

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

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

57 | certain hearings constitutes grounds for termination of
58 | parental rights; removing a provision relating to the
59 | procedure for notifying a petitioner of a final hearing;
60 | amending s. 63.088, F.S.; providing that a mother's
61 | failure to identify an unmarried biological father is not
62 | a defense to a termination of parental rights; revising
63 | information relating to a court's inquiry about the father
64 | of the child who is to be adopted; requiring persons
65 | contacted by a petitioner or adoption entity to release
66 | certain records; providing that a judgment approving a
67 | diligent search is not subject to direct or collateral
68 | attack; amending s. 63.089, F.S.; revising provisions
69 | relating to service of notice and petition regarding
70 | termination of parental rights and consent to adoption;
71 | revising conditions for making a finding of abandonment;
72 | prohibiting a person who failed to establish parental
73 | rights from challenging a judgment terminating parental
74 | rights under certain circumstances; amending s. 63.092,
75 | F.S.; revising the conditions and timeframe for an
76 | adoption entity to report to the court the intent to place
77 | a minor for adoption; amending s. 63.102, F.S.; revising
78 | procedures for the filing of a petition for adoption;
79 | providing the proper venue where the petition may be
80 | filed; amending s. 63.122, F.S.; revising whose name may
81 | be removed from a petition under certain circumstances;
82 | amending s. 63.132, F.S.; providing additional exceptions
83 | to the requirement that the adoptive parent and the
84 | adoption entity file an affidavit itemizing all expenses

85 and receipts; amending s. 63.135, F.S.; requiring the
86 adoption entity or petitioner to file an affidavit under
87 the Uniform Child Custody Jurisdiction and Enforcement Act
88 in a termination of parental rights proceeding; deleting
89 information required to be submitted under oath to the
90 court; amending s. 63.142, F.S.; requiring that if an
91 adoption petition is dismissed, any further proceedings
92 regarding the minor be brought in a separate custody
93 action under ch. 61, F.S., a dependency action under ch.
94 39, F.S., or a paternity action under ch. 742, F.S.;
95 revising conditions under which a judgment terminating
96 parental rights is voidable; amending s. 63.192, F.S.;
97 requiring the courts of this state to recognize decrees of
98 termination of parental rights and adoptions from other
99 states and countries; amending s. 63.212, F.S.; revising
100 acts that are unlawful pertaining to adoptions; creating
101 s. 63.236, F.S.; providing that a petition for termination
102 of parental rights filed before the effective date of the
103 act is governed by the law in effect at the time the
104 petition was filed; amending s. 742.021, F.S.; requiring
105 the clerk of court to issue certain notice in cases of
106 complaints concerning determination of paternity; amending
107 s. 742.10, F.S.; providing applicability of chs. 39 and
108 63, F.S., to jurisdiction and procedures for determination
109 of paternity for children born out of wedlock; providing
110 an effective date.

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

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

39.812 Postdisposition relief; petition for adoption.--

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

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

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

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

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

150 63.032 Definitions.--As used in this chapter, the term:

151 (4)~~(20)~~ "Adoption plan" means an arrangement ~~arrangements~~
 152 made by a birth parent or other individual having a legal right
 153 to custody of a minor ~~child~~, born or to be born, with an
 154 adoption entity in furtherance of placing ~~the placement of~~ the
 155 minor for adoption.

156 (5)~~(4)~~ "Adult" means a person who is not a minor.

157 (6)~~(5)~~ "Agency" means any child-placing agency licensed by
 158 the department pursuant to s. 63.202 to place minors for
 159 adoption.

160 (7)~~(6)~~ "Child" means any unmarried person under the age of
 161 18 years who has not been emancipated by court order ~~a son or~~
 162 ~~daughter, whether by birth or adoption.~~

163 (8)~~(7)~~ "Court" means a ~~any~~ circuit court of this state
 164 and, if ~~when~~ the context requires, the court of any state that
 165 is empowered to grant petitions for adoption.

166 (9)~~(8)~~ "Department" means the Department of Children and
 167 Family Services.

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

174 ~~(11)(10)~~ "Legal custody" has the meaning ascribed in s.
 175 39.01.

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

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

185 (13) "Person" includes a natural person, corporation,
 186 government or governmental subdivision or agency, business
 187 trust, estate, trust, partnership, or association, and any other
 188 legal entity.

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

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

196 ~~(14)(16)~~ "Placement" means the process of a parent or
 197 legal guardian surrendering a child for adoption and the
 198 prospective adoptive parents receiving and adopting the child
 199 and all actions by any adoption entity participating in placing
 200 the child.

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

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

212 ~~(17)(18)~~ "Suitability of the intended placement" means
 213 ~~includes~~ the fitness of the intended placement, with primary
 214 consideration being given to the best interest of the child.

215 ~~(18)~~ "To place" means the process whereby a parent or
 216 legal guardian surrenders a child for adoption and the
 217 prospective adoptive parents receive and adopt the child, and
 218 includes all actions by any person or adoption entity
 219 participating in the process.

220 ~~(19)~~ "Unmarried biological father" means the child's
 221 biological father who is not married to the child's mother at
 222 the time of conception or birth of the child and who, before the
 223 filing of a petition to terminate parental rights, has not been

224 adjudicated ~~declared~~ by a court of competent jurisdiction to be
 225 the legal father of the child or has not executed an affidavit
 226 pursuant to s. 382.013(2)(c).

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

229 63.037 Proceedings applicable to cases resulting from a
 230 termination of parental rights under chapter 39.--A case in
 231 which a minor becomes available for adoption after the parental
 232 rights of each parent have been terminated by a judgment entered
 233 pursuant to chapter 39 shall be governed by s. 39.812 and this
 234 chapter. Adoption proceedings initiated under chapter 39 are
 235 exempt from the following provisions of this chapter: disclosure
 236 requirements for the adoption entity provided in s. 63.085(1);
 237 general provisions governing termination of parental rights
 238 pending adoption provided in s. 63.087; notice and service
 239 provisions governing termination of parental rights pending
 240 adoption provided in s. 63.088; and procedures for terminating
 241 parental rights pending adoption provided in s. 63.089.

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

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

248 (1) An adoption entity placing a minor for adoption has an
 249 affirmative duty to follow the requirements of this chapter and
 250 specifically the following provisions, which protect and promote
 251 the well-being of persons being adopted and their parents and

252 prospective adoptive parents by promoting certainty, finality,
 253 and permanency for such persons. The adoption entity must:

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

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

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

271 Section 6. Section 63.0425, Florida Statutes, is amended
 272 to read:

273 63.0425 Grandparent's right to notice ~~adopt~~.--

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

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

283 (3) This section does ~~shall~~ not apply in stepparent
 284 adoptions.

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

287 Section 7. Subsections (1), (6), and (7) of section
 288 63.054, Florida Statutes, are amended to read:

289 63.054 Actions required by an unmarried biological father
 290 to establish parental rights; Florida Putative Father
 291 Registry.--

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

308 the date ~~that~~ a petition for termination of parental rights is
309 filed. The failure of an unmarried biological father to file a
310 claim of paternity with the registry before the date a petition
311 for termination of parental rights is filed also bars him from
312 filing a paternity claim under chapter 742.

313 (a) An unmarried biological father is excepted from the
314 time limitations for filing a claim of paternity with the
315 registry or for filing a paternity claim under chapter 742, if:

316 1. The mother identifies him to the adoption entity as a
317 potential biological father by the date she executes a consent
318 for adoption; and

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

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

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

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

347 (7) In each proceeding for termination of parental rights
 348 or each adoption proceeding in which parental rights are being
 349 terminated simultaneously with entry of the final judgment of
 350 adoption, as in a stepparent and relative adoption filed under
 351 this chapter, the petitioner must contact the Office of Vital
 352 Statistics ~~of the Department of Health~~ by submitting an
 353 application for a search of the Florida Putative Father
 354 Registry. The petitioner must ~~shall~~ provide the same
 355 information, if known, on the search application form that ~~which~~
 356 the registrant furnished ~~is required to furnish~~ under subsection
 357 (3). Thereafter, the Office of Vital Statistics shall ~~must~~ issue
 358 a certificate signed by the State Registrar certifying:

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

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

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

374 Section 8. Paragraph (b) of subsection (1) and subsections
 375 (3), (7), and (9) of section 63.062, Florida Statutes, are
 376 amended to read:

377 63.062 Persons required to consent to adoption; affidavit
 378 of nonpaternity; waiver of venue.--

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

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

385 1. The minor was conceived or born while the father was
 386 married to the mother;

387 2. The minor is his child by adoption;

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

391 4. He has filed an affidavit of paternity pursuant to s.
 392 382.013(2)(c) by the date a petition is filed for termination of
 393 parental rights; or

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

400 (3)~~(a)~~ Pursuant to chapter 48, an adoption entity shall
 401 ~~may~~ serve a notice of intended adoption plan upon any known and
 402 locatable unmarried biological father who is identified to the
 403 adoption entity by the mother by the date she signs her consent
 404 for adoption or who is identified by a diligent search of the
 405 Florida Putative Father Registry, or upon an entity whose
 406 consent is required. Service of the notice of intended adoption
 407 plan is not mandatory when the unmarried biological father signs
 408 a consent for adoption or an affidavit of nonpaternity. The
 409 notice may be served, a notice of intended adoption plan at any
 410 time before the child's birth or before placing prior to the
 411 ~~placement of the child in the adoptive home, including prior to~~
 412 ~~the birth of the child.~~ The recipient of the notice may waive
 413 service of process by executing a waiver and acknowledging
 414 receipt of the plan. The notice of intended adoption plan must
 415 specifically state that if the unmarried biological father
 416 desires to contest the adoption plan, he must, within 30 days
 417 after service, file with the court, within 30 days after
 418 ~~service,~~ a verified response that contains a pledge of

419 commitment to the child in substantial compliance with
420 subparagraph (2)(b)2. and ~~The notice of intended adoption plan~~
421 ~~shall notify the unmarried biological father that he must file a~~
422 claim of paternity form with the Office of Vital Statistics,
423 ~~within 30 days after service upon him~~ and must provide the
424 adoption entity with a copy of the verified response filed with
425 the court and the claim of paternity form filed with the Office
426 of Vital Statistics. The notice must also include instructions
427 for submitting a claim of paternity form to the Office of Vital
428 Statistics and the address to which the claim must be sent. If
429 the party served with the notice of intended adoption plan is an
430 entity whose consent is required, the notice must specifically
431 state that the entity must file, within 30 days after service, a
432 verified response setting forth a legal basis for contesting the
433 intended adoption plan, specifically addressing the best
434 interest of the child.

435 (a) If the unmarried biological father or entity whose
436 consent is required fails to timely and properly file a verified
437 response with the court and, in the case of an unmarried
438 biological father, a claim of paternity form with the Office of
439 Vital Statistics ~~within 30 days after service upon that~~
440 ~~unmarried biological father or entity whose consent is required~~,
441 the court shall enter a default against any unmarried biological
442 father or entity and the consent of that unmarried biological
443 father or entity shall no longer be required under this chapter
444 and ~~that party~~ shall be deemed to have waived any claim of
445 rights to the child. To avoid a default, within 30 days after
446 receipt of service of the notice of intended adoption plan:

447 1. The unmarried biological father must:
448 a. File a claim of paternity with the Florida Putative
449 Father Registry maintained by the Office of Vital Statistics;
450 b. File a verified response with the court which contains
451 a pledge of commitment to the child in substantial compliance
452 with subparagraph (2)(b)2.; and
453 c. Provide support for the birth mother and the child.
454 2. The entity whose consent is required must file a
455 verified response setting forth a legal basis for contesting the
456 intended adoption plan, specifically addressing the best
457 interest of the child. ~~Each notice of intended adoption plan~~
458 ~~served upon an unmarried biological father must include~~
459 ~~instructions as to the procedure the unmarried biological father~~
460 ~~must follow to submit a claim of paternity form to the Office of~~
461 ~~Vital Statistics and the address to which the registration must~~
462 ~~be directed.~~
463 (b) ~~If the birth mother identifies a man who she believes~~
464 ~~is the unmarried biological father of her child, the adoption~~
465 ~~entity may provide a notice of intended adoption plan pursuant~~
466 ~~to paragraph (a).~~ If the mother identifies a potential unmarried
467 biological father whose location is unknown, the adoption entity
468 shall conduct a diligent search pursuant to s. 63.088. If, upon
469 completion of a diligent search, the potential unmarried
470 biological father's location remains unknown and a search of the
471 Florida Putative Father Registry fails to reveal a match, the
472 adoption entity shall request in the petition for termination of
473 parental rights pending adoption that the court declare the
474 diligent search to be in compliance with s. 63.088, ~~and to~~

475 ~~further declare~~ that the adoption entity has ~~shall have~~ no
 476 further obligation to provide notice to the potential unmarried
 477 biological father, and that the potential unmarried biological
 478 father's consent to the adoption is ~~shall~~ not be required.

479 (7) If parental rights to the minor have previously been
 480 terminated, the adoption entity with which the minor has been
 481 placed for subsequent adoption may provide consent to the
 482 adoption. In such case, no other consent is required. The
 483 consent of the department shall be waived upon a determination
 484 by the court that such consent is being unreasonably withheld
 485 and if, provided that the petitioner has filed with the court a
 486 favorable preliminary adoptive home study as required under s.
 487 63.092 performed by a licensed child placing agency, a child-
 488 earing agency registered under s. 409.176, or a licensed
 489 professional or agency described in s. 61.20(2).

490 (9) A petition for termination of parental rights must
 491 ~~shall~~ be filed in the appropriate county as determined under s.
 492 63.087(2). If a ~~the~~ parent ~~or parents~~ whose consent is required
 493 objects ~~rights are to be terminated~~ ~~object~~ to venue in the
 494 county where the action was filed, the court may transfer venue
 495 to a proper venue consistent with this chapter and chapter 47
 496 ~~the action to the county where the objecting parent or parents~~
 497 ~~reside,~~ unless the objecting parent has previously executed a
 498 waiver of venue.

499 Section 9. Section 63.063, Florida Statutes, is amended to
 500 read:

501 63.063 Responsibility of parents ~~each party~~ for ~~their own~~
 502 actions; fraud or misrepresentation; contesting termination of
 503 parental rights and adoption ~~statutory compliance~~.--

504 (1) Each parent of a child conceived or born outside of
 505 marriage is responsible for his or her ~~own~~ actions and is not
 506 excused from strict compliance with ~~the provisions of~~ this
 507 chapter based upon any action, statement, or omission of the
 508 other parent or a third party, except as provided in s.
 509 63.062(2)(a).

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

520 (3) The Legislature finds no way to remove all risk of
 521 fraud or misrepresentation in adoption proceedings and has
 522 provided a method for absolute protection of an unmarried
 523 biological father's rights through ~~by~~ compliance with ~~the~~
 524 ~~provisions of~~ this chapter. In balancing the rights and
 525 interests of the state and of all parties affected by fraud,
 526 including the child, the adoptive parents, and the unmarried
 527 biological father, the Legislature has determined that the
 528 unmarried biological father is in the best position to prevent

529 or ameliorate the effects of fraud and, therefore, has the
530 burden of preventing fraud.

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

541 (a) The unmarried biological father resides and has
542 resided in another state where the unmarried mother was also
543 located or resided.

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

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

551 (d) The unmarried biological father has substantially
552 complied with the requirements of the state where the mother
553 previously resided or was located in order to protect and
554 preserve his parental interest and rights with regard to the
555 child.

556 Section 10. Paragraph (d) of subsection (1), paragraphs
557 (b), (c), and (e) of subsection (4), paragraphs (a), (b), and
558 (d) of subsection (6), and subsection (7) of section 63.082,
559 Florida Statutes, are amended to read:

560 63.082 Execution of consent to adoption or affidavit of
561 nonpaternity; family social and medical history; withdrawal of
562 consent.--

563 (1)

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

571 (4)

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

- 611 1. CONSULT WITH AN ATTORNEY;
 612 2. HOLD, CARE FOR, AND FEED THE CHILD UNLESS OTHERWISE LEGALLY
 613 PROHIBITED;
 614 3. PLACE THE CHILD IN FOSTER CARE OR WITH ANY FRIEND OR FAMILY
 615 MEMBER YOU CHOOSE WHO IS WILLING TO CARE FOR THE CHILD;
 616 4. TAKE THE CHILD HOME UNLESS OTHERWISE LEGALLY PROHIBITED; AND
 617 5. FIND OUT ABOUT THE COMMUNITY RESOURCES THAT ARE AVAILABLE TO
 618 YOU IF YOU DO NOT GO THROUGH WITH THE ADOPTION.

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

637

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

- 640
- 641 1. NOTIFY THE ADOPTION ENTITY, BY WRITING A LETTER, THAT YOU
 - 642 WISH TO WITHDRAW YOUR CONSENT; AND
 - 643 2. PROVE IN COURT THAT THE CONSENT WAS OBTAINED BY FRAUD OR
 - 644 DURESS.

645

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

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

658 (b) Upon execution of the consent of the ~~birth~~ parent, the
 659 adoption entity may ~~shall be permitted to~~ intervene in the
 660 dependency case as a party in interest and must ~~shall~~ provide
 661 the court having jurisdiction over the minor, pursuant to the
 662 shelter or dependency petition filed by the department, with a
 663 copy of the preliminary home study of the prospective adoptive
 664 parents and any other evidence of the suitability of the
 665 placement. The preliminary home study must ~~shall~~ be maintained

666 with strictest confidentiality within the dependency court file
 667 and the department's file. A preliminary home study must be
 668 provided to the court in all cases in which an adoption entity
 669 has intervened pursuant to this section.

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

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

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

692 (b) Upon receiving timely written notice from a person
 693 whose consent to adoption is required of that person's desire to

694 withdraw consent ~~to adoption~~, the adoption entity must contact
 695 the prospective adoptive parent to arrange a time certain for
 696 the adoption entity to regain physical custody of the minor,
 697 unless, upon a motion for emergency hearing by the adoption
 698 entity, the court determines in written findings that placement
 699 of the minor with the person who had legal or physical custody
 700 of the child immediately before the child was placed for
 701 adoption ~~withdrawing consent~~ may endanger the minor, or that the
 702 person who desires to withdraw consent is to the adoption would
 703 not be required to consent to the adoption, or has been
 704 determined to have abandoned the child, or is otherwise subject
 705 to a determination that the person's consent is waived under
 706 this chapter.

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

720 (d) If the person withdrawing consent claims to be the
 721 father of the minor but has not been established to be the

722 father by marriage, court order, or scientific testing, the
 723 court may order scientific paternity testing and reserve ruling
 724 on removal of the minor until the results of such testing have
 725 been filed with the court.

726 (e) The adoption entity must return the minor within 3
 727 business days after timely and proper notification of the
 728 withdrawal of consent or after the court determines that
 729 withdrawal is valid and binding upon consideration of an
 730 emergency motion, as filed pursuant to paragraph (b), to the
 731 physical custody of the person withdrawing consent or the person
 732 directed by the court. If the person seeking to ~~validly~~ withdraw
 733 consent claims to be the father of the minor but has not been
 734 established to be the father by marriage, court order, or
 735 scientific testing, the adoption entity may return the minor to
 736 the care and custody of the mother, if she desires such
 737 placement, and she ~~the mother~~ is not otherwise prohibited by law
 738 from having custody of the child.

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

744 (g) An affidavit of nonpaternity may be withdrawn only if
 745 the court finds that the affidavit was obtained by fraud or
 746 duress.

747 Section 11. Section 63.085, Florida Statutes, is amended
 748 to read:

749 63.085 Disclosure by adoption entity.--

750 (1) DISCLOSURE REQUIRED TO PARENTS AND PROSPECTIVE
 751 ADOPTIVE PARENTS.--Within ~~Not later than~~ 14 days after a person
 752 seeking to adopt a minor or a person seeking to place a minor
 753 for adoption contacts an adoption entity in person or provides
 754 the adoption entity with a mailing address, the entity must
 755 provide a written disclosure statement to that person if the
 756 entity agrees or continues to work with the ~~such~~ person. The ~~If~~
 757 ~~an~~ adoption entity shall also provide the written disclosure to
 758 the parent ~~is assisting in the effort to terminate the parental~~
 759 ~~rights of a parent~~ who did not initiate the contact with the
 760 adoption entity, ~~the written disclosure must be provided~~ within
 761 14 days after that parent is identified and located. For
 762 purposes of providing the written disclosure, a person is
 763 considered to be seeking to place a minor for adoption if ~~when~~
 764 that person has sought information or advice from the adoption
 765 entity regarding the option of adoptive placement. The written
 766 disclosure statement must be in substantially the following
 767 form:

768
 769 ADOPTION DISCLOSURE

770
 771 THE STATE OF FLORIDA REQUIRES THAT THIS FORM BE PROVIDED TO ALL
 772 PERSONS CONSIDERING ADOPTING A MINOR OR SEEKING TO PLACE A MINOR
 773 FOR ADOPTION, TO ADVISE THEM OF THE FOLLOWING FACTS REGARDING
 774 ADOPTION UNDER FLORIDA LAW:

- 775
 776 1. The name, address, and telephone number of the adoption
 777 entity providing this disclosure is:

CS/HB 663

2008

778 Name:

779 Address:

780 Telephone Number:

781

782 2. The adoption entity does not provide legal representation or
 783 advice to ~~birth~~ parents or anyone signing a consent for adoption
 784 or affidavit of nonpaternity, and ~~birth~~ parents have the right
 785 to consult with an attorney of their own choosing to advise
 786 them.

787 3. With the exception of an adoption by a stepparent or
 788 relative, a child cannot be placed into a prospective adoptive
 789 home unless the prospective adoptive parents have received a
 790 favorable preliminary home study, including criminal and child
 791 abuse clearances.

792 4. A valid consent for adoption may not be signed by the birth
 793 mother until 48 hours after the birth of the child, or the day
 794 the birth mother is notified, in writing, that she is fit for
 795 discharge from the licensed hospital or birth center. Any man ~~A~~
 796 ~~putative father~~ may sign a valid consent for adoption at any
 797 time after the birth of the child.

798 5. A consent for adoption signed before the child attains the
 799 age of 6 months is binding and irrevocable from the moment it is
 800 signed unless it can be proven in court that the consent was
 801 obtained by fraud or duress. A consent for adoption signed after
 802 the child attains the age of 6 months is valid from the moment
 803 it is signed; however, it may be revoked ~~until the child is~~
 804 ~~placed in an adoptive home, or up to 3 days after it was signed,~~
 805 ~~whichever period is longer.~~

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

808 7. An unmarried biological father must act immediately in order
809 to protect his parental rights. Section 63.062, Florida
810 Statutes, prescribes that any father seeking to establish his
811 right to consent to the adoption of his child must file a claim
812 of paternity with the Florida Putative Father Registry
813 maintained by the Office of Vital Statistics of the Department
814 of Health by the date a petition to terminate parental rights is
815 filed with the court, or within 30 days after receiving service
816 of a Notice of Intended Adoption Plan. If he receives a Notice
817 of Intended Adoption Plan, he must file a claim of paternity
818 with the Florida Putative Father Registry, file a parenting plan
819 with the court, and provide financial support to the mother or
820 child within 30 days following service. An unmarried biological
821 father's failure to timely respond to a Notice of Intended
822 Adoption Plan constitutes an irrevocable legal waiver of any and
823 all rights that the father may have to the child. A claim of
824 paternity registration form for the Florida Putative Father
825 Registry may be obtained from any local office of the Department
826 of Health, Office of Vital Statistics, the Department of
827 Children and Families, the Internet websites for these agencies,
828 and the offices of the clerks of the Florida circuit courts. The
829 claim of paternity form must be submitted to the Office of Vital
830 Statistics, Attention: Adoption Unit, P.O. Box 210,
831 Jacksonville, FL 32231.

832 ~~8.7-~~ There are alternatives to adoption, including foster care,
833 relative care, and parenting the child. There may be services

834 and sources of financial assistance in the community available
835 to ~~birth~~ parents if they choose to parent the child.

836 ~~9.8.~~ A ~~birth~~ parent has the right to have a witness of his or
837 her choice, who is unconnected with the adoption entity or the
838 adoptive parents, to be present and witness the signing of the
839 consent or affidavit of nonpaternity.

840 ~~10.9.~~ A ~~birth~~ parent 14 years of age or younger must have a
841 parent, legal guardian, or court-appointed guardian ad litem to
842 assist and advise the ~~birth~~ parent as to the adoption plan.

843 ~~11.10.~~ A ~~birth~~ parent has a right to receive supportive
844 counseling from a counselor, social worker, physician, clergy,
845 or attorney, ~~and such counseling would be beneficial to the~~
846 ~~birth parent.~~

847 ~~12.11.~~ The payment of living or medical expenses by the
848 prospective adoptive parents before ~~prior to~~ the birth of the
849 child does not, in any way, obligate the ~~birth~~ parent to sign
850 the consent for adoption.

851 (2) DISCLOSURE TO ADOPTIVE PARENTS.--

852 (a) At the time that an adoption entity is responsible for
853 selecting prospective adoptive parents for a born or unborn
854 child whose parents are seeking to place the child for adoption
855 or whose rights were terminated pursuant to chapter 39, the
856 adoption entity must provide the prospective adoptive parents
857 with information concerning the background of the child to the
858 extent such information is disclosed to the adoption entity by
859 the parents, legal custodian, or the department. This subsection
860 applies only if the adoption entity identifies the prospective
861 adoptive parents and supervises the physical placement of the

862 child in the prospective adoptive parents' home. If any
863 information cannot be disclosed because the records custodian
864 failed or refused to produce the background information, the
865 adoption entity has a duty to provide the information if it
866 becomes available. An individual or entity contacted by an
867 adoption entity to obtain the background information must
868 release the requested information to the adoption entity without
869 the necessity of a subpoena or a court order. In all cases, the
870 prospective adoptive parents must receive all available
871 information by the date of the final hearing on the petition for
872 adoption. The information to be disclosed includes:

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

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

877 3. A complete set of the child's medical records
878 documenting all medical treatment and care since the child's
879 birth and before placement.

880 4. All mental health, psychological, and psychiatric
881 records, reports, and evaluations concerning the child before
882 placement.

883 5. The child's educational records, including all records
884 concerning any special education needs of the child before
885 placement.

886 6. Records documenting all incidents that required the
887 department to provide services to the child, including all
888 orders of adjudication of dependency or termination of parental
889 rights issued pursuant to chapter 39, any case plans drafted to

890 address the child's needs, all protective services
891 investigations identifying the child as a victim, and all
892 guardian ad litem reports filed with the court concerning the
893 child.

894 7. Written information concerning the availability of
895 adoption subsidies for the child, if applicable.

896 (b) When disclosing information pursuant to this
897 subsection, the adoption entity must redact any confidential
898 identifying information concerning the child's parents, foster
899 parents and their families, siblings, relatives, and
900 perpetrators of crimes against the child or involving the child.

901 (3)-(2) ACKNOWLEDGMENT OF DISCLOSURE.--The adoption entity
902 must obtain a written statement acknowledging receipt of the
903 disclosures ~~disclosure~~ required under this section ~~subsection~~
904 ~~(1)~~ and signed by the persons receiving the disclosure or, if it
905 is not possible to obtain such an acknowledgment, the adoption
906 entity must execute an affidavit stating why an acknowledgment
907 could not be obtained. If the disclosure was delivered by
908 certified ~~United States~~ mail, return receipt requested, a return
909 receipt signed by the person from whom acknowledgment is
910 required is sufficient to meet the requirements of this
911 subsection. A copy of the acknowledgment of receipt of the
912 disclosure must be provided to the person signing it. A copy of
913 the acknowledgment or affidavit executed by the adoption entity
914 in lieu of the acknowledgment must be maintained in the file of
915 the adoption entity. The original acknowledgment or affidavit
916 must be filed with the court.

917 ~~(4)(3)~~ REVOCATION OF CONSENT.--Failure to meet the
 918 requirements of this section ~~subsection (1) or subsection (2)~~
 919 does not constitute grounds for revocation of a consent to
 920 adoption or withdrawal of an affidavit of nonpaternity unless
 921 the extent and circumstances of such a failure result in a
 922 material failure of fundamental fairness in the administration
 923 of due process, or the failure constitutes or contributes
 924 materially to fraud or duress in obtaining a consent to adoption
 925 or affidavit of nonpaternity.

926 Section 12. Subsections (2), (3), and (6) of section
 927 63.087, Florida Statutes, are amended to read:

928 63.087 Proceeding to terminate parental rights pending
 929 adoption; general provisions.--

930 (2) VENUE.--

931 (a) A petition to terminate parental rights pending
 932 adoption must be filed:

- 933 1. In the county where the child resides; or
- 934 2. ~~If the child does not reside in the State of Florida,~~
 935 In the county where the adoption entity is located;
- 936 3. ~~In the county where the adoption entity is located; or~~
- 937 4. ~~If neither parent resides in the state, in the county~~
 938 ~~where the adoption entity is located. The fact of the minor's~~
 939 ~~presence within the state confers jurisdiction on the court in~~
 940 ~~proceedings in the minor's case under this chapter, or to a~~
 941 ~~parent or guardian if due notice has been given.~~

942 (b) If a petition for termination of parental rights has
 943 been filed and a parent whose consent is required ~~rights are to~~
 944 ~~be terminated~~ objects to venue, there must be a hearing in which

945 the court shall determine whether that parent intends to assert
 946 legally recognized grounds to contest a termination of parental
 947 rights and, if so, the court may ~~shall immediately~~ transfer
 948 venue to a proper venue under this subsection ~~the county where~~
 949 ~~that parent resides or resided at the time of the execution of~~
 950 ~~the consent~~. For purposes of selecting venue, the court shall
 951 consider the ease of access to the court for the parent and the
 952 factors set forth in s. 47.122 ~~who intends to contest a~~
 953 ~~termination of parental rights~~.

954 (c) If there is a transfer of venue, the court may
 955 determine which party shall bear the cost of venue transfer.
 956

957 For purposes of the hearing under this subsection, witnesses
 958 located in another jurisdiction may testify by deposition or
 959 testify by telephone, audiovisual means, or other electronic
 960 means before a designated court or at another location.
 961 Documentary evidence transmitted from another location by
 962 technological means that do not produce an original writing may
 963 not be excluded from evidence on an objection based on the means
 964 of transmission. The court on its own motion may otherwise
 965 prescribe the manner ~~in which~~ and ~~the~~ terms upon which the
 966 testimony is taken.

967 (3) PREREQUISITE FOR ADOPTION.--A petition for adoption
 968 may not be filed until after the date the court enters the
 969 judgment terminating parental rights pending adoption ~~under this~~
 970 ~~chapter or under chapter 39~~. Adoptions of relatives, adult
 971 adoptions, or adoptions of stepchildren are ~~shall~~ not be
 972 required to file a separate termination of parental rights

973 proceeding pending adoption. In such cases, the petitioner may
974 file a joint petition for termination of parental rights and
975 adoption, attaching all required consents, affidavits, notices,
976 and acknowledgments shall be attached to the petition for
977 adoption or filed separately in the adoption proceeding. Unless
978 otherwise provided by law, this chapter applies to joint
979 petitions.

980 (6) ANSWER AND APPEARANCE REQUIRED.--An answer to the
981 petition or any pleading requiring an answer must ~~shall~~ be filed
982 in accordance with the Florida Family Law Rules of Civil
983 Procedure. Failure to file a written response ~~or to appear at~~
984 ~~the hearing on~~ the petition constitutes grounds upon which the
985 court may terminate parental rights. Failure to appear at the
986 hearing constitutes grounds upon which the court may terminate
987 parental rights. ~~The petitioner shall provide notice of the~~
988 ~~final hearing by United States mail to any person who has been~~
989 ~~served with the summons and petition for termination of parental~~
990 ~~rights within the specified time periods. Notwithstanding the~~
991 ~~filing of any answer or any pleading,~~ Any person present at the
992 hearing to terminate parental rights pending adoption whose
993 consent to adoption is required under s. 63.062 must:

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

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

999 Section 13. Subsections (1), (3), (4), and (5) of section
1000 63.088, Florida Statutes, are amended to read:

1001 63.088 Proceeding to terminate parental rights pending
 1002 adoption; notice and service; diligent search.--

1003 (1) NOTICE REQUIRED.--An unmarried biological father, by
 1004 virtue of the fact that he has engaged in a sexual relationship
 1005 with a woman, is deemed to be on notice that a pregnancy and an
 1006 adoption proceeding regarding that child may occur and that he
 1007 has a duty to protect his own rights and interest. He is,
 1008 therefore, entitled to notice of a birth or adoption proceeding
 1009 with regard to that child only as provided in this chapter. If a
 1010 mother fails to identify an unmarried biological father to the
 1011 adoption entity by the date she signs her consent for adoption,
 1012 the unmarried biological father's claim that he did not receive
 1013 actual notice of the adoption proceeding is not a defense to the
 1014 termination of his parental rights.

1015 (3) LOCATION AND IDENTITY KNOWN.--Before the court may
 1016 determine that a minor is available for adoption, ~~and in~~
 1017 ~~addition to the other requirements set forth in this chapter,~~
 1018 each person whose consent is required under s. 63.062, who has
 1019 not executed a consent for adoption or an affidavit of
 1020 nonpaternity, and whose location and identity have been
 1021 determined by compliance with the procedures in this section
 1022 must be personally served, pursuant to chapter 48, at least 20
 1023 days before the hearing with a copy of the petition to terminate
 1024 parental rights pending adoption and with notice in
 1025 substantially the following form:

1026
 1027 NOTICE OF PETITION AND HEARING
 1028 TO TERMINATE PARENTAL RIGHTS

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PENDING ADOPTION

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

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

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

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

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

1057 (c) Any man who has adopted the minor;

1058 (d) Any man who has been adjudicated by a court as the

1059 father of the minor child before the date a petition for

1060 termination of parental rights is filed with the court ~~with whom~~

1061 ~~the mother was cohabiting at any time when conception of the~~

1062 ~~minor may have occurred; and~~

1063 (e) Any man whom the mother identified to the adoption

1064 entity as a potential biological father before the date she

1065 signed the consent for adoption ~~person who has acknowledged or~~

1066 ~~claimed paternity of the minor.~~

1067

1068 The information sought ~~required~~ under this subsection may be

1069 provided to the court in the form of a sworn affidavit by a

1070 person having personal knowledge of the facts, addressing each

1071 inquiry enumerated in this subsection, except that, if the

1072 inquiry identifies a father under paragraph (a), paragraph (b),

1073 or paragraph (c), the inquiry may ~~shall~~ not continue further.

1074 The inquiry required under this subsection may be conducted

1075 before the birth of the minor.

1076 (5) LOCATION UNKNOWN; IDENTITY KNOWN.--If the inquiry by

1077 the court under subsection (4) identifies any person ~~whose~~

1078 ~~consent to adoption is required under s. 63.062 and who has not~~

1079 ~~executed a consent to adoption or an affidavit of nonpaternity,~~

1080 ~~and the location of the person from whom consent is required is~~

1081 ~~unknown, the adoption entity must conduct a diligent search for~~

1082 ~~that person which must include inquiries concerning:~~

1083 (a) The person's current address, or any previous address,
 1084 through an inquiry of the United States Postal Service through
 1085 the Freedom of Information Act;

1086 (b) The last known employment of the person, including the
 1087 name and address of the person's employer;

1088 ~~(c) Regulatory agencies, including those regulating~~
 1089 ~~licensing in the area where the person last resided;~~

1090 (c)~~(d)~~ Names and addresses of relatives to the extent they
 1091 ~~such~~ can be reasonably obtained from the petitioner or other
 1092 sources, contacts with those relatives, and inquiry as to the
 1093 person's last known address. The petitioner must ~~shall~~ pursue
 1094 any leads to ~~of~~ any addresses where ~~to which~~ the person may have
 1095 moved;

1096 (d)~~(e)~~ Information as to whether or not the person may
 1097 have died and, if so, the date and location;

1098 (e)~~(f)~~ Telephone listings in the area where the person
 1099 last resided;

1100 (f)~~(g)~~ Inquiries of law enforcement agencies in the area
 1101 where the person last resided;

1102 (g)~~(h)~~ Highway patrol records in the state where the
 1103 person last resided;

1104 (h)~~(i)~~ Department of Corrections records in the state
 1105 where the person last resided;

1106 (i)~~(j)~~ Hospitals in the area where the person last
 1107 resided;

1108 (j)~~(k)~~ Records of utility companies, including water,
 1109 sewer, cable television, and electric companies, in the area
 1110 where the person last resided;

1111 (k)~~(l)~~ Records of the Armed Forces of the United States as
 1112 to whether there is any information as to the person;

1113 (l)~~(m)~~ Records of the tax assessor and tax collector in
 1114 the area where the person last resided; and

1115 (m)~~(n)~~ Search of one Internet databank locator service.
 1116

1117 A person contacted by a petitioner or adoption entity requesting
 1118 records under this subsection must release the requested records
 1119 to the petitioner or adoption entity without the necessity of a
 1120 subpoena or a court order, except when prohibited by law. An
 1121 affidavit of diligent search conducted in accordance with this
 1122 section executed by the petitioner and the adoption entity must
 1123 be filed with the court confirming completion of each aspect of
 1124 the diligent search enumerated in this subsection and specifying
 1125 the results. The diligent search required under this subsection
 1126 may be conducted before the birth of the minor. A judgment
 1127 terminating parental rights and approving a diligent search that
 1128 fails to locate a person is valid and is not subject to direct
 1129 or collateral attack because the mother failed or refused to
 1130 provide the adoption entity with sufficient information to
 1131 locate the person.

1132 Section 14. Subsections (2), (3), (4), and (6), paragraph
 1133 (a) of subsection (7), and subsection (8) of section 63.089,
 1134 Florida Statutes, are amended to read:

1135 63.089 Proceeding to terminate parental rights pending
 1136 adoption; hearing; grounds; dismissal of petition; judgment.--

1137 (2) HEARING PREREQUISITES.--The court may hold the hearing
 1138 only when:

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1139 (a) For each person whose consent to adoption is required
 1140 under s. 63.062:

1141 1. A consent under s. 63.082 has been executed and filed
 1142 with the court;

1143 2. An affidavit of nonpaternity under s. 63.082 has been
 1144 executed and filed with the court;

1145 3. Notice has been provided under ss. 63.087 and 63.088;
 1146 or

1147 4. The certificate from the Office of Vital Statistics has
 1148 been provided to the court stating that a diligent search has
 1149 been made of the Florida Putative Father Registry created in s.
 1150 63.054 and that no filing has been found pertaining to the
 1151 father of the child in question or, if a filing is found,
 1152 stating the name of the putative father and the time and date of
 1153 the filing.

1154 (b) For each notice and petition that must be served under
 1155 ss. 63.087 and 63.088:

1156 1. At least 20 days have elapsed since the date of
 1157 personal service and an affidavit of service has been filed with
 1158 the court;

1159 2. At least 30 days have elapsed since the first date of
 1160 publication of constructive service and an affidavit of service
 1161 has been filed with the court; or

1162 3. An affidavit of nonpaternity, consent for adoption, or
 1163 other document that ~~which~~ affirmatively waives service has been
 1164 executed and filed with the court. ~~†~~

1165 (c) The minor named in the petition has been born. ~~†~~ ~~and~~

1166 (d) The petition contains all information required under
 1167 s. 63.087 and all affidavits of inquiry, diligent search, and
 1168 service required under s. 63.088 have been obtained and filed
 1169 with the court.

1170 (3) GROUNDS FOR TERMINATING PARENTAL RIGHTS PENDING
 1171 ADOPTION.--The court may enter a judgment terminating parental
 1172 rights pending adoption if the court determines by clear and
 1173 convincing evidence, supported by written findings of fact, that
 1174 each person whose consent to adoption is required under s.
 1175 63.062:

1176 (a) Has executed a valid consent under s. 63.082 and the
 1177 consent was obtained according to the requirements of this
 1178 chapter;

1179 (b) Has executed an affidavit of nonpaternity and the
 1180 affidavit was obtained according to the requirements of this
 1181 chapter;

1182 (c) Has been served with a notice of the intended adoption
 1183 plan in accordance with the provisions of s. 63.062(3) and has
 1184 failed to respond within the designated time period;

1185 (d) Has been properly served notice of the proceeding in
 1186 accordance with the requirements of this chapter and has failed
 1187 to file a written answer or appear at the evidentiary hearing
 1188 resulting in the judgment terminating parental rights pending
 1189 adoption;

1190 (e) Has been properly served notice of the proceeding in
 1191 accordance with the requirements of this chapter and has been
 1192 determined under subsection (4) to have abandoned the minor ~~as~~
 1193 ~~defined in s. 63.032;~~

1194 (f) Is a parent of the person to be adopted, which parent
 1195 has been judicially declared incapacitated with restoration of
 1196 competency found to be medically improbable;

1197 (g) Is a person who has legal custody of the person to be
 1198 adopted, other than a parent, who has failed to respond in
 1199 writing to a request for consent for a period of 60 days or,
 1200 after examination of his or her written reasons for withholding
 1201 consent, is found by the court to be withholding his or her
 1202 consent unreasonably;

1203 (h) Has been properly served notice of the proceeding in
 1204 accordance with the requirements of this chapter, but has been
 1205 found by the court, after examining written reasons for the
 1206 withholding of consent, to be unreasonably withholding his or
 1207 her consent; or

1208 (i) Is the spouse of the person to be adopted who has
 1209 failed to consent, and the failure of the spouse to consent to
 1210 the adoption is excused by reason of prolonged and unexplained
 1211 absence, unavailability, incapacity, or circumstances that are
 1212 found by the court to constitute unreasonable withholding of
 1213 consent.

1214 (4) FINDING OF ABANDONMENT.--A finding of abandonment
 1215 resulting in a termination of parental rights must be based upon
 1216 clear and convincing evidence that a parent or person having
 1217 legal custody has abandoned the child in accordance with the
 1218 definition contained in s. 63.032 ~~s. 63.032(1)~~. A finding of
 1219 abandonment may also be based upon emotional abuse or a refusal
 1220 to provide reasonable financial support, when able, to a birth
 1221 mother during her pregnancy. ~~If, in the opinion of the court,~~

1222 ~~the efforts of a parent or person having legal custody of the~~
 1223 ~~child to support and communicate with the child are only~~
 1224 ~~marginal efforts that do not evince a settled purpose to assume~~
 1225 ~~all parental duties, the court may declare the child to be~~
 1226 ~~abandoned. In making this decision, the court may consider the~~
 1227 ~~conduct of a father toward the child's mother during her~~
 1228 ~~pregnancy.~~

1229 (a) In making a determination of abandonment at a hearing
 1230 for termination of parental rights under ~~pursuant to~~ this
 1231 chapter, the court shall ~~must~~ consider, among other relevant
 1232 factors not inconsistent with this section:

1233 1. Whether the actions alleged to constitute abandonment
 1234 demonstrate a willful disregard for the safety or welfare of the
 1235 child or the unborn child;

1236 2. Whether the person alleged to have abandoned the child,
 1237 while being able, failed to provide financial support;

1238 3. Whether the person alleged to have abandoned the child,
 1239 while being able, failed to pay for medical treatment; and

1240 4. Whether the amount of support provided or medical
 1241 expenses paid was appropriate, taking into consideration the
 1242 needs of the child and relative means and resources available to
 1243 the person alleged to have abandoned the child.

1244 (b) The child has been abandoned when the parent of a
 1245 child is incarcerated on or after October 1, 2001, in a federal,
 1246 state, or county ~~federal~~ correctional institution and:

1247 1. The period of time for which the parent has been or is
 1248 expected to be incarcerated will constitute a significant
 1249 ~~substantial~~ portion of the child's minority. In determining

1250 whether the period of time is significant, the court shall
 1251 consider the child's age and the child's need for a permanent
 1252 and stable home. The period of time begins on the date that the
 1253 parent enters into incarceration ~~period of time before the child~~
 1254 ~~will attain the age of 18 years;~~

1255 2. The incarcerated parent has been determined by a ~~the~~
 1256 court of competent jurisdiction to be a violent career criminal
 1257 as defined in s. 775.084, a habitual violent felony offender as
 1258 defined in s. 775.084, convicted of child abuse as defined in s.
 1259 827.03, or a sexual predator as defined in s. 775.21; has been
 1260 convicted of first degree or second degree murder in violation
 1261 of s. 782.04 or a sexual battery that constitutes a capital,
 1262 life, or first degree felony violation of s. 794.011; or has
 1263 been convicted of a substantially similar ~~an~~ offense in another
 1264 jurisdiction ~~which is substantially similar to one of the~~
 1265 ~~offenses listed in this subparagraph.~~ As used in this section,
 1266 the term "substantially similar offense" means any offense that
 1267 is substantially similar in elements and penalties to one of
 1268 those listed in this subparagraph, and that is in violation of a
 1269 law of any other jurisdiction, whether that of another state,
 1270 the District of Columbia, the United States or any possession or
 1271 territory thereof, or any foreign jurisdiction; or

1272 3. The court determines by clear and convincing evidence
 1273 that continuing the parental relationship with the incarcerated
 1274 parent would be harmful to the child and, for this reason, ~~that~~
 1275 termination of the parental rights of the incarcerated parent is
 1276 in the best interest of the child.

1277 (6) JUDGMENT TERMINATING PARENTAL RIGHTS PENDING
 1278 ADOPTION.--

1279 (a) The judgment terminating parental rights pending
 1280 adoption must be in writing and contain findings of fact as to
 1281 the grounds for terminating parental rights ~~pending adoption~~.

1282 (b) Within 7 days after filing, the court shall mail a
 1283 copy of the judgment to the department. The clerk shall execute
 1284 a certificate of the ~~such~~ mailing.

1285 (c) The judgment terminating parental rights pending
 1286 adoption legally frees the child for subsequent adoption,
 1287 adjudicates the child's status, and may not be challenged by a
 1288 person claiming parental status who did not establish parental
 1289 rights before the filing of the petition for termination, except
 1290 as specifically provided in this chapter.

1291 (7) RELIEF FROM JUDGMENT TERMINATING PARENTAL RIGHTS.--

1292 (a) A motion for relief from a judgment terminating
 1293 parental rights must be filed with the court originally entering
 1294 the judgment. The motion must be filed within a reasonable time,
 1295 but not later than 1 year after the entry of the judgment
 1296 ~~terminating parental rights~~. An unmarried biological father does
 1297 not have standing to seek relief from a judgment terminating
 1298 parental rights if the mother did not identify him to the
 1299 adoption entity before the date she signed a consent for
 1300 adoption or if he was not located because the mother failed or
 1301 refused to provide sufficient information to locate him.

1302 (8) RECORDS; CONFIDENTIAL INFORMATION.--All papers and
 1303 records pertaining to a petition to terminate parental rights
 1304 pending adoption are related to the subsequent adoption of the

1305 minor and are subject to ~~the provisions of~~ s. 63.162. An
 1306 unmarried biological father does not have standing to seek the
 1307 court case number or access the court file if the mother did not
 1308 identify him to the adoption entity before the date she signed
 1309 the consent for adoption. The confidentiality provisions of this
 1310 chapter do not apply to the extent information regarding persons
 1311 or proceedings is ~~must be~~ made available as specified under s.
 1312 63.088.

1313 Section 15. Subsection (1) of section 63.092, Florida
 1314 Statutes, is amended to read:

1315 63.092 Report to the court of intended placement by an
 1316 adoption entity; at-risk placement; preliminary study.--

1317 (1) REPORT TO THE COURT.--The adoption entity must report
 1318 any intended placement of a minor for adoption with any person
 1319 who is not a relative or a stepparent if the adoption entity ~~has~~
 1320 ~~knowledge of, or~~ participates in the, ~~such~~ intended placement.
 1321 The report must be made to the court before the minor is placed
 1322 in the home or within 2 business days ~~48 hours~~ thereafter.

1323 Section 16. Subsections (1) and (2) of section 63.102,
 1324 Florida Statutes, are amended to read:

1325 63.102 Filing of petition for adoption or declaratory
 1326 statement; venue; proceeding for approval of fees and costs.--

1327 (1) PETITION FOR ADOPTION.--A petition for adoption may
 1328 not be filed until after the entry of the judgment or decree
 1329 terminating parental rights ~~pending adoption under this chapter,~~
 1330 unless the adoptee is an adult or, the petitioner is a
 1331 stepparent or a relative, ~~or the minor has been the subject of a~~
 1332 ~~judgment terminating parental rights under chapter 39.~~ After a

1333 judgment terminating parental rights has been entered, a
 1334 proceeding for adoption may be commenced by filing a petition
 1335 entitled, "In the Matter of the Adoption of ____" in the
 1336 circuit court. The person to be adopted shall be designated in
 1337 the caption in the name by which he or she is to be known if the
 1338 petition is granted. Except for a joint petition for the
 1339 adoption of a stepchild, a relative, or an adult, any name by
 1340 which the minor was previously known may not be disclosed in the
 1341 petition, the notice of hearing, ~~or~~ the judgment of adoption, or
 1342 the court docket as provided in s. 63.162(3).

1343 (2) VENUE.--A petition for adoption or for a declaratory
 1344 statement as to the adoption contract must ~~shall~~ be filed in the
 1345 county where the petition for termination of parental rights was
 1346 filed or granted, ~~unless the court, in accordance with s.~~
 1347 ~~47.122, changes the venue to the county where the petitioner or~~
 1348 ~~petitioners or the minor resides~~ or where the adoption entity
 1349 ~~with which the minor has been placed~~ is located. The circuit
 1350 court in this state shall ~~must~~ retain jurisdiction over the
 1351 matter until a final judgment is entered on the adoption, either
 1352 within or outside the state. The Uniform Child Custody
 1353 Jurisdiction and Enforcement Act does not apply until a final
 1354 judgment is entered on the adoption.

1355 Section 17. Subsection (3) of section 63.122, Florida
 1356 Statutes, is amended to read:

1357 63.122 Notice of hearing on petition.--

1358 (3) Upon a showing by the petitioner or parent that the
 1359 privacy, safety, or ~~and~~ welfare of the petitioner, parent, or
 1360 minor may be endangered, the court may order that the names of

1361 the petitioner, parent, ~~or~~ minor, or all both, ~~to~~ be deleted
 1362 from the notice of hearing and from the copy of the petition
 1363 attached thereto ~~if, provided~~ the substantive rights of any
 1364 person are ~~will~~ not ~~thereby~~ be affected.

1365 Section 18. Subsection (4) of section 63.132, Florida
 1366 Statutes, is amended to read:

1367 63.132 Affidavit of expenses and receipts.--

1368 (4) This section does not apply to an adoption by a
 1369 stepparent or an adoption of a relative or adult, the
 1370 finalization of an adoption of a minor if the parental rights
 1371 were terminated under chapter 39, or the domestication of an
 1372 adoption decree of a minor child adopted in a foreign country.

1373 Section 19. Section 63.135, Florida Statutes, is amended
 1374 to read:

1375 63.135 Information ~~under oath~~ to be submitted to the
 1376 court.--

1377 (1) The adoption entity or petitioner must file an
 1378 affidavit under the Uniform Child Custody Jurisdiction and
 1379 Enforcement Act in the termination of parental rights ~~Each party~~
 1380 ~~in an adoption proceeding, in the first pleading or in an~~
 1381 ~~affidavit attached to that pleading, shall give information~~
 1382 ~~under oath as to the child's present address, the places where~~
 1383 ~~the child has lived within the last 5 years, and the names and~~
 1384 ~~present addresses of the persons with whom the child has lived~~
 1385 ~~during that period. In the pleading or affidavit each party~~
 1386 ~~shall further declare under oath whether:~~

1387 ~~(a) The party has participated as a party or witness or in~~
 1388 ~~any other capacity in any other litigation concerning the~~
 1389 ~~custody of the same child in this or any other state;~~

1390 ~~(b) The party has information of any custody proceeding~~
 1391 ~~concerning the child pending in a court of this or any other~~
 1392 ~~state; and~~

1393 ~~(c) The party knows of any person not a party to the~~
 1394 ~~proceedings who has physical custody of the child or claims to~~
 1395 ~~have custody or visitation rights with respect to the child.~~

1396 ~~(2) If the declaration as to any item specified in~~
 1397 ~~subsection (1) is in the affirmative, the declarant shall give~~
 1398 ~~additional information under oath as required by the court. The~~
 1399 ~~court may examine the parties under oath about details of the~~
 1400 ~~information furnished and other matters pertinent to the court's~~
 1401 ~~jurisdiction and judgment of adoption.~~

1402 ~~(2)(3)~~ Each party has a continuing duty to inform the
 1403 court of any custody proceeding concerning the child in this or
 1404 any other state about which he or she obtained information
 1405 during this proceeding.

1406 Section 20. Subsections (3) and (4) of section 63.142,
 1407 Florida Statutes, are amended to read:

1408 63.142 Hearing; judgment of adoption.--

1409 (3) DISMISSAL.--

1410 (a) If the petition is dismissed, further proceedings, if
 1411 any, regarding the minor must be brought in a separate custody
 1412 action under chapter 61, a dependency action under chapter 39,
 1413 or a paternity action under chapter 742 ~~the court shall~~
 1414 ~~determine the person that is to have custody of the minor.~~

1415 (b) If the petition is dismissed, the court shall state
 1416 with specificity the reasons for the dismissal.

1417 (4) JUDGMENT.--At the conclusion of the hearing, after the
 1418 court determines that the date for a parent to file an appeal of
 1419 a valid judgment terminating that parent's parental rights has
 1420 passed and no appeal, pursuant to the Florida Rules of Appellate
 1421 Procedure, is pending and that the adoption is in the best
 1422 interest of the person to be adopted, a judgment of adoption
 1423 shall be entered. A judgment terminating parental rights pending
 1424 adoption is voidable and any later judgment of adoption of that
 1425 minor is voidable if, upon a parent's motion for relief from
 1426 judgment, the court finds that the adoption substantially fails
 1427 to meet the requirements of this chapter. The motion must be
 1428 filed within a reasonable time, but not later than 1 year after
 1429 the date the judgment terminating parental rights was entered.

1430 Section 21. Section 63.192, Florida Statutes, is amended
 1431 to read:

1432 63.192 Recognition of foreign judgment or decree affecting
 1433 adoption.--A judgment ~~of court~~ terminating the relationship of
 1434 parent and child or establishing the relationship by adoption,
 1435 or a decree granting legal guardianship for purposes of
 1436 adoption, issued pursuant to due process of law by a court or
 1437 authorized body of any other jurisdiction within or without the
 1438 United States shall be recognized in this state, and the rights
 1439 and obligations of the parties ~~on matters within the~~
 1440 ~~jurisdiction of this state~~ shall be determined as though the
 1441 judgment or decree were issued by a court of this state. A
 1442 judgment or decree of a court or authorized body terminating the

1443 relationship of a parent and child, whether independent,
 1444 incorporated in an adoption decree, or incorporated in a legal
 1445 guardianship order issued pursuant to due process of law of any
 1446 other jurisdiction within or without the United States, shall be
 1447 deemed to effectively terminate parental rights for purposes of
 1448 a proceeding on a petition for adoption in this state. If a
 1449 minor child has been made available for adoption in a foreign
 1450 state or foreign country and the parental rights of the minor
 1451 child's parent have been terminated or the child has been
 1452 declared to be abandoned or orphaned, no additional termination
 1453 of parental rights proceeding need occur, and the adoption may
 1454 be finalized according to the procedures set forth in this
 1455 chapter.

1456 Section 22. Subsection (2) of section 63.212, Florida
 1457 Statutes, is amended to read:

1458 63.212 Prohibited acts; penalties for violation.--

1459 (2)~~(a)~~ It is unlawful for:

1460 (a) Any person or adoption entity under this chapter to:

- 1461 1. Knowingly provide false information; or
- 1462 2. Knowingly withhold material information.

1463 ~~(b) It is unlawful for~~ A parent, with the intent to
 1464 defraud, to accept benefits related to the same pregnancy from
 1465 more than one adoption entity without disclosing that fact to
 1466 each entity.

1467 ~~(c) It is unlawful for any person who knows that the~~
 1468 ~~parent whose rights are to be terminated intends to object to~~
 1469 ~~said termination to intentionally file the petition for~~

1470 ~~termination of parental rights in a county inconsistent with the~~
 1471 ~~required venue under such circumstances.~~

1472
 1473 Any person who willfully violates any provision of this
 1474 subsection commits a misdemeanor of the second degree,
 1475 punishable as provided in s. 775.082 or s. 775.083. In addition,
 1476 the ~~such~~ person is liable for damages caused by such acts or
 1477 omissions, including reasonable attorney's fees and costs.
 1478 Damages may be awarded through restitution in any related
 1479 criminal prosecution or by filing a separate civil action.

1480 Section 23. Section 63.236, Florida Statutes, is created
 1481 to read:

1482 63.236 Petitions filed before July 1, 2009; governing
 1483 law.--A petition for termination of parental rights filed before
 1484 July 1, 2009, is governed by the law in effect at the time the
 1485 petition was filed.

1486 Section 24. Section 742.021, Florida Statutes, is amended
 1487 to read:

1488 742.021 Venue, process, complaint.--

1489 (1) The proceedings must ~~shall~~ be in the circuit court of
 1490 the county where the plaintiff resides or ~~of~~ the county where
 1491 the defendant resides.

1492 (2) The complaint shall assert ~~aver~~ sufficient facts
 1493 charging the paternity of the child. Upon filing of a complaint
 1494 seeking to determine paternity, the clerk of court shall issue a
 1495 notice to each petitioner and to each respondent or defendant
 1496 along with service of the petition. The notice must be in
 1497 substantially the following form:

1498
 1499 In order to preserve the right to notice and consent
 1500 to the adoption of the child, an unmarried biological
 1501 father must, as the "registrant," file a notarized
 1502 claim of paternity form with the Florida Putative
 1503 Father Registry maintained by the Office of Vital
 1504 Statistics of the Department of Health which includes
 1505 confirmation of his willingness and intent to support
 1506 the child for whom paternity is claimed in accordance
 1507 with state law. The claim of paternity may be filed at
 1508 any time before the child's birth, but a claim of
 1509 paternity may not be filed after the date a petition
 1510 is filed for termination of parental rights.

1511
 1512 (3) Process served on ~~directed to~~ the defendant must
 1513 require ~~shall issue forthwith requiring~~ the defendant to file
 1514 written defenses to the complaint in the same manner as suits in
 1515 chancery. Upon application and proof under oath, the court may
 1516 issue a writ of ne exeat against the defendant on such terms and
 1517 conditions and conditioned upon bond in such amount as the court
 1518 may determine.

1519 Section 25. Subsection (1) of section 742.10, Florida
 1520 Statutes, is amended to read:

1521 742.10 Establishment of paternity for children born out of
 1522 wedlock.--

1523 (1) Except as provided in chapters 39 and 63, this chapter
 1524 provides the primary jurisdiction and procedures for the
 1525 determination of paternity for children born out of wedlock. If

1526 ~~When~~ the establishment of paternity has been raised and
 1527 determined within an adjudicatory hearing brought under the
 1528 statutes governing inheritance, or dependency under workers'
 1529 compensation or similar compensation programs; if, ~~or when~~ an
 1530 affidavit acknowledging paternity or a stipulation of paternity
 1531 is executed by both parties and filed with the clerk of the
 1532 court; if, ~~or when~~ an affidavit, a notarized voluntary
 1533 acknowledgment of paternity, or a voluntary acknowledgment of
 1534 paternity that is witnessed by two individuals and signed under
 1535 penalty of perjury as provided for in s. 382.013 or s. 382.016
 1536 is executed by both parties; or if ~~when~~ paternity is
 1537 adjudicated by the Department of Revenue as provided in s.
 1538 409.256, such adjudication, affidavit, or acknowledgment
 1539 constitutes the establishment of paternity for purposes of this
 1540 chapter. If an ~~no~~ adjudicatory proceeding was not held, a
 1541 notarized voluntary acknowledgment of paternity or voluntary
 1542 acknowledgment of paternity, which ~~that~~ is witnessed by two
 1543 individuals and signed under penalty of perjury as specified by
 1544 s. 92.525(2), creates ~~shall create~~ a rebuttable presumption, as
 1545 defined by s. 90.304, of paternity and is subject to the right
 1546 of any signatory to rescind the acknowledgment within 60 days
 1547 after the date the acknowledgment was signed or the date of an
 1548 administrative or judicial proceeding relating to the child,
 1549 including a proceeding to establish a support order, in which
 1550 the signatory is a party, whichever is earlier. Both parents
 1551 must provide their social security numbers on any acknowledgment
 1552 of paternity, consent affidavit, or stipulation of paternity.
 1553 Except for affidavits under seal pursuant to ss. 382.015 and

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1554 | 382.016, the Office of Vital Statistics shall provide certified
1555 | copies of affidavits to the Title IV-D agency upon request.

1556 | Section 26. This act shall take effect July 1, 2008.