the time of the birth of the minor;

1041 (b) Any man who has filed an affidavit of paternity  
1042 pursuant to s. 382.013(2) (c) before the date that a petition for  
1043 termination of parental rights is filed with the court ~~person who~~  
1044 ~~has been declared by a court to be the father of the minor;~~

1045 (c) Any man who has adopted the minor;

1046 (d) Any man who has been adjudicated by a court as the  
1047 father of the minor child before the date a petition for  
1048 termination of parental rights is filed with the court ~~with whom~~  
1049 ~~the mother was cohabiting at any time when conception of the~~  
1050 ~~minor may have occurred; and~~

1051 (e) Any man whom the mother identified to the adoption  
1052 entity as a potential biological father before the date she  
1053 signed the consent for adoption ~~person who has acknowledged or~~  
1054 ~~claimed paternity of the minor.~~

1055  
1056 The information sought ~~required~~ under this subsection may be  
1057 provided to the court in the form of a sworn affidavit by a  
1058 person having personal knowledge of the facts, addressing each  
1059 inquiry enumerated in this subsection, except that, if the  
1060 inquiry identifies a father under paragraph (a), paragraph (b),  
1061 or paragraph (c), the inquiry may ~~shall~~ not continue further. The  
1062 inquiry required under this subsection may be conducted before  
1063 the birth of the minor.

1064 (5) LOCATION UNKNOWN; IDENTITY KNOWN.--If the inquiry by  
1065 the court under subsection (4) identifies any person ~~whose~~  
1066 ~~consent to adoption is required under s. 63.062~~ and who has not

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1067 executed a consent to adoption or an affidavit of nonpaternity,  
1068 and the location of the person ~~from whom consent is required~~ is  
1069 unknown, the adoption entity must conduct a diligent search for  
1070 that person which must include inquiries concerning:

1071 (a) The person's current address, or any previous address,  
1072 through an inquiry of the United States Postal Service through  
1073 the Freedom of Information Act;

1074 (b) The last known employment of the person, including the  
1075 name and address of the person's employer;

1076 ~~(c) Regulatory agencies, including those regulating  
1077 licensing in the area where the person last resided;~~

1078 (c) ~~(d)~~ Names and addresses of relatives to the extent they  
1079 ~~such~~ can be reasonably obtained from the petitioner or other  
1080 sources, contacts with those relatives, and inquiry as to the  
1081 person's last known address. The petitioner must ~~shall~~ pursue any  
1082 leads to ~~of~~ any addresses where ~~to which~~ the person may have  
1083 moved;

1084 (d) ~~(e)~~ Information as to whether or not the person may have  
1085 died and, if so, the date and location;

1086 (e) ~~(f)~~ Telephone listings in the area where the person last  
1087 resided;

1088 (f) ~~(g)~~ Inquiries of law enforcement agencies in the area  
1089 where the person last resided;

1090 (g) ~~(h)~~ Highway patrol records in the state where the person  
1091 last resided;

1092 (h) ~~(i)~~ Department of Corrections records in the state where  
1093 the person last resided;

1094 (i) ~~(j)~~ Hospitals in the area where the person last resided;

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1095 (j)~~(k)~~ Records of utility companies, including water,  
1096 sewer, cable television, and electric companies, in the area  
1097 where the person last resided;

1098 (k)~~(l)~~ Records of the Armed Forces of the United States as  
1099 to whether there is any information as to the person;

1100 (l)~~(m)~~ Records of the tax assessor and tax collector in the  
1101 area where the person last resided; and

1102 (m)~~(n)~~ Search of one Internet databank locator service.  
1103

1104 A person contacted by a petitioner or adoption entity requesting  
1105 records under this subsection must release the requested records  
1106 to the petitioner or adoption entity without the necessity of a  
1107 subpoena or a court order, except when prohibited by law. An  
1108 affidavit of diligent search conducted in accordance with this  
1109 section executed by the petitioner and the adoption entity must  
1110 be filed with the court confirming completion of each aspect of  
1111 the diligent search enumerated in this subsection and specifying  
1112 the results. The diligent search required under this subsection  
1113 may be conducted before the birth of the minor. A judgment  
1114 terminating parental rights and approving a diligent search that  
1115 fails to locate a person is valid and is not subject to direct or  
1116 collateral attack because the mother failed or refused to provide  
1117 the adoption entity with sufficient information to locate the  
1118 person.

1119 Section 14. Subsections (2), (3), (4), and (6), paragraph  
1120 (a) of subsection (7), and subsection (8) of section 63.089,  
1121 Florida Statutes, are amended to read:

1122 63.089 Proceeding to terminate parental rights pending  
1123 adoption; hearing; grounds; dismissal of petition; judgment.--

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1124 (2) HEARING PREREQUISITES.--The court may hold the hearing  
1125 only when:

1126 (a) For each person whose consent to adoption is required  
1127 under s. 63.062:

1128 1. A consent under s. 63.082 has been executed and filed  
1129 with the court;

1130 2. An affidavit of nonpaternity under s. 63.082 has been  
1131 executed and filed with the court;

1132 3. Notice has been provided under ss. 63.087 and 63.088; or

1133 4. The certificate from the Office of Vital Statistics has  
1134 been provided to the court stating that a diligent search has  
1135 been made of the Florida Putative Father Registry created in s.  
1136 63.054 and that no filing has been found pertaining to the father  
1137 of the child in question or, if a filing is found, stating the  
1138 name of the putative father and the time and date of the filing.

1139 (b) For each notice and petition that must be served under  
1140 ss. 63.087 and 63.088:

1141 1. At least 20 days have elapsed since the date of personal  
1142 service and an affidavit of service has been filed with the  
1143 court;

1144 2. At least 30 days have elapsed since the first date of  
1145 publication of constructive service and an affidavit of service  
1146 has been filed with the court; or

1147 3. An affidavit of nonpaternity, consent for adoption, or  
1148 other document that ~~which~~ affirmatively waives service has been  
1149 executed and filed with the court. ~~†~~

1150 (c) The minor named in the petition has been born. ~~†~~ and

1151 (d) The petition contains all information required under s.  
1152 63.087 and all affidavits of inquiry, diligent search, and



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1153 service required under s. 63.088 have been obtained and filed  
1154 with the court.

1155 (3) GROUNDS FOR TERMINATING PARENTAL RIGHTS PENDING  
1156 ADOPTION.--The court may enter a judgment terminating parental  
1157 rights pending adoption if the court determines by clear and  
1158 convincing evidence, supported by written findings of fact, that  
1159 each person whose consent to adoption is required under s.  
1160 63.062:

1161 (a) Has executed a valid consent under s. 63.082 and the  
1162 consent was obtained according to the requirements of this  
1163 chapter;

1164 (b) Has executed an affidavit of nonpaternity and the  
1165 affidavit was obtained according to the requirements of this  
1166 chapter;

1167 (c) Has been served with a notice of the intended adoption  
1168 plan in accordance with the provisions of s. 63.062(3) and has  
1169 failed to respond within the designated time period;

1170 (d) Has been properly served notice of the proceeding in  
1171 accordance with the requirements of this chapter and has failed  
1172 to file a written answer or appear at the evidentiary hearing  
1173 resulting in the judgment terminating parental rights pending  
1174 adoption;

1175 (e) Has been properly served notice of the proceeding in  
1176 accordance with the requirements of this chapter and has been  
1177 determined under subsection (4) to have abandoned the minor ~~as~~  
1178 ~~defined in s. 63.032;~~

1179 (f) Is a parent of the person to be adopted, which parent  
1180 has been judicially declared incapacitated with restoration of  
1181 competency found to be medically improbable;

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1182 (g) Is a person who has legal custody of the person to be  
1183 adopted, other than a parent, who has failed to respond in  
1184 writing to a request for consent for a period of 60 days or,  
1185 after examination of his or her written reasons for withholding  
1186 consent, is found by the court to be withholding his or her  
1187 consent unreasonably;

1188 (h) Has been properly served notice of the proceeding in  
1189 accordance with the requirements of this chapter, but has been  
1190 found by the court, after examining written reasons for the  
1191 withholding of consent, to be unreasonably withholding his or her  
1192 consent; or

1193 (i) Is the spouse of the person to be adopted who has  
1194 failed to consent, and the failure of the spouse to consent to  
1195 the adoption is excused by reason of prolonged and unexplained  
1196 absence, unavailability, incapacity, or circumstances that are  
1197 found by the court to constitute unreasonable withholding of  
1198 consent.

1199 (4) FINDING OF ABANDONMENT.--A finding of abandonment  
1200 resulting in a termination of parental rights must be based upon  
1201 clear and convincing evidence that a parent or person having  
1202 legal custody has abandoned the child in accordance with the  
1203 definition contained in s. 63.032 ~~s. 63.032(1)~~. A finding of  
1204 abandonment may also be based upon emotional abuse or a refusal  
1205 to provide reasonable financial support, when able, to a birth  
1206 mother during her pregnancy. ~~If, in the opinion of the court, the~~  
1207 ~~efforts of a parent or person having legal custody of the child~~  
1208 ~~to support and communicate with the child are only marginal~~  
1209 ~~efforts that do not evince a settled purpose to assume all~~  
1210 ~~parental duties, the court may declare the child to be abandoned.~~

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1211 ~~In making this decision, the court may consider the conduct of a~~  
1212 ~~father toward the child's mother during her pregnancy.~~

1213 (a) In making a determination of abandonment at a hearing  
1214 for termination of parental rights under ~~pursuant to~~ this  
1215 chapter, the court shall ~~must~~ consider, among other relevant  
1216 factors not inconsistent with this section:

1217 1. Whether the actions alleged to constitute abandonment  
1218 demonstrate a willful disregard for the safety or welfare of the  
1219 child or the unborn child;

1220 2. Whether the person alleged to have abandoned the child,  
1221 while being able, failed to provide financial support;

1222 3. Whether the person alleged to have abandoned the child,  
1223 while being able, failed to pay for medical treatment; and

1224 4. Whether the amount of support provided or medical  
1225 expenses paid was appropriate, taking into consideration the  
1226 needs of the child and relative means and resources available to  
1227 the person alleged to have abandoned the child.

1228 (b) The child has been abandoned when the parent of a child  
1229 is incarcerated on or after October 1, 2001, in a federal, state,  
1230 or county ~~federal~~ correctional institution and:

1231 1. The period of time for which the parent has been or is  
1232 expected to be incarcerated will constitute a significant  
1233 substantial portion of the child's minority. In determining  
1234 whether the period of time is significant, the court shall  
1235 consider the child's age and the child's need for a permanent and  
1236 stable home. The period of time begins on the date that the  
1237 parent enters into incarceration ~~period of time before the child~~  
1238 ~~will attain the age of 18 years;~~

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1239           2. The incarcerated parent has been determined by a ~~the~~  
1240 court of competent jurisdiction to be a violent career criminal  
1241 as defined in s. 775.084, a habitual violent felony offender as  
1242 defined in s. 775.084, convicted of child abuse as defined in s.  
1243 827.03, or a sexual predator as defined in s. 775.21; has been  
1244 convicted of first degree or second degree murder in violation of  
1245 s. 782.04 or a sexual battery that constitutes a capital, life,  
1246 or first degree felony violation of s. 794.011; or has been  
1247 convicted of a substantially similar ~~an~~ offense in another  
1248 jurisdiction ~~which is substantially similar to one of the~~  
1249 ~~offenses listed in this subparagraph~~. As used in this section,  
1250 the term "substantially similar offense" means any offense that  
1251 is substantially similar in elements and penalties to one of  
1252 those listed in this subparagraph, and that is in violation of a  
1253 law of any other jurisdiction, whether that of another state, the  
1254 District of Columbia, the United States or any possession or  
1255 territory thereof, or any foreign jurisdiction; or

1256           3. The court determines by clear and convincing evidence  
1257 that continuing the parental relationship with the incarcerated  
1258 parent would be harmful to the child and, for this reason, ~~that~~  
1259 termination of the parental rights of the incarcerated parent is  
1260 in the best interest of the child.

1261           (6) JUDGMENT TERMINATING PARENTAL RIGHTS PENDING  
1262 ADOPTION.--

1263           (a) The judgment terminating parental rights pending  
1264 adoption must be in writing and contain findings of fact as to  
1265 the grounds for terminating parental rights ~~pending adoption~~.

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1266 (b) Within 7 days after filing, the court shall mail a copy  
1267 of the judgment to the department. The clerk shall execute a  
1268 certificate of the ~~such~~ mailing.

1269 (c) The judgment terminating parental rights pending  
1270 adoption legally frees the child for subsequent adoption,  
1271 adjudicates the child's status, and may not be challenged by a  
1272 person claiming parental status who did not establish parental  
1273 rights before the filing of the petition for termination, except  
1274 as specifically provided in this chapter.

1275 (7) RELIEF FROM JUDGMENT TERMINATING PARENTAL RIGHTS.--

1276 (a) A motion for relief from a judgment terminating  
1277 parental rights must be filed with the court originally entering  
1278 the judgment. The motion must be filed within a reasonable time,  
1279 but not later than 1 year after the entry of the judgment  
1280 ~~terminating parental rights.~~ An unmarried biological father does  
1281 not have standing to seek relief from a judgment terminating  
1282 parental rights if the mother did not identify him to the  
1283 adoption entity before the date she signed a consent for adoption  
1284 or if he was not located because the mother failed or refused to  
1285 provide sufficient information to locate him.

1286 (8) RECORDS; CONFIDENTIAL INFORMATION.--All papers and  
1287 records pertaining to a petition to terminate parental rights  
1288 pending adoption are related to the subsequent adoption of the  
1289 minor and are subject to ~~the provisions of~~ s. 63.162. An  
1290 unmarried biological father does not have standing to seek the  
1291 court case number or access the court file if the mother did not  
1292 identify him to the adoption entity before the date she signed  
1293 the consent for adoption. The confidentiality provisions of this  
1294 chapter do not apply to the extent information regarding persons

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1295 or proceedings is ~~must be~~ made available as specified under s.  
1296 63.088.

1297 Section 15. Subsection (1) of section 63.092, Florida  
1298 Statutes, is amended to read:

1299 63.092 Report to the court of intended placement by an  
1300 adoption entity; at-risk placement; preliminary study.--

1301 (1) REPORT TO THE COURT.--The adoption entity must report  
1302 any intended placement of a minor for adoption with any person  
1303 who is not a relative or a stepparent if the adoption entity ~~has~~  
1304 ~~knowledge of, or~~ participates in the, ~~such~~ intended placement.  
1305 The report must be made to the court before the minor is placed  
1306 in the home or within 2 business days ~~48 hours~~ thereafter.

1307 Section 16. Subsections (1) and (2) of section 63.102,  
1308 Florida Statutes, are amended to read:

1309 63.102 Filing of petition for adoption or declaratory  
1310 statement; venue; proceeding for approval of fees and costs.--

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

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1324 not be disclosed in the petition, the notice of hearing, ~~or~~ the  
1325 judgment of adoption, or the court docket as provided in s.  
1326 63.162(3).

1327 (2) VENUE.--A petition for adoption or for a declaratory  
1328 statement as to the adoption contract must ~~shall~~ be filed in the  
1329 county where the petition for termination of parental rights was  
1330 filed or granted, ~~unless the court, in accordance with s. 47.122,~~  
1331 ~~changes the venue to the county where the petitioner or~~  
1332 ~~petitioners or the minor resides or where the adoption entity~~  
1333 ~~with which the minor has been placed~~ is located. The circuit  
1334 court in this state shall ~~must~~ retain jurisdiction over the  
1335 matter until a final judgment is entered on the adoption, either  
1336 within or outside the state. The Uniform Child Custody  
1337 Jurisdiction and Enforcement Act does not apply until a final  
1338 judgment is entered on the adoption.

1339 Section 17. Subsection (3) of section 63.122, Florida  
1340 Statutes, is amended to read:

1341 63.122 Notice of hearing on petition.--

1342 (3) Upon a showing by the petitioner or parent that the  
1343 privacy, safety, or ~~and~~ welfare of the petitioner, parent, or  
1344 minor may be endangered, the court may order that the names of  
1345 the petitioner, parent, ~~or~~ minor, or all both, ~~to~~ be deleted from  
1346 the notice of hearing and from the copy of the petition attached  
1347 thereto if, ~~provided~~ the substantive rights of any person are  
1348 ~~will~~ not ~~thereby~~ be affected.

1349 Section 18. Subsection (4) of section 63.132, Florida  
1350 Statutes, is amended to read:

1351 63.132 Affidavit of expenses and receipts.--

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1352 (4) This section does not apply to an adoption by a  
1353 stepparent or an adoption of a relative or adult, the  
1354 finalization of an adoption of a minor if the parental rights  
1355 were terminated under chapter 39, or the domestication of an  
1356 adoption decree of a minor child adopted in a foreign country.

1357 Section 19. Section 63.135, Florida Statutes, is amended to  
1358 read:

1359 63.135 Information ~~under oath~~ to be submitted to the  
1360 court.--

1361 (1) The adoption entity or petitioner must file an  
1362 affidavit under the Uniform Child Custody Jurisdiction and  
1363 Enforcement Act in the termination of parental rights ~~Each party~~  
1364 ~~in an adoption proceeding,~~ in the first pleading or in an  
1365 affidavit attached to that pleading, ~~shall give information under~~  
1366 ~~oath as to the child's present address, the places where the~~  
1367 ~~child has lived within the last 5 years, and the names and~~  
1368 ~~present addresses of the persons with whom the child has lived~~  
1369 ~~during that period. In the pleading or affidavit each party shall~~  
1370 ~~further declare under oath whether:~~

1371 ~~(a) The party has participated as a party or witness or in~~  
1372 ~~any other capacity in any other litigation concerning the custody~~  
1373 ~~of the same child in this or any other state;~~

1374 ~~(b) The party has information of any custody proceeding~~  
1375 ~~concerning the child pending in a court of this or any other~~  
1376 ~~state; and~~

1377 ~~(c) The party knows of any person not a party to the~~  
1378 ~~proceedings who has physical custody of the child or claims to~~  
1379 ~~have custody or visitation rights with respect to the child.~~



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1380       ~~(2) If the declaration as to any item specified in~~  
1381 ~~subsection (1) is in the affirmative, the declarant shall give~~  
1382 ~~additional information under oath as required by the court. The~~  
1383 ~~court may examine the parties under oath about details of the~~  
1384 ~~information furnished and other matters pertinent to the court's~~  
1385 ~~jurisdiction and judgment of adoption.~~

1386       (2)~~(3)~~ Each party has a continuing duty to inform the court  
1387 of any custody proceeding concerning the child in this or any  
1388 other state about which he or she obtained information during  
1389 this proceeding.

1390       Section 20. Subsections (3) and (4) of section 63.142,  
1391 Florida Statutes, are amended to read:

1392       63.142 Hearing; judgment of adoption.--

1393       (3) DISMISSAL.--

1394       (a) If the petition is dismissed, further proceedings, if  
1395 any, regarding the minor must be brought in a separate custody  
1396 action under chapter 61, a dependency action under chapter 39, or  
1397 a paternity action under chapter 742 ~~the court shall determine~~  
1398 ~~the person that is to have custody of the minor.~~

1399       (b) If the petition is dismissed, the court shall state  
1400 with specificity the reasons for the dismissal.

1401       (4) JUDGMENT.--At the conclusion of the hearing, after the  
1402 court determines that the date for a parent to file an appeal of  
1403 a valid judgment terminating that parent's parental rights has  
1404 passed and no appeal, pursuant to the Florida Rules of Appellate  
1405 Procedure, is pending and that the adoption is in the best  
1406 interest of the person to be adopted, a judgment of adoption  
1407 shall be entered. A judgment terminating parental rights pending  
1408 adoption is voidable and any later judgment of adoption of that

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1409 minor is voidable if, upon a parent's motion for relief from  
1410 judgment, the court finds that the adoption substantially fails  
1411 to meet the requirements of this chapter. The motion must be  
1412 filed within a reasonable time, but not later than 1 year after  
1413 the date the judgment terminating parental rights was entered.

1414 Section 21. Section 63.192, Florida Statutes, is amended to  
1415 read:

1416 63.192 Recognition of foreign judgment or decree affecting  
1417 adoption.--A judgment ~~of court~~ terminating the relationship of  
1418 parent and child or establishing the relationship by adoption, or  
1419 a decree granting legal guardianship for purposes of adoption,  
1420 issued pursuant to due process of law by a court or authorized  
1421 body of any other jurisdiction within or without the United  
1422 States shall be recognized in this state, and the rights and  
1423 obligations of the parties ~~on matters within the jurisdiction of~~  
1424 this state shall be determined as though the judgment or decree  
1425 were issued by a court of this state. A judgment or decree of a  
1426 court or authorized body terminating the relationship of a parent  
1427 and child, whether independent, incorporated in an adoption  
1428 decree, or incorporated in a legal guardianship order issued  
1429 pursuant to due process of law of any other jurisdiction within  
1430 or without the United States, shall be deemed to effectively  
1431 terminate parental rights for purposes of a proceeding on a  
1432 petition for adoption in this state. If a minor child has been  
1433 made available for adoption in a foreign state or foreign country  
1434 and the parental rights of the minor child's parent have been  
1435 terminated or the child has been declared to be abandoned or  
1436 orphaned, no additional termination of parental rights proceeding

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1437 need occur, and the adoption may be finalized according to the  
1438 procedures set forth in this chapter.

1439 Section 22. Subsection (2) of section 63.212, Florida  
1440 Statutes, is amended to read:

1441 63.212 Prohibited acts; penalties for violation.--

1442 (2) ~~(a)~~ It is unlawful for:

1443 (a) Any person or adoption entity under this chapter to:

1444 1. Knowingly provide false information; or

1445 2. Knowingly withhold material information.

1446 ~~(b) It is unlawful for~~ A parent, with the intent to  
1447 defraud, to accept benefits related to the same pregnancy from  
1448 more than one adoption entity without disclosing that fact to  
1449 each entity.

1450 ~~(c) It is unlawful for any person who knows that the parent~~  
1451 ~~whose rights are to be terminated intends to object to said~~  
1452 ~~termination to intentionally file the petition for termination of~~  
1453 ~~parental rights in a county inconsistent with the required venue~~  
1454 ~~under such circumstances.~~

1455  
1456 Any person who willfully violates any provision of this  
1457 subsection commits a misdemeanor of the second degree, punishable  
1458 as provided in s. 775.082 or s. 775.083. In addition, the ~~such~~  
1459 person is liable for damages caused by such acts or omissions,  
1460 including reasonable attorney's fees and costs. Damages may be  
1461 awarded through restitution in any related criminal prosecution  
1462 or by filing a separate civil action.

1463 Section 23. Section 63.236, Florida Statutes, is created to  
1464 read:

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1465 63.236 Petitions filed before July 1, 2008; governing  
1466 law.--A petition for termination of parental rights filed before  
1467 July 1, 2008, is governed by the law in effect at the time the  
1468 petition was filed.

1469 Section 24. Section 742.021, Florida Statutes, is amended  
1470 to read:

1471 742.021 Venue, process, complaint.--

1472 (1) The proceedings ~~shall~~ must be in the circuit court of  
1473 the county where the plaintiff resides or ~~of~~ the county where the  
1474 defendant resides.

1475 (2) The complaint shall ~~assert~~ assert ~~aver~~ sufficient facts  
1476 charging the paternity of the child. Upon filing of a complaint  
1477 seeking to determine paternity, the clerk of court shall issue a  
1478 notice to each petitioner and to each respondent or defendant  
1479 along with service of the petition. The notice must be in  
1480 substantially the following form:

1481  
1482 In order to preserve the right to notice and consent to  
1483 the adoption of the child, an unmarried biological  
1484 father must, as the "registrant," file a notarized  
1485 claim of paternity form with the Florida Putative  
1486 Father Registry maintained by the Office of Vital  
1487 Statistics of the Department of Health which includes  
1488 confirmation of his willingness and intent to support  
1489 the child for whom paternity is claimed in accordance  
1490 with state law. The claim of paternity may be filed at  
1491 any time before the child's birth, but a claim of  
1492 paternity may not be filed after the date a petition is  
1493 filed for termination of parental rights.

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1494  
1495       (3) Process served on ~~directed to~~ the defendant must  
1496 require ~~shall issue forthwith requiring~~ the defendant to file  
1497 written defenses to the complaint in the same manner as suits in  
1498 chancery. Upon application and proof under oath, the court may  
1499 issue a writ of ne exeat against the defendant on such terms and  
1500 conditions and conditioned upon bond in such amount as the court  
1501 may determine.

1502       Section 25. Subsection (1) of section 742.10, Florida  
1503 Statutes, is amended to read:

1504       742.10 Establishment of paternity for children born out of  
1505 wedlock.--

1506       (1) Except as provided in chapters 39 and 63, this chapter  
1507 provides the primary jurisdiction and procedures for the  
1508 determination of paternity for children born out of wedlock. If  
1509 ~~When~~ the establishment of paternity has been raised and  
1510 determined within an adjudicatory hearing brought under the  
1511 statutes governing inheritance, or dependency under workers'  
1512 compensation or similar compensation programs; if, ~~or when~~ an  
1513 affidavit acknowledging paternity or a stipulation of paternity  
1514 is executed by both parties and filed with the clerk of the  
1515 court; if, ~~or when~~ an affidavit, a notarized voluntary  
1516 acknowledgment of paternity, or a voluntary acknowledgment of  
1517 paternity that is witnessed by two individuals and signed under  
1518 penalty of perjury as provided for in s. 382.013 or s. 382.016 is  
1519 executed by both parties; or if ~~when~~ paternity is adjudicated by  
1520 the Department of Revenue as provided in s. 409.256, such  
1521 adjudication, affidavit, or acknowledgment constitutes the  
1522 establishment of paternity for purposes of this chapter. If an ~~ne~~

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1523 adjudicatory proceeding was not held, a notarized voluntary  
1524 acknowledgment of paternity or voluntary acknowledgment of  
1525 paternity, which ~~that~~ is witnessed by two individuals and signed  
1526 under penalty of perjury as specified by s. 92.525(2), creates  
1527 ~~shall create~~ a rebuttable presumption, as defined by s. 90.304,  
1528 of paternity and is subject to the right of any signatory to  
1529 rescind the acknowledgment within 60 days after the date the  
1530 acknowledgment was signed or the date of an administrative or  
1531 judicial proceeding relating to the child, including a proceeding  
1532 to establish a support order, in which the signatory is a party,  
1533 whichever is earlier. Both parents must provide their social  
1534 security numbers on any acknowledgment of paternity, consent  
1535 affidavit, or stipulation of paternity. Except for affidavits  
1536 under seal pursuant to ss. 382.015 and 382.016, the Office of  
1537 Vital Statistics shall provide certified copies of affidavits to  
1538 the Title IV-D agency upon request.

1539 Section 26. This act shall take effect July 1, 2008.