

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Committee/Subcommittee hearing bill: Health & Human Services  
2 Access Subcommittee  
3 Representative Adkins offered the following:  
4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:  
7 Section 1. Paragraphs (e) through (m) of subsection (4) of  
8 section 63.022, Florida Statutes, are redesignated as paragraphs  
9 (d) through (l), respectively, and subsection (2) and present  
10 paragraph (d) of subsection (4) of that section are amended to  
11 read:

12 63.022 Legislative intent.—

13 (2) It is the intent of the Legislature that in every  
14 adoption, the best interest of the child should govern and be of  
15 foremost concern in the court's determination. The court shall  
16 make a specific finding as to the best interests ~~interest~~ of the  
17 child in accordance with the provisions of this chapter.

18 (4) The basic safeguards intended to be provided by this  
19 chapter are that:

Amendment No.

20 ~~(d) All placements of minors for adoption are reported to~~  
21 ~~the Department of Children and Family Services, except relative,~~  
22 ~~adult, and stepparent adoptions.~~

23 Section 1. Subsection (3) of section 63.032, Florida  
24 Statutes, is amended to read:

25 63.032 Definitions.—As used in this chapter, the term:

26 (3) "Adoption entity" means the department, an agency, a  
27 child-caring agency registered under s. 409.176, an  
28 intermediary, or a child-placing agency licensed in another  
29 state which is qualified by the department to place children in  
30 the State of Florida.

31 Section 2. Subsections (1), (12), (17), and (19) of  
32 section 63.032, Florida Statutes, are amended to read:

33 63.032 Definitions.—As used in this chapter, the term:

34 (1) "Abandoned" means a situation in which the parent or  
35 person having legal custody of a child, while being able, makes  
36 little or no provision for the child's support or ~~and~~ makes  
37 little or no effort to communicate with the child, which  
38 situation is sufficient to evince an intent to reject parental  
39 responsibilities. If, in the opinion of the court, the efforts  
40 of such parent or person having legal custody of the child to  
41 support and communicate with the child are only marginal efforts  
42 that do not evince a settled purpose to assume all parental  
43 duties, the court may declare the child to be abandoned. In  
44 making this decision, the court may consider the conduct of a  
45 father towards the child's mother during her pregnancy.

46 (3) "Adoption entity" means the department, an agency, a  
47 child-caring agency registered under s. 409.176, an

Amendment No.

48 intermediary, a Florida licensed child-placing agency, or a  
49 child-placing agency licensed in another state which is  
50 qualified by the department to place children in the State of  
51 Florida.

52 (12) "Parent" means a woman who gives birth to a child and  
53 who is not a gestational surrogate as defined in s. 742.13 or a  
54 man whose consent to the adoption of the child would be required  
55 under s. 63.062(1). If a child has been legally adopted, the  
56 term "parent" means the adoptive mother or father of the child.  
57 The term does not include an individual whose parental  
58 relationship to the child has been legally terminated or an  
59 alleged or prospective parent.

60 (17) "Suitability of the intended placement" means the  
61 fitness of the intended placement, with primary consideration  
62 being given to the best interests ~~interest~~ of the child.

63 (19) "Unmarried biological father" means the child's  
64 biological father who is not married to the child's mother at  
65 the time of conception or on the date of the birth of the child  
66 and who, before the filing of a petition to terminate parental  
67 rights, has not been adjudicated by a court of competent  
68 jurisdiction to be the legal father of the child or has not  
69 filed ~~executed~~ an affidavit pursuant to s. 382.013(2)(c).

70 Section 3. Section 63.037, Florida Statutes, is amended to  
71 read:

72 63.037 Proceedings applicable to cases resulting from a  
73 termination of parental rights under chapter 39.—A case in which  
74 a minor becomes available for adoption after the parental rights  
75 of each parent have been terminated by a judgment entered

335249 - h1163-strike.docx

Published On: 1/23/2012 11:42:49 AM

Amendment No.

76 pursuant to chapter 39 shall be governed by s. 39.812 and this  
77 chapter. Adoption proceedings initiated under chapter 39 are  
78 exempt from the following provisions of this chapter:  
79 requirement for search of the Florida Putative Father Registry  
80 provided in s. 63.054(7), if previously completed and  
81 documentation of the search is contained in the case file;  
82 disclosure requirements for the adoption entity provided in s.  
83 63.085(1); general provisions governing termination of parental  
84 rights pending adoption provided in s. 63.087; notice and  
85 service provisions governing termination of parental rights  
86 pending adoption provided in s. 63.088; and procedures for  
87 terminating parental rights pending adoption provided in s.  
88 63.089.

89 Section 4. Subsections (2) through (4) of section 63.039,  
90 Florida Statutes, are renumbered as subsections (3) through (5),  
91 respectively, and a new subsection (2) is added to that section  
92 to read:

93 63.039 Duty of adoption entity to prospective adoptive  
94 parents; sanctions.—

95 (2) With the exception of an adoption by a relative or  
96 stepparent, all adoptions of minor children require the use of  
97 an adoption entity that will assume the responsibilities  
98 provided in this section.

99 Section 5. Paragraph (c) of subsection (2) of section  
100 63.042, Florida Statutes, is amended to read:

101 63.042 Who may be adopted; who may adopt.—

102 (2) The following persons may adopt:

Amendment No.

103 (c) A married person without his or her ~~the other~~ spouse  
104 joining as a petitioner, if the person to be adopted is not his  
105 or her spouse, and if:

106 1. His or her ~~The other~~ spouse is a parent of the person  
107 to be adopted and consents to the adoption; or

108 2. The failure of his or her ~~the other~~ spouse to join in  
109 the petition or to consent to the adoption is excused by the  
110 court for good cause shown or in the best interests ~~interest~~ of  
111 the child.

112 Section 6. Subsections (1), (2), (3), (4), (7), (8), and  
113 (9) of section 63.0423, Florida Statutes, are amended to read:

114 63.0423 Procedures with respect to surrendered infants.-

115 (1) Upon entry of final judgment terminating parental  
116 rights, an adoption entity ~~A licensed child-placing agency~~ that  
117 takes physical custody of an infant surrendered at a hospital,  
118 emergency medical services station, or fire station pursuant to  
119 s. 383.50 assumes ~~shall assume~~ responsibility for the ~~all~~  
120 medical ~~costs~~ and ~~all~~ other costs associated with the emergency  
121 services and care of the surrendered infant from the time the  
122 adoption entity ~~licensed child-placing agency~~ takes physical  
123 custody of the surrendered infant.

124 (2) The adoption entity ~~licensed child-placing agency~~  
125 shall immediately seek an order from the circuit court for  
126 emergency custody of the surrendered infant. The emergency  
127 custody order shall remain in effect until the court orders  
128 preliminary approval of placement of the surrendered infant in  
129 the prospective home, at which time the prospective adoptive  
130 parents become guardians pending termination of parental rights

Amendment No.

131 and finalization of adoption or until the court orders  
132 otherwise. The guardianship of the prospective adoptive parents  
133 shall remain subject to the right of the adoption entity  
134 ~~licensed child-placing agency~~ to remove the surrendered infant  
135 from the placement during the pendency of the proceedings if  
136 such removal is deemed by the adoption entity ~~licensed child-~~  
137 ~~placing agency~~ to be in the best interests ~~interest~~ of the  
138 child. The adoption entity ~~licensed child-placing agency~~ may  
139 immediately seek to place the surrendered infant in a  
140 prospective adoptive home.

141 (3) The adoption entity ~~licensed child-placing agency~~ that  
142 takes physical custody of the surrendered infant shall, within  
143 24 hours thereafter, request assistance from law enforcement  
144 officials to investigate and determine, through the Missing  
145 Children Information Clearinghouse, the National Center for  
146 Missing and Exploited Children, and any other national and state  
147 resources, whether the surrendered infant is a missing child.

148 (4) The parent who surrenders the infant in accordance  
149 with s. 383.50 is presumed to have consented to termination of  
150 parental rights, and express consent is not required. Except  
151 when there is actual or suspected child abuse or neglect, the  
152 adoption entity may ~~licensed child-placing agency shall not~~  
153 attempt to pursue, search for, or notify that parent as provided  
154 in s. 63.088 and chapter 49. For purposes of s. 383.50 and this  
155 section, an infant who tests positive for illegal drugs,  
156 narcotic prescription drugs, alcohol, or other substances, but  
157 shows no other signs of child abuse or neglect, shall be placed  
158 in the custody of an adoption entity. If the department is

Amendment No.

159 contacted regarding an infant properly surrendered under s.  
160 383.50 and this section, the department shall provide  
161 instruction to contact an adoption entity and may not take  
162 custody of the infant unless reasonable efforts to contact an  
163 adoption entity to accept the infant have not been successful.

164 (7) If a claim of parental rights of a surrendered infant  
165 is made before the judgment to terminate parental rights is  
166 entered, the circuit court may hold the action for termination  
167 of parental rights ~~pending subsequent adoption~~ in abeyance for a  
168 period of time not to exceed 60 days.

169 (a) The court may order scientific testing to determine  
170 maternity or paternity at the expense of the parent claiming  
171 parental rights.

172 (b) The court shall appoint a guardian ad litem for the  
173 surrendered infant and order whatever investigation, home  
174 evaluation, and psychological evaluation are necessary to  
175 determine what is in the best interests ~~interest~~ of the  
176 surrendered infant.

177 (c) The court may not terminate parental rights solely on  
178 the basis that the parent left the infant at a hospital,  
179 emergency medical services station, or fire station in  
180 accordance with s. 383.50.

181 (d) The court shall enter a judgment with written findings  
182 of fact and conclusions of law.

183 (8) Within 7 business days after recording the judgment,  
184 the clerk of the court shall mail a copy of the judgment to the  
185 department, the petitioner, and any person ~~the persons~~ whose

Amendment No.

186 consent was ~~were~~ required, if known. The clerk shall execute a  
187 certificate of each mailing.

188 (9) (a) A judgment terminating parental rights pending  
189 adoption is voidable, and any later judgment of adoption of that  
190 minor is voidable, if, upon the motion of a ~~birth~~ parent, the  
191 court finds that a person knowingly gave false information that  
192 prevented the ~~birth~~ parent from timely making known his or her  
193 desire to assume parental responsibilities toward the minor or  
194 from exercising his or her parental rights. A motion under this  
195 subsection must be filed with the court originally entering the  
196 judgment. The motion must be filed within a reasonable time but  
197 not later than 1 year after the entry of the judgment  
198 terminating parental rights.

199 (b) No later than 30 days after the filing of a motion  
200 under this subsection, the court shall conduct a preliminary  
201 hearing to determine what contact, if any, will be permitted  
202 between a ~~birth~~ parent and the child pending resolution of the  
203 motion. Such contact may be allowed only if it is requested by a  
204 parent who has appeared at the hearing and the court determines  
205 that it is in the best interests ~~interest~~ of the child. If the  
206 court orders contact between a ~~birth~~ parent and the child, the  
207 order must be issued in writing as expeditiously as possible and  
208 must state with specificity any provisions regarding contact  
209 with persons other than those with whom the child resides.

210 (c) ~~At the preliminary hearing, The court, upon the motion~~  
211 ~~of any party or upon its own motion,~~ may not order scientific  
212 testing to determine the paternity or maternity of the minor  
213 until such time as the court determines that a previously



Amendment No.

214 entered judgment terminating the parental rights of that parent  
215 is voidable pursuant to paragraph (a), unless all parties agree  
216 that such testing is in the best interests of the child ~~if the~~  
217 ~~person seeking to set aside the judgment is alleging to be the~~  
218 ~~child's birth parent but has not previously been determined by~~  
219 ~~legal proceedings or scientific testing to be the birth parent.~~  
220 Upon the filing of test results establishing that person's  
221 maternity or paternity of the surrendered infant, the court may  
222 order visitation only if it appears to be ~~as it deems~~  
223 ~~appropriate and~~ in the best interests ~~interest~~ of the child.

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

228 Section 7. Subsection (1) of section 63.0425, Florida  
229 Statutes, is amended to read:

230 63.0425 Grandparent's right to notice.-

231 (1) If a child has lived with a grandparent for at least 6  
232 continuous months within the 24-month period immediately  
233 preceding the filing of a petition for termination of parental  
234 rights pending adoption, the adoption entity shall provide  
235 notice to that grandparent of the hearing on the petition.

236 Section 8. Section 63.0427, Florida Statutes, is amended  
237 to read:

238 63.0427 Agreements for ~~Adopted minor's right to~~ continued  
239 communication or contact between adopted child and ~~with~~  
240 siblings, parents, and other relatives.-

Amendment No.

241 (1) A child whose parents have had their parental rights  
242 terminated and whose custody has been awarded to the department  
243 pursuant to s. 39.811, and who is the subject of a petition for  
244 adoption under this chapter, shall have the right to have the  
245 court consider the appropriateness of postadoption communication  
246 or contact, including, but not limited to, visits, written  
247 correspondence, or telephone calls, with his or her siblings or,  
248 upon agreement of the adoptive parents, with the parents who  
249 have had their parental rights terminated or other specified  
250 biological relatives. The court shall consider the following in  
251 making such determination:

252 (a) Any orders of the court pursuant to s. 39.811(7).

253 (b) Recommendations of the department, the foster parents  
254 if other than the adoptive parents, and the guardian ad litem.

255 (c) Statements of the prospective adoptive parents.

256 (d) Any other information deemed relevant and material by  
257 the court.

258  
259 If the court determines that the child's best interests will be  
260 served by postadoption communication or contact, the court shall  
261 so order, stating the nature and frequency of ~~for~~ the  
262 communication or contact. This order shall be made a part of the  
263 final adoption order, but ~~in no event shall~~ the continuing  
264 validity of the adoption may not be contingent upon such  
265 postadoption communication or contact and, ~~nor shall~~ the ability  
266 of the adoptive parents and child to change residence within or  
267 outside the State of Florida may not be impaired by such  
268 communication or contact.

335249 - h1163-strike.docx

Published On: 1/23/2012 11:42:49 AM

Amendment No.

269 (2) Notwithstanding ~~the provisions of~~ s. 63.162, the  
270 adoptive parent may, at any time, petition for review of a  
271 communication or contact order entered pursuant to subsection  
272 (1), if the adoptive parent believes that the best interests of  
273 the adopted child are being compromised, and the court may ~~shall~~  
274 ~~have authority to~~ order the communication or contact to be  
275 terminated or modified, as the court deems to be in the best  
276 interests of the adopted child; however, the court may not  
277 increase contact between the adopted child and siblings, birth  
278 parents, or other relatives without the consent of the adoptive  
279 parent or parents. As part of the review process, the court may  
280 order the parties to engage in mediation. The department shall  
281 not be required to be a party to such review.

282 (3) Prospective adoptive parents may enter into an  
283 agreement for contact between the child to be adopted and the  
284 birth parent, other relative, or previous foster parent of the  
285 child to be adopted. Such contact may include visits, written  
286 correspondence, telephone contact, exchange of photographs, or  
287 other similar types of contact. The agreement is enforceable by  
288 the court only if:

289 (a) The agreement was in writing and was submitted to the  
290 court.

291 (b) The adoptive parents have agreed to the terms of the  
292 contact agreement.

293 (c) The court finds the contact to be in the best  
294 interests of the child.

295 (d) The child, if 12 years of age or older, has agreed to  
296 the contact outlined in the agreement.

Amendment No.

297 (4) All parties acknowledge that a dispute regarding the  
298 contact agreement does not affect the validity or finality of  
299 the adoption and that a breach of the agreement may not be  
300 grounds to set aside the adoption or otherwise impact the  
301 validity or finality of the adoption in any way.

302 (5) An adoptive parent may terminate the contact between  
303 the child and the birth parent, other relative, or foster parent  
304 if the adoptive parent reasonably believes that the contact is  
305 detrimental to the best interests of the child.

306 (6) In order to terminate the agreement for contact, the  
307 adoptive parent must file a notice of intent to terminate the  
308 contact agreement with the court that initially approved the  
309 contact agreement, and provide a copy of the notice to the  
310 adoption entity that placed the child, if any, and to the birth  
311 parent, other relative, or foster parent of the child who is a  
312 party to the agreement, outlining the reasons for termination of  
313 the agreement.

314 (7) If appropriate under the circumstances of the case,  
315 the court may order the parties to participate in mediation to  
316 attempt to resolve the issues with the contact agreement. The  
317 mediation shall be conducted pursuant to the provisions of s.  
318 61.183. The petitioner shall be responsible for payment of the  
319 services of the mediator.

320 (8) The court may modify the terms of the agreement in  
321 order to serve the best interests of the child, but may not  
322 increase the amount or type of contact unless the adoptive  
323 parents agree to the increase in contact or change in the type  
324 of contact.

Amendment No.

325 (9) An agreement for contact entered into under this  
326 subsection is enforceable even if it does not fully disclose the  
327 identity of the parties to the agreement or if identifying  
328 information has been redacted from the agreement.

329 Section 9. Subsections (1), (2), (3), and (6) of section  
330 63.052, Florida Statutes, are amended to read:

331 63.052 Guardians designated; proof of commitment.—

332 (1) For minors who have been placed for adoption with ~~and~~  
333 ~~permanently committed to~~ an adoption entity, other than an  
334 intermediary, such adoption entity shall be the guardian of the  
335 person of the minor and has the responsibility and authority to  
336 provide for the needs and welfare of the minor.

337 (2) For minors who have been voluntarily surrendered to an  
338 intermediary through an execution of a consent to adoption, the  
339 intermediary shall be responsible for the minor until the time a  
340 court orders preliminary approval of placement of the minor in  
341 the prospective adoptive home, after which time the prospective  
342 adoptive parents shall become guardians pending finalization of  
343 adoption, subject to the intermediary's right and responsibility  
344 to remove the child from the prospective adoptive home if the  
345 removal is deemed by the intermediary to be in the best  
346 interests ~~interest~~ of the child. The intermediary may not remove  
347 the child without a court order unless the child is in danger of  
348 imminent harm. The intermediary does not become responsible for  
349 the minor child's medical bills that were incurred before taking  
350 physical custody of the child after the execution of adoption  
351 consents. Prior to the court's entry of an order granting  
352 preliminary approval of the placement, the intermediary shall

335249 - h1163-strike.docx

Published On: 1/23/2012 11:42:49 AM

Amendment No.

353 have the responsibility and authority to provide for the needs  
354 and welfare of the minor. A ~~No~~ minor may not ~~shall~~ be placed in  
355 a prospective adoptive home until that home has received a  
356 favorable preliminary home study, as provided in s. 63.092,  
357 completed and approved within 1 year before such placement in  
358 the prospective home. The provisions of s. 627.6578 shall remain  
359 in effect notwithstanding the guardianship provisions in this  
360 section.

361 (3) If a minor is surrendered to an adoption entity for  
362 subsequent adoption and a suitable prospective adoptive home is  
363 not available pursuant to s. 63.092 at the time the minor is  
364 surrendered to the adoption entity, the minor must be placed in  
365 a licensed foster care home, or with a person or family that has  
366 received a favorable preliminary home study pursuant to  
367 subsection (2), or with a relative until such a suitable  
368 prospective adoptive home is available.

369 (6) Unless otherwise authorized by law or ordered by the  
370 court, the department is not responsible for expenses incurred  
371 by other adoption entities participating in a placement of a  
372 minor.

373 Section 10. Subsections (2) and (3) of section 63.053,  
374 Florida Statutes, are amended to read:

375 63.053 Rights and responsibilities of an unmarried  
376 biological father; legislative findings.—

377 (2) The Legislature finds that the interests of the state,  
378 the mother, the child, and the adoptive parents described in  
379 this chapter outweigh the interest of an unmarried biological  
380 father who does not take action in a timely manner to establish

Amendment No.

381 and demonstrate a relationship with his child in accordance with  
382 the requirements of this chapter. An unmarried biological father  
383 has the primary responsibility to protect his rights and is  
384 presumed to know that his child may be adopted without his  
385 consent unless he strictly complies with ~~the provisions of~~ this  
386 chapter and demonstrates a prompt and full commitment to his  
387 parental responsibilities.

388 (3) The Legislature finds that a birth mother and a birth  
389 father have a right of ~~to~~ privacy.

390 Section 11. Subsections (1), (2), (4), and (13) of section  
391 63.054, Florida Statutes, are amended to read:

392 63.054 Actions required by an unmarried biological father  
393 to establish parental rights; Florida Putative Father Registry.-

394 (1) In order to preserve the right to notice and consent  
395 to an adoption under this chapter, an unmarried biological  
396 father must, as the "registrant," file a notarized claim of  
397 paternity form with the Florida Putative Father Registry  
398 maintained by the Office of Vital Statistics of the Department  
399 of Health which includes confirmation of his willingness and  
400 intent to support the child for whom paternity is claimed in  
401 accordance with state law. The claim of paternity may be filed  
402 at any time before the child's birth, but may not be filed after  
403 the date a petition is filed for termination of parental rights.  
404 In each proceeding for termination of parental rights, the  
405 petitioner must submit to the Office of Vital Statistics a copy  
406 of the petition for termination of parental rights or a document  
407 executed by the clerk of the court showing the style of the  
408 case, the names of the persons whose rights are sought to be

Amendment No.

409 terminated, and the date and time of the filing of the petition.

410 The Office of Vital Statistics may not record a claim of  
411 paternity after the date a petition for termination of parental  
412 rights is filed. The failure of an unmarried biological father  
413 to file a claim of paternity with the registry before the date a  
414 petition for termination of parental rights is filed also bars  
415 him from filing a paternity claim under chapter 742.

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

419 1. The mother identifies him to the adoption entity as a  
420 potential biological father by the date she executes a consent  
421 for adoption; and

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

426 (b) If an unmarried biological father falls within the  
427 exception provided by paragraph (a), the petitioner shall also  
428 submit to the Office of Vital Statistics a copy of the notice of  
429 intended adoption plan and proof of service of the notice on the  
430 potential biological father.

431 (c) An unmarried biological father who falls within the  
432 exception provided by paragraph (a) may not file a claim of  
433 paternity with the registry or a paternity claim under chapter  
434 742 after the 30-day mandatory response date to the notice of  
435 intended adoption plan has expired. The Office of Vital



Amendment No.

436 Statistics may not record a claim of paternity 30 days after  
437 service of the notice of intended adoption plan.

438 (2) By filing a claim of paternity form with the Office of  
439 Vital Statistics, the registrant expressly consents to submit to  
440 and pay for DNA testing upon the request of any party, the  
441 registrant, or the adoption entity with respect to the child  
442 referenced in the claim of paternity.

443 (4) Upon initial registration, or at any time thereafter,  
444 the registrant may designate a physical ~~an~~ address other than  
445 his residential address for sending any communication regarding  
446 his registration. Similarly, upon initial registration, or at  
447 any time thereafter, the registrant may designate, in writing,  
448 an agent or representative to receive any communication on his  
449 behalf and receive service of process. The agent or  
450 representative must file an acceptance of the designation, in  
451 writing, in order to receive notice or service of process. The  
452 failure of the designated representative or agent of the  
453 registrant to deliver or otherwise notify the registrant of  
454 receipt of correspondence from the Florida Putative Father  
455 Registry is at the registrant's own risk and may ~~shall~~ not serve  
456 as a valid defense based upon lack of notice.

457 (13) The filing of a claim of paternity with the Florida  
458 Putative Father Registry does not excuse or waive the obligation  
459 of a petitioner to comply with the requirements of s. 63.088(4)  
460 for conducting a diligent search and required inquiry with  
461 respect to the identity of an unmarried biological father or  
462 legal father which are set forth in this chapter.

Amendment No.

463 Section 12. Paragraph (b) of subsection (1), subsections  
464 (2), (3), and (4), and paragraph (a) of subsection (8) of  
465 section 63.062, Florida Statutes, are amended to read:

466 63.062 Persons required to consent to adoption; affidavit  
467 of nonpaternity; waiver of venue.—

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

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

474 1. The minor was conceived or born while the father was  
475 married to the mother;

476 2. The minor is his child by adoption;

477 3. The minor has been adjudicated by the court to be his  
478 child before ~~by~~ the date a petition ~~is filed~~ for termination of  
479 parental rights is filed;

480 4. He has filed an affidavit of paternity pursuant to s.  
481 382.013(2)(c) or he is listed on the child's birth certificate  
482 before ~~by~~ the date a petition ~~is filed~~ for termination of  
483 parental rights is filed; or

484 5. In the case of an unmarried biological father, he has  
485 acknowledged in writing, signed in the presence of a competent  
486 witness, that he is the father of the minor, has filed such  
487 acknowledgment with the Office of Vital Statistics of the  
488 Department of Health within the required timeframes, and has  
489 complied with the requirements of subsection (2).  
490

Amendment No.

491 The status of the father shall be determined at the time of the  
492 filing of the petition to terminate parental rights and may not  
493 be modified, except as otherwise provided in s. 63.0423(9) (a),  
494 for purposes of his obligations and rights under this chapter by  
495 acts occurring after the filing of the petition to terminate  
496 parental rights.

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

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

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

515 b. Maintained regular communication with the child or with  
516 the person or agency having the care or custody of the child,  
517 when physically or financially unable to visit the child or when

Amendment No.

518 not prevented from doing so by the birth mother or person or  
519 authorized agency having lawful custody of the child.

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

526 ~~2.3.~~ An unmarried biological father who openly lived with  
527 the child for at least 6 months within the 1-year period  
528 following the birth of the child and immediately preceding  
529 placement of the child with adoptive parents and who openly held  
530 himself out to be the father of the child during that period  
531 shall be deemed to have developed a substantial relationship  
532 with the child and to have otherwise met the requirements of  
533 this paragraph.

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

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

335249 - h1163-strike.docx

Published On: 1/23/2012 11:42:49 AM

Amendment No.

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

555           3. If he had knowledge of the pregnancy, paid a fair and  
556 reasonable amount of the living and medical expenses incurred in  
557 connection with the mother's pregnancy and the child's birth, in  
558 accordance with his financial ability and when not prevented  
559 from doing so by the birth mother or person or authorized agency  
560 having lawful custody of the child. The responsibility of the  
561 unmarried biological father to provide financial assistance to  
562 the birth mother during her pregnancy and to the child after  
563 birth is not abated because support is being provided to the  
564 birth mother or child by the adoption entity, a prospective  
565 adoptive parent, or a third party, nor does it serve as a basis  
566 to excuse the birth father's failure to provide support.

567           (c) The mere fact that a father expresses a desire to  
568 fulfill his responsibilities towards his child which is  
569 unsupported by acts evidencing this intent does not meet the  
570 requirements of this section.

571           (d) ~~(e)~~ The petitioner shall file with the court a  
572 certificate from the Office of Vital Statistics stating that a  
573 diligent search has been made of the Florida Putative Father

335249 - h1163-strike.docx

Published On: 1/23/2012 11:42:49 AM

Amendment No.

574 Registry of notices from unmarried biological fathers described  
575 in subparagraph (b)1. and that no filing has been found  
576 pertaining to the father of the child in question or, if a  
577 filing is found, stating the name of the putative father and the  
578 time and date of filing. That certificate shall be filed with  
579 the court prior to the entry of a final judgment of termination  
580 of parental rights.

581 ~~(e)-(d)~~ An unmarried biological father who does not comply  
582 with each of the conditions provided in this subsection is  
583 deemed to have waived and surrendered any rights in relation to  
584 the child, including the right to notice of any judicial  
585 proceeding in connection with the adoption of the child, and his  
586 consent to the adoption of the child is not required.

587 (3) Pursuant to chapter 48, an adoption entity shall serve  
588 a notice of intended adoption plan upon any known and locatable  
589 unmarried biological father who is identified to the adoption  
590 entity by the mother by the date she signs her consent for  
591 adoption if the child is 6 months of age or less at the time the  
592 consent is executed ~~or who is identified by a diligent search of~~  
593 ~~the Florida Putative Father Registry, or upon an entity whose~~  
594 ~~consent is required~~. Service of the notice of intended adoption  
595 plan is not required ~~mandatory~~ when the unmarried biological  
596 father signs a consent for adoption or an affidavit of  
597 nonpaternity or when the child is more than 6 months of age at  
598 the time of the execution of the consent by the mother. The  
599 notice may be served at any time before the child's birth or  
600 before placing the child in the adoptive home. The recipient of  
601 the notice may waive service of process by executing a waiver

335249 - h1163-strike.docx

Published On: 1/23/2012 11:42:49 AM

Amendment No.

602 and acknowledging receipt of the plan. The notice of intended  
603 adoption plan must specifically state that if the unmarried  
604 biological father desires to contest the adoption plan he must,  
605 within 30 days after service, file with the court a verified  
606 response that contains a pledge of commitment to the child in  
607 substantial compliance with subparagraph (2)(b)2. and a claim of  
608 paternity form with the Office of Vital Statistics, and must  
609 provide the adoption entity with a copy of the verified response  
610 filed with the court and the claim of paternity form filed with  
611 the Office of Vital Statistics. The notice must also include  
612 instructions for submitting a claim of paternity form to the  
613 Office of Vital Statistics and the address to which the claim  
614 must be sent. If the party served with the notice of intended  
615 adoption plan is an entity whose consent is required, the notice  
616 must specifically state that the entity must file, within 30  
617 days after service, a verified response setting forth a legal  
618 basis for contesting the intended adoption plan, specifically  
619 addressing the best interests ~~interest~~ of the child.

620 (a) If the unmarried biological father or entity whose  
621 consent is required fails to timely and properly file a verified  
622 response with the court and, in the case of an unmarried  
623 biological father, a claim of paternity form with the Office of  
624 Vital Statistics, the court shall enter a default judgment  
625 against the ~~any~~ unmarried biological father or entity and the  
626 consent of that unmarried biological father or entity shall no  
627 longer be required under this chapter and shall be deemed to  
628 have waived any claim of rights to the child. To avoid an entry

Amendment No.

629 of a default judgment, within 30 days after receipt of service  
630 of the notice of intended adoption plan:

631 1. The unmarried biological father must:

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

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

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

638 2. The entity whose consent is required must file a  
639 verified response setting forth a legal basis for contesting the  
640 intended adoption plan, specifically addressing the best  
641 interests ~~interest~~ of the child.

642 (b) If the mother identifies a potential unmarried  
643 biological father within the timeframes required by the statute,  
644 whose location is unknown, the adoption entity shall conduct a  
645 diligent search pursuant to s. 63.088. If, upon completion of a  
646 diligent search, the potential unmarried biological father's  
647 location remains unknown and a search of the Florida Putative  
648 Father Registry fails to reveal a match, the adoption entity  
649 shall request in the petition for termination of parental rights  
650 pending adoption that the court declare the diligent search to  
651 be in compliance with s. 63.088, that the adoption entity has no  
652 further obligation to provide notice to the potential unmarried  
653 biological father, and that the potential unmarried biological  
654 father's consent to the adoption is not required.

655 (4) Any person whose consent is required under paragraph  
656 (1) (b), or any other man, may execute an irrevocable affidavit

335249 - h1163-strike.docx

Published On: 1/23/2012 11:42:49 AM



Amendment No.

657 of nonpaternity in lieu of a consent under this section and by  
658 doing so waives notice to all court proceedings after the date  
659 of execution. An affidavit of nonpaternity must be executed as  
660 provided in s. 63.082. The affidavit of nonpaternity may be  
661 executed prior to the birth of the child. The person executing  
662 the affidavit must receive disclosure under s. 63.085 prior to  
663 signing the affidavit. For purposes of this chapter, an  
664 affidavit of nonpaternity is sufficient if it contains a  
665 specific denial of parental obligations and does not need to  
666 deny the existence of a biological relationship.

667 (8) A petition to adopt an adult may be granted if:

668 (a) Written consent to adoption has been executed by the  
669 adult and the adult's spouse, if any, unless the spouse's  
670 consent is waived by the court for good cause.

671 Section 13. Subsection (2) of section 63.063, Florida  
672 Statutes, is amended to read:

673 63.063 Responsibility of parents for actions; fraud or  
674 misrepresentation; contesting termination of parental rights and  
675 adoption.—

676 (2) Any person injured by a fraudulent representation or  
677 action in connection with an adoption may pursue civil or  
678 criminal penalties as provided by law. A fraudulent  
679 representation is not a defense to compliance with the  
680 requirements of this chapter and is not a basis for dismissing a  
681 petition for termination of parental rights or a petition for  
682 adoption, for vacating an adoption decree, or for granting  
683 custody to the offended party. Custody and adoption

Amendment No.

684 determinations must be based on the best interests ~~interest~~ of  
685 the child in accordance with s. 61.13.

686 Section 14. Paragraph (d) of subsection (1), paragraphs  
687 (c) and (d) of subsection (3), paragraphs (a), (d), and (e) of  
688 subsection (4), and subsections (6) and (7) of section 63.082,  
689 Florida Statutes, are amended to read:

690 63.082 Execution of consent to adoption or affidavit of  
691 nonpaternity; family social and medical history; revocation  
692 ~~withdrawal~~ of consent.-

693 (1)

694 (d) The notice and consent provisions of this chapter as  
695 they relate to the father ~~birth~~ of a child ~~or to legal fathers~~  
696 do not apply in cases in which the child is conceived as a  
697 result of a violation of the criminal laws of this or another  
698 state or country, including, but not limited to, sexual battery,  
699 unlawful sexual activity with certain minors under s. 794.05,  
700 lewd acts perpetrated upon a minor, or incest. A criminal  
701 conviction is not required for the court to find that the child  
702 was conceived as a result of a violation of the criminal laws of  
703 this state or another state or country.

704 (3)

705 (c) If any person who is required to consent is  
706 unavailable because the person cannot be located, an the  
707 ~~petition to terminate parental rights pending adoption must be~~  
708 ~~accompanied by the~~ affidavit of diligent search required under  
709 s. 63.088 shall be filed.

710 (d) If any person who is required to consent is  
711 unavailable because the person is deceased, the petition to

Amendment No.

712 terminate parental rights pending adoption must be accompanied  
713 by a certified copy of the death certificate. In an adoption of  
714 a stepchild or a relative, the certified copy of the death  
715 certificate of the person whose consent is required may ~~must~~ be  
716 attached to the petition for adoption if a separate petition for  
717 termination of parental rights is not being filed.

718 (4) (a) An affidavit of nonpaternity may be executed before  
719 the birth of the minor; however, the consent to an adoption may  
720 ~~shall~~ not be executed before the birth of the minor except in a  
721 preplanned adoption pursuant to s. 63.213.

722 (d) The consent to adoption or the affidavit of  
723 nonpaternity must be signed in the presence of two witnesses and  
724 be acknowledged before a notary public who is not signing as one  
725 of the witnesses. The notary public must legibly note on the  
726 consent or the affidavit the date and time of execution. The  
727 witnesses' names must be typed or printed underneath their  
728 signatures. The witnesses' home or business addresses must be  
729 included. The person who signs the consent or the affidavit has  
730 the right to have at least one of the witnesses be an individual  
731 who does not have an employment, professional, or personal  
732 relationship with the adoption entity or the prospective  
733 adoptive parents. The adoption entity must give reasonable  
734 advance notice to the person signing the consent or affidavit of  
735 the right to select a witness of his or her own choosing. The  
736 person who signs the consent or affidavit must acknowledge in  
737 writing on the consent or affidavit that such notice was given  
738 and indicate the witness, if any, who was selected by the person  
739 signing the consent or affidavit. The adoption entity must

335249 - h1163-strike.docx

Published On: 1/23/2012 11:42:49 AM

Amendment No.

740 include its name, address, and telephone number on the consent  
741 to adoption or affidavit of nonpaternity.

742 (e) A consent to adoption being executed by the birth  
743 parent must be in at least 12-point boldfaced type and shall  
744 contain the following recitation of rights ~~in substantially the~~  
745 ~~following form:~~

746 CONSENT TO ADOPTION

747  
748 YOU HAVE THE RIGHT TO SELECT AT LEAST ONE PERSON WHO DOES NOT  
749 HAVE AN EMPLOYMENT, PROFESSIONAL, OR PERSONAL RELATIONSHIP WITH  
750 THE ADOPTION ENTITY OR THE PROSPECTIVE ADOPTIVE PARENTS TO BE  
751 PRESENT WHEN THIS AFFIDAVIT IS EXECUTED AND TO SIGN IT AS A  
752 WITNESS. YOU MUST ACKNOWLEDGE ON THIS FORM THAT YOU WERE  
753 NOTIFIED OF THIS RIGHT AND YOU MUST INDICATE THE WITNESS OR  
754 WITNESSES YOU SELECTED, IF ANY.

755  
756 YOU DO NOT HAVE TO SIGN THIS CONSENT FORM. YOU MAY DO ANY OF THE  
757 FOLLOWING INSTEAD OF SIGNING THIS CONSENT OR BEFORE SIGNING THIS  
758 CONSENT:

- 759
- 760 1. CONSULT WITH AN ATTORNEY;
  - 761 2. HOLD, CARE FOR, AND FEED THE CHILD UNLESS OTHERWISE  
762 LEGALLY PROHIBITED;
  - 763 3. PLACE THE CHILD IN FOSTER CARE OR WITH ANY FRIEND OR  
764 FAMILY MEMBER YOU CHOOSE WHO IS WILLING TO CARE FOR THE  
765 CHILD;
  - 766 4. TAKE THE CHILD HOME UNLESS OTHERWISE LEGALLY  
767 PROHIBITED; AND

Amendment No.

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

771  
772 IF YOU DO SIGN THIS CONSENT, YOU ARE GIVING UP ALL RIGHTS TO  
773 YOUR CHILD. YOUR CONSENT IS VALID, BINDING, AND IRREVOCABLE  
774 EXCEPT UNDER SPECIFIC LEGAL CIRCUMSTANCES. IF YOU ARE GIVING UP  
775 YOUR RIGHTS TO A NEWBORN CHILD WHO IS TO BE IMMEDIATELY PLACED  
776 FOR ADOPTION UPON THE CHILD'S RELEASE FROM A LICENSED HOSPITAL  
777 OR BIRTH CENTER FOLLOWING BIRTH, A WAITING PERIOD WILL BE  
778 IMPOSED UPON THE BIRTH MOTHER BEFORE SHE MAY SIGN THE CONSENT  
779 FOR ADOPTION. A BIRTH MOTHER MUST WAIT 48 HOURS FROM THE TIME OF  
780 BIRTH, OR UNTIL THE DAY THE BIRTH MOTHER HAS BEEN NOTIFIED IN  
781 WRITING, EITHER ON HER PATIENT CHART OR IN RELEASE PAPERS, THAT  
782 SHE IS FIT TO BE RELEASED FROM A LICENSED HOSPITAL OR BIRTH  
783 CENTER, WHICHEVER IS SOONER, BEFORE THE CONSENT FOR ADOPTION MAY  
784 BE EXECUTED. ANY MAN MAY EXECUTE A CONSENT AT ANY TIME AFTER THE  
785 BIRTH OF THE CHILD. ONCE YOU HAVE SIGNED THE CONSENT, IT IS  
786 VALID, BINDING, AND IRREVOCABLE AND CANNOT BE INVALIDATED  
787 ~~WITHDRAWN~~ UNLESS A COURT FINDS THAT IT WAS OBTAINED BY FRAUD OR  
788 DURESS.

789  
790 IF YOU BELIEVE THAT YOUR CONSENT WAS OBTAINED BY FRAUD OR DURESS  
791 AND YOU WISH TO INVALIDATE ~~REVOKE~~ THAT CONSENT, YOU MUST:

792  
793 1. NOTIFY THE ADOPTION ENTITY, BY WRITING A LETTER, THAT  
794 YOU WISH TO WITHDRAW YOUR CONSENT; AND

Amendment No.

795 2. PROVE IN COURT THAT THE CONSENT WAS OBTAINED BY FRAUD  
796 OR DURESS.

797  
798 This statement of rights is not required for the adoption of a  
799 relative, an adult, a stepchild, or a child older than 6 months  
800 of age. A consent form for the adoption of a child older than 6  
801 months of age at the time of the execution of consent must  
802 contain a statement outlining the revocation rights provided in  
803 paragraph (c).

804 (6) (a) If a parent executes a consent for placement of a  
805 minor with an adoption entity or qualified prospective adoptive  
806 parents and the minor child is in the custody of the department,  
807 but parental rights have not yet been terminated, the adoption  
808 consent is valid, binding, and enforceable by the court.

809 (b) Upon execution of the consent of the parent, the  
810 adoption entity shall be permitted to ~~may~~ intervene in the  
811 dependency case as a party in interest and must provide the  
812 court that acquired ~~having~~ jurisdiction over the minor, pursuant  
813 to the shelter or dependency petition filed by the department, a  
814 copy of the preliminary home study of the prospective adoptive  
815 parents and any other evidence of the suitability of the  
816 placement. The preliminary home study must be maintained with  
817 strictest confidentiality within the dependency court file and  
818 the department's file. A preliminary home study must be provided  
819 to the court in all cases in which an adoption entity has  
820 intervened pursuant to this section. Unless the court has  
821 concerns regarding the qualifications of the home study  
822 provider, or concerns that the home study may not be adequate to

Amendment No.

823 determine the best interests of the child, the home study  
824 provided by the adoption entity shall be deemed to be sufficient  
825 and no additional home study needs to be performed by the  
826 department.

827 (c) If an adoption entity files a motion to intervene in  
828 the dependency case in accordance with this chapter, the  
829 dependency court shall promptly grant a hearing to determine  
830 whether the adoption entity has filed the required documents to  
831 be permitted to intervene and whether a change of placement of  
832 the child is appropriate.

833 (d)~~(e)~~ Upon a determination by the court that the  
834 prospective adoptive parents are properly qualified to adopt the  
835 minor child and that the adoption appears to be in the best  
836 interests ~~interest~~ of the minor child, the court shall  
837 immediately order the transfer of custody of the minor child to  
838 the prospective adoptive parents, under the supervision of the  
839 adoption entity. The adoption entity shall thereafter provide  
840 monthly supervision reports to the department until finalization  
841 of the adoption.

842 (e)~~(d)~~ In determining whether the best interests ~~interest~~  
843 of the child are ~~is~~ served by transferring the custody of the  
844 minor child to the prospective adoptive parent selected by the  
845 parent, the court shall consider the rights of the parent to  
846 determine an appropriate placement for the child, the permanency  
847 offered, the child's bonding with any potential adoptive home  
848 that the child has been residing in, and the importance of  
849 maintaining sibling relationships, if possible.

Amendment No.

850 (7) If a person is seeking to revoke ~~withdraw~~ consent for  
851 a child older than 6 months of age ~~who has been placed with~~  
852 ~~prospective adoptive parents:~~

853 (a) The person seeking to revoke ~~withdraw~~ consent must, in  
854 accordance with paragraph (4)(c), notify the adoption entity in  
855 writing by certified mail, return receipt requested, within 3  
856 business days after execution of the consent. As used in this  
857 subsection, the term "business day" means any day on which the  
858 United States Postal Service accepts certified mail for  
859 delivery.

860 (b) Upon receiving timely written notice from a person  
861 whose consent to adoption is required of that person's desire to  
862 revoke ~~withdraw~~ consent, the adoption entity must contact the  
863 prospective adoptive parent to arrange a time certain for the  
864 adoption entity to regain physical custody of the minor, unless,  
865 upon a motion for emergency hearing by the adoption entity, the  
866 court determines in written findings that placement of the minor  
867 with the person who had legal or physical custody of the child  
868 immediately before the child was placed for adoption may  
869 endanger the minor or that the person who desires to revoke  
870 ~~withdraw~~ consent is not required to consent to the adoption, has  
871 been determined to have abandoned the child, or is otherwise  
872 subject to a determination that the person's consent is waived  
873 under this chapter.

874 (c) If the court finds that the placement may endanger the  
875 minor, the court shall enter an order continuing the placement  
876 of the minor with the prospective adoptive parents pending  
877 further proceedings if they desire continued placement. If the

335249 - h1163-strike.docx

Published On: 1/23/2012 11:42:49 AM



Amendment No.

878 prospective adoptive parents do not desire continued placement,  
879 the order must include, but need not be limited to, a  
880 determination of whether temporary placement in foster care,  
881 with the person who had legal or physical custody of the child  
882 immediately before placing the child for adoption, or with a  
883 relative is in the best interests ~~interest~~ of the child and  
884 whether an investigation by the department is recommended.

885 (d) If the person revoking ~~withdrawing~~ consent claims to  
886 be the father of the minor but has not been established to be  
887 the father by marriage, court order, or scientific testing, the  
888 court may order scientific paternity testing and reserve ruling  
889 on removal of the minor until the results of such testing have  
890 been filed with the court.

891 (e) The adoption entity must return the minor within 3  
892 business days after timely and proper notification of the  
893 revocation ~~withdrawal~~ of consent or after the court determines  
894 that revocation ~~withdrawal~~ is timely and in accordance with the  
895 requirements of this chapter ~~valid and binding~~ upon  
896 consideration of an emergency motion, as filed pursuant to  
897 paragraph (b), to the physical custody of the person revoking  
898 ~~withdrawing~~ consent or the person directed by the court. If the  
899 person seeking to revoke ~~withdraw~~ consent claims to be the  
900 father of the minor but has not been established to be the  
901 father by marriage, court order, or scientific testing, the  
902 adoption entity may return the minor to the care and custody of  
903 the mother, if she desires such placement and she is not  
904 otherwise prohibited by law from having custody of the child.

Amendment No.

905 (f) Following the revocation period ~~for withdrawal of~~  
906 ~~consent~~ described in paragraph (a), ~~or the placement of the~~  
907 ~~child with the prospective adoptive parents, whichever occurs~~  
908 ~~later~~, consent may be set aside ~~withdrawn~~ only when the court  
909 finds that the consent was obtained by fraud or duress.

910 (g) An affidavit of nonpaternity may be set aside  
911 ~~withdrawn~~ only if the court finds that the affidavit was  
912 obtained by fraud or duress.

913 (h) If the consent of one parent is set aside or revoked  
914 in accordance with this chapter, any other consents executed by  
915 the other parent or a third party whose consent is required for  
916 the adoption of the child may not be used by the parent who  
917 consent was revoked or set aside to terminate or diminish the  
918 rights of the other parent or third party whose consent was  
919 required for the adoption of the child.

920 Section 15. Subsection (1) and paragraph (a) of subsection  
921 (2) of section 63.085, Florida Statutes, are amended, and  
922 paragraph (c) is added to subsection (2) of that section, to  
923 read:

924 63.085 Disclosure by adoption entity.—

925 (1) DISCLOSURE REQUIRED TO PARENTS AND PROSPECTIVE  
926 ADOPTIVE PARENTS.—Within 14 days after a person seeking to adopt  
927 a minor or a person seeking to place a minor for adoption  
928 contacts an adoption entity in person or provides the adoption  
929 entity with a mailing address, the entity must provide a written  
930 disclosure statement to that person if the entity agrees or  
931 continues to work with the person. The adoption entity shall  
932 also provide the written disclosure to the parent who did not

335249 - h1163-strike.docx

Published On: 1/23/2012 11:42:49 AM

Amendment No.

933 initiate contact with the adoption entity within 14 days after  
934 that parent is identified and located. For purposes of providing  
935 the written disclosure, a person is considered to be seeking to  
936 place a minor for adoption if that person has sought information  
937 or advice from the adoption entity regarding the option of  
938 adoptive placement. The written disclosure statement must be in  
939 substantially the following form:

940

941 ADOPTION DISCLOSURE

942 THE STATE OF FLORIDA REQUIRES THAT THIS FORM BE PROVIDED TO ALL  
943 PERSONS CONSIDERING ADOPTING A MINOR OR SEEKING TO PLACE A MINOR  
944 FOR ADOPTION, TO ADVISE THEM OF THE FOLLOWING FACTS REGARDING  
945 ADOPTION UNDER FLORIDA LAW:

946

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

949 Name:

950 Address:

951 Telephone Number:

952 2. The adoption entity does not provide legal  
953 representation or advice to parents or anyone signing a consent  
954 for adoption or affidavit of nonpaternity, and parents have the  
955 right to consult with an attorney of their own choosing to  
956 advise them.

957 3. With the exception of an adoption by a stepparent or  
958 relative, a child cannot be placed into a prospective adoptive  
959 home unless the prospective adoptive parents have received a

Amendment No.

960 favorable preliminary home study, including criminal and child  
961 abuse clearances.

962 4. A valid consent for adoption may not be signed by the  
963 birth mother until 48 hours after the birth of the child, or the  
964 day the birth mother is notified, in writing, that she is fit  
965 for discharge from the licensed hospital or birth center. Any  
966 man may sign a valid consent for adoption at any time after the  
967 birth of the child.

968 5. A consent for adoption signed before the child attains  
969 the age of 6 months is binding and irrevocable from the moment  
970 it is signed unless it can be proven in court that the consent  
971 was obtained by fraud or duress. A consent for adoption signed  
972 after the child attains the age of 6 months is valid from the  
973 moment it is signed; however, it may be revoked up to 3 business  
974 days after it was signed.

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

978 7. An unmarried biological father must act immediately in  
979 order to protect his parental rights. Section 63.062, Florida  
980 Statutes, prescribes that any father seeking to establish his  
981 right to consent to the adoption of his child must file a claim  
982 of paternity with the Florida Putative Father Registry  
983 maintained by the Office of Vital Statistics of the Department  
984 of Health by the date a petition to terminate parental rights is  
985 filed with the court, or within 30 days after receiving service  
986 of a Notice of Intended Adoption Plan. If he receives a Notice  
987 of Intended Adoption Plan, he must file a claim of paternity

335249 - h1163-strike.docx

Published On: 1/23/2012 11:42:49 AM

Amendment No.

988 with the Florida Putative Father Registry, file a parenting plan  
989 with the court, and provide financial support to the mother or  
990 child within 30 days following service. An unmarried biological  
991 father's failure to timely respond to a Notice of Intended  
992 Adoption Plan constitutes an irrevocable legal waiver of any and  
993 all rights that the father may have to the child. A claim of  
994 paternity registration form for the Florida Putative Father  
995 Registry may be obtained from any local office of the Department  
996 of Health, Office of Vital Statistics, the Department of  
997 Children and Families, the Internet websites for these agencies,  
998 and the offices of the clerks of the Florida circuit courts. The  
999 claim of paternity form must be submitted to the Office of Vital  
1000 Statistics, Attention: Adoption Unit, P.O. Box 210,  
1001 Jacksonville, FL 32231.

1002 8. There are alternatives to adoption, including foster  
1003 care, relative care, and parenting the child. There may be  
1004 services and sources of financial assistance in the community  
1005 available to parents if they choose to parent the child.

1006 9. A parent has the right to have a witness of his or her  
1007 choice, who is unconnected with the adoption entity or the  
1008 adoptive parents, to be present and witness the signing of the  
1009 consent or affidavit of nonpaternity.

1010 10. A parent 14 years of age or younger must have a  
1011 parent, legal guardian, or court-appointed guardian ad litem to  
1012 assist and advise the parent as to the adoption plan and to  
1013 witness consent.

1014 11. A parent has a right to receive supportive counseling  
1015 from a counselor, social worker, physician, clergy, or attorney.

Amendment No.

1016 12. The payment of living or medical expenses by the  
1017 prospective adoptive parents before the birth of the child does  
1018 not, in any way, obligate the parent to sign the consent for  
1019 adoption.

1020  
1021 (2) DISCLOSURE TO ADOPTIVE PARENTS.—

1022 (a) At the time that an adoption entity is responsible for  
1023 selecting prospective adoptive parents for a born or unborn  
1024 child whose parents are seeking to place the child for adoption  
1025 or whose rights were terminated pursuant to chapter 39, the  
1026 adoption entity must provide the prospective adoptive parents  
1027 with information concerning the background of the child to the  
1028 extent such information is disclosed to the adoption entity by  
1029 the parents, legal custodian, or the department. This subsection  
1030 applies only if the adoption entity identifies the prospective  
1031 adoptive parents and supervises the ~~physical~~ placement of the  
1032 child in the prospective adoptive parents' home. If any  
1033 information cannot be disclosed because the records custodian  
1034 failed or refused to produce the background information, the  
1035 adoption entity has a duty to provide the information if it  
1036 becomes available. An individual or entity contacted by an  
1037 adoption entity to obtain the background information must  
1038 release the requested information to the adoption entity without  
1039 the necessity of a subpoena or a court order. In all cases, the  
1040 prospective adoptive parents must receive all available  
1041 information by the date of the final hearing on the petition for  
1042 adoption. The information to be disclosed includes:

Amendment No.

1043 1. A family social and medical history form completed  
1044 pursuant to s. 63.162(6).

1045 2. The biological mother's medical records documenting her  
1046 prenatal care and the birth and delivery of the child.

1047 3. A complete set of the child's medical records  
1048 documenting all medical treatment and care since the child's  
1049 birth and before placement.

1050 4. All mental health, psychological, and psychiatric  
1051 records, reports, and evaluations concerning the child before  
1052 placement.

1053 5. The child's educational records, including all records  
1054 concerning any special education needs of the child before  
1055 placement.

1056 6. Records documenting all incidents that required the  
1057 department to provide services to the child, including all  
1058 orders of adjudication of dependency or termination of parental  
1059 rights issued pursuant to chapter 39, any case plans drafted to  
1060 address the child's needs, all protective services  
1061 investigations identifying the child as a victim, and all  
1062 guardian ad litem reports filed with the court concerning the  
1063 child.

1064 7. Written information concerning the availability of  
1065 adoption subsidies for the child, if applicable.

1066 (c) If the prospective adoptive parents waive the receipt  
1067 of any of the records described in paragraph (a), a copy of the  
1068 written notification of the waiver to the adoption entity shall  
1069 be filed with the court.

Amendment No.

1070 Section 16. Subsection (6) of section 63.087, Florida  
1071 Statutes, is amended to read:

1072 63.087 Proceeding to terminate parental rights pending  
1073 adoption; general provisions.—

1074 (6) ANSWER AND APPEARANCE REQUIRED.—An answer to the  
1075 petition or any pleading requiring an answer must be filed in  
1076 accordance with the Florida Family Law Rules of Procedure.  
1077 Failure to file a written response to the petition constitutes  
1078 grounds upon which the court may terminate parental rights.  
1079 Failure to personally appear at the hearing constitutes grounds  
1080 upon which the court may terminate parental rights. Any person  
1081 present at the hearing to terminate parental rights pending  
1082 adoption whose consent to adoption is required under s. 63.062  
1083 must:

1084 (a) Be advised by the court that he or she has a right to  
1085 ask that the hearing be reset for a later date so that the  
1086 person may consult with an attorney; and

1087 (b) Be given an opportunity to admit or deny the  
1088 allegations in the petition.

1089 Section 17. Subsection (4) of section 63.088, Florida  
1090 Statutes, is amended to read:

1091 63.088 Proceeding to terminate parental rights pending  
1092 adoption; notice and service; diligent search.—

1093 (4) REQUIRED INQUIRY.—In proceedings initiated under s.  
1094 63.087, the court shall conduct an inquiry of the person who is  
1095 placing the minor for adoption and of any relative or person  
1096 having legal custody of the minor who is present at the hearing



Amendment No.

1097 and likely to have the following information regarding the  
1098 identity of:

1099 (a) Any man to whom the mother of the minor was married at  
1100 any time when conception of the minor may have occurred or at  
1101 the time of the birth of the minor;

1102 (b) Any man who has filed an affidavit of paternity  
1103 pursuant to s. 382.013(2)(c) before the date that a petition for  
1104 termination of parental rights is filed with the court;

1105 (c) Any man who has adopted the minor;

1106 (d) Any man who has been adjudicated by a court as the  
1107 father of the minor child before the date a petition for  
1108 termination of parental rights is filed with the court; and

1109 (e) Any man whom the mother identified to the adoption  
1110 entity as a potential biological father before the date she  
1111 signed the consent for adoption.

1112  
1113 The information sought under this subsection may be provided to  
1114 the court in the form of a sworn affidavit by a person having  
1115 personal knowledge of the facts, addressing each inquiry  
1116 enumerated in this subsection, except that, if the inquiry  
1117 identifies a father under paragraph (a), paragraph (b), ~~or~~  
1118 paragraph (c), or paragraph (d), the inquiry may not continue  
1119 further. The inquiry required under this subsection may be  
1120 conducted before the birth of the minor.

1121 Section 18. Paragraph (d) of subsection (3), paragraph (b)  
1122 of subsection (4), and subsections (5) and (7) of section  
1123 63.089, Florida Statutes, are amended to read:

Amendment No.

1124 63.089 Proceeding to terminate parental rights pending  
1125 adoption; hearing; grounds; dismissal of petition; judgment.—

1126 (3) GROUNDS FOR TERMINATING PARENTAL RIGHTS PENDING  
1127 ADOPTION.—The court may enter a judgment terminating parental  
1128 rights pending adoption if the court determines by clear and  
1129 convincing evidence, supported by written findings of fact, that  
1130 each person whose consent to adoption is required under s.

1131 63.062:

1132 (d) Has been properly served notice of the proceeding in  
1133 accordance with the requirements of this chapter and has failed  
1134 to file a written answer or personally appear at the evidentiary  
1135 hearing resulting in the judgment terminating parental rights  
1136 pending adoption;

1137 (4) FINDING OF ABANDONMENT.—A finding of abandonment  
1138 resulting in a termination of parental rights must be based upon  
1139 clear and convincing evidence that a parent or person having  
1140 legal custody has abandoned the child in accordance with the  
1141 definition contained in s. 63.032. A finding of abandonment may  
1142 also be based upon emotional abuse or a refusal to provide  
1143 reasonable financial support, when able, to a birth mother  
1144 during her pregnancy.

1145 (b) The child has been abandoned when the parent of a  
1146 child is incarcerated on or after October 1, 2001, in a federal,  
1147 state, or county correctional institution and:

1148 1. The period of time for which the parent has been or is  
1149 expected to be incarcerated will constitute a significant  
1150 portion of the child's minority. In determining whether the  
1151 period of time is significant, the court shall consider the

335249 - h1163-strike.docx

Published On: 1/23/2012 11:42:49 AM

Amendment No.

1152 child's age and the child's need for a permanent and stable  
1153 home. The period of time begins on the date that the parent  
1154 enters into incarceration;

1155 2. The incarcerated parent has been determined by a court  
1156 of competent jurisdiction to be a violent career criminal as  
1157 defined in s. 775.084, a habitual violent felony offender as  
1158 defined in s. 775.084, convicted of child abuse as defined in s.  
1159 827.03, or a sexual predator as defined in s. 775.21; has been  
1160 convicted of first degree or second degree murder in violation  
1161 of s. 782.04 or a sexual battery that constitutes a capital,  
1162 life, or first degree felony violation of s. 794.011; or has  
1163 been convicted of a substantially similar offense in another  
1164 jurisdiction. As used in this section, the term "substantially  
1165 similar offense" means any offense that is substantially similar  
1166 in elements and penalties to one of those listed in this  
1167 subparagraph, and that is in violation of a law of any other  
1168 jurisdiction, whether that of another state, the District of  
1169 Columbia, the United States or any possession or territory  
1170 thereof, or any foreign jurisdiction; or

1171 3. The court determines by clear and convincing evidence  
1172 that continuing the parental relationship with the incarcerated  
1173 parent would be harmful to the child and, for this reason,  
1174 termination of the parental rights of the incarcerated parent is  
1175 in the best interests ~~interest~~ of the child.

1176 (5) DISMISSAL OF PETITION.—If the court does not find by  
1177 clear and convincing evidence that parental rights of a parent  
1178 should be terminated pending adoption, the court must dismiss  
1179 the petition and that parent's parental rights that were the

335249 - h1163-strike.docx

Published On: 1/23/2012 11:42:49 AM

Amendment No.

1180 subject of such petition shall remain in full force under the  
1181 law. The order must include written findings in support of the  
1182 dismissal, including findings as to the criteria in subsection  
1183 (4) if rejecting a claim of abandonment.

1184 (a) Parental rights may not be terminated based upon a  
1185 consent that the court finds has been timely revoked ~~withdrawn~~  
1186 under s. 63.082 or a consent to adoption or affidavit of  
1187 nonpaternity that the court finds was obtained by fraud or  
1188 duress.

1189 (b) The court must enter an order based upon written  
1190 findings providing for the placement of the minor, but the court  
1191 may not proceed to determine custody between competing eligible  
1192 parties. The placement of the child should revert to the parent  
1193 or guardian who had physical custody of the child at the time of  
1194 the placement for adoption unless the court determines upon  
1195 clear and convincing evidence that this placement is not in the  
1196 best interests of the child or is not an available option for  
1197 the child. The court may not change the placement of a child who  
1198 has established a bonded relationship with the current caregiver  
1199 without providing for a reasonable transition plan consistent  
1200 with the best interests of the child. The court may direct the  
1201 parties to participate in a reunification or unification plan  
1202 with a qualified professional to assist the child in the  
1203 transition. The court may order scientific testing to determine  
1204 the paternity of the minor only if the court has determined that  
1205 the consent of the alleged father would be required, unless all  
1206 parties agree that such testing is in the best interests of the  
1207 child. The court may not order scientific testing to determine

335249 - h1163-strike.docx

Published On: 1/23/2012 11:42:49 AM

Amendment No.

1208 paternity of an unmarried biological father if the child has a  
1209 father as described in s. 63.088(4)(a)-(d) whose rights have not  
1210 been previously terminated at any time during which the court  
1211 has jurisdiction over the minor. Further proceedings, if any,  
1212 regarding the minor must be brought in a separate custody action  
1213 under chapter 61, a dependency action under chapter 39, or a  
1214 paternity action under chapter 742.

1215 (7) RELIEF FROM JUDGMENT TERMINATING PARENTAL RIGHTS.—

1216 (a) A motion for relief from a judgment terminating  
1217 parental rights must be filed with the court originally entering  
1218 the judgment. The motion must be filed within a reasonable time,  
1219 but not later than 1 year after the entry of the judgment. An  
1220 unmarried biological father does not have standing to seek  
1221 relief from a judgment terminating parental rights if the mother  
1222 did not identify him to the adoption entity before the date she  
1223 signed a consent for adoption or if he was not located because  
1224 the mother failed or refused to provide sufficient information  
1225 to locate him.

1226 (b) No later than 30 days after the filing of a motion  
1227 under this subsection, the court must conduct a preliminary  
1228 hearing to determine what contact, if any, shall be permitted  
1229 between a parent and the child pending resolution of the motion.  
1230 Such contact shall be considered only if it is requested by a  
1231 parent who has appeared at the hearing and may not be awarded  
1232 unless the parent previously established a bonded relationship  
1233 with the child and the parent has pled a legitimate legal basis  
1234 and established a prima facie case for setting aside the  
1235 judgment terminating parental rights. If the court orders

335249 - h1163-strike.docx

Published On: 1/23/2012 11:42:49 AM

Amendment No.

1236 contact between a parent and child, the order must be issued in  
1237 writing as expeditiously as possible and must state with  
1238 specificity any provisions regarding contact with persons other  
1239 than those with whom the child resides.

1240 (c) At the preliminary hearing, the court, upon the motion  
1241 of any party or upon its own motion, may order scientific  
1242 testing to determine the paternity of the minor if the person  
1243 seeking to set aside the judgment is alleging to be the child's  
1244 father and that fact has not previously been determined by  
1245 legitimacy or scientific testing. The court may order visitation  
1246 with a person for whom scientific testing for paternity has been  
1247 ordered and who has previously established a bonded relationship  
1248 with the child.

1249 (d) Unless otherwise agreed between the parties or for  
1250 good cause shown, the court shall conduct a final hearing on the  
1251 motion for relief from judgment within 45 days after the filing  
1252 and enter its written order as expeditiously as possible  
1253 thereafter.

1254 (e) If the court grants relief from the judgment  
1255 terminating parental rights and no new pleading is filed to  
1256 terminate parental rights, the placement of the child should  
1257 revert to the parent or guardian who had physical custody of the  
1258 child at the time of the original placement for adoption unless  
1259 the court determines upon clear and convincing evidence that  
1260 this placement is not in the best interests of the child or is  
1261 not an available option for the child. The court may not change  
1262 the placement of a child who has established a bonded  
1263 relationship with the current caregiver without providing for a

Amendment No.

1264 reasonable transition plan consistent with the best interests of  
1265 the child. The court may direct the parties to participate in a  
1266 reunification or unification plan with a qualified professional  
1267 to assist the child in the transition. The court may not direct  
1268 the placement of a child with a person other than the adoptive  
1269 parents without first obtaining a favorable home study of that  
1270 person and any other persons residing in the proposed home and  
1271 shall take whatever additional steps are necessary and  
1272 appropriate for the physical and emotional protection of the  
1273 child.

1274 Section 19. Subsection (3) of section 63.092, Florida  
1275 Statutes, is amended to read:

1276 63.092 Report to the court of intended placement by an  
1277 adoption entity; at-risk placement; preliminary study.—

1278 (3) PRELIMINARY HOME STUDY.—Before placing the minor in  
1279 the intended adoptive home, a preliminary home study must be  
1280 performed by a licensed child-placing agency, a child-caring  
1281 agency registered under s. 409.176, a licensed professional, or  
1282 agency described in s. 61.20(2), unless the adoptee is an adult  
1283 or the petitioner is a stepparent or a relative. If the adoptee  
1284 is an adult or the petitioner is a stepparent or a relative, a  
1285 preliminary home study may be required by the court for good  
1286 cause shown. The department is required to perform the  
1287 preliminary home study only if there is no licensed child-  
1288 placing agency, child-caring agency registered under s. 409.176,  
1289 licensed professional, or agency described in s. 61.20(2), in  
1290 the county where the prospective adoptive parents reside. The  
1291 preliminary home study must be made to determine the suitability

335249 - h1163-strike.docx

Published On: 1/23/2012 11:42:49 AM

Amendment No.

1292 of the intended adoptive parents and may be completed prior to  
1293 identification of a prospective adoptive minor. A favorable  
1294 preliminary home study is valid for 1 year after the date of its  
1295 completion. Upon its completion, a signed copy of the home study  
1296 must be provided to the intended adoptive parents who were the  
1297 subject of the home study. A minor may not be placed in an  
1298 intended adoptive home before a favorable preliminary home study  
1299 is completed unless the adoptive home is also a licensed foster  
1300 home under s. 409.175. The preliminary home study must include,  
1301 at a minimum:

1302 (a) An interview with the intended adoptive parents;

1303 (b) Records checks of the department's central abuse  
1304 registry and criminal records correspondence checks under s.  
1305 39.0138 through the Department of Law Enforcement on the  
1306 intended adoptive parents;

1307 (c) An assessment of the physical environment of the home;

1308 (d) A determination of the financial security of the  
1309 intended adoptive parents;

1310 (e) Documentation of counseling and education of the  
1311 intended adoptive parents on adoptive parenting;

1312 (f) Documentation that information on adoption and the  
1313 adoption process has been provided to the intended adoptive  
1314 parents;

1315 (g) Documentation that information on support services  
1316 available in the community has been provided to the intended  
1317 adoptive parents; and

1318 (h) A copy of each signed acknowledgment of receipt of  
1319 disclosure required by s. 63.085.

335249 - h1163-strike.docx

Published On: 1/23/2012 11:42:49 AM



Amendment No.

1320  
1321 If the preliminary home study is favorable, a minor may be  
1322 placed in the home pending entry of the judgment of adoption. A  
1323 minor may not be placed in the home if the preliminary home  
1324 study is unfavorable. If the preliminary home study is  
1325 unfavorable, the adoption entity may, within 20 days after  
1326 receipt of a copy of the written recommendation, petition the  
1327 court to determine the suitability of the intended adoptive  
1328 home. A determination as to suitability under this subsection  
1329 does not act as a presumption of suitability at the final  
1330 hearing. In determining the suitability of the intended adoptive  
1331 home, the court must consider the totality of the circumstances  
1332 in the home. A ~~No~~ minor may not be placed in a home in which  
1333 there resides any person determined by the court to be a sexual  
1334 predator as defined in s. 775.21 or to have been convicted of an  
1335 offense listed in s. 63.089(4)(b)2.

1336 Section 20. Section 63.152, Florida Statutes, is amended  
1337 to read:

1338 63.152 Application for new birth record.—Within 30 days  
1339 after entry of a judgment of adoption, the clerk of the court or  
1340 the adoption entity shall transmit a certified statement of the  
1341 entry to the state registrar of vital statistics on a form  
1342 provided by the registrar. A new birth record containing the  
1343 necessary information supplied by the certificate shall be  
1344 issued by the registrar on application of the adopting parents  
1345 or the adopted person.

1346 Section 21. Subsection (7) of section 63.162, Florida  
1347 Statutes, is amended to read:

335249 - h1163-strike.docx

Published On: 1/23/2012 11:42:49 AM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1163 (2012)

Amendment No.

1348 63.162 Hearings and records in adoption proceedings;  
1349 confidential nature.-

1350 (7) The court may, upon petition of an adult adoptee or  
1351 birth parent, for good cause shown, appoint an intermediary or a  
1352 licensed child-placing agency to contact a birth parent or adult  
1353 adoptee, as applicable, who has not registered with the adoption  
1354 registry pursuant to s. 63.165 and advise both ~~them~~ of the  
1355 availability of the intermediary or agency and that the birth  
1356 parent or adult adoptee, as applicable, wishes to establish  
1357 contact ~~same~~.

1358 Section 22. Paragraph (c) of subsection (2) of section  
1359 63.167, Florida Statutes, is amended to read:

1360 63.167 State adoption information center.-

1361 (2) The functions of the state adoption information center  
1362 shall include:

1363 (c) Operating a toll-free telephone number to provide  
1364 information and referral services. The state adoption  
1365 information center shall provide contact information for all  
1366 adoption entities in the caller's county or, if no adoption  
1367 entities are located in the caller's county, the number of the  
1368 nearest adoption entity when contacted for a referral to make an  
1369 adoption plan and shall rotate the order in which the names of  
1370 adoption entities are provided to callers.

1371 Section 23. Paragraph (g) of subsection (1) and  
1372 subsections (2) and (8) of section 63.212, Florida Statutes, are  
1373 amended to read:

1374 63.212 Prohibited acts; penalties for violation.-

1375 (1) It is unlawful for any person:

335249 - h1163-strike.docx

Published On: 1/23/2012 11:42:49 AM

Amendment No.

1376 (g) Except an adoption entity, to advertise or offer to  
1377 the public, in any way, by any medium whatever that a minor is  
1378 available for adoption or that a minor is sought for adoption;  
1379 and, further, it is unlawful for any person to publish or  
1380 broadcast any such advertisement or assist an unlicensed person  
1381 or entity in publishing or broadcasting any such advertisement  
1382 without including a Florida license number of the agency or  
1383 attorney placing the advertisement. Only a person who is an  
1384 attorney licensed to practice law in this state or an adoption  
1385 entity licensed under the laws of this state may place a paid  
1386 advertisement or paid listing of the person's telephone number,  
1387 on the person's own behalf, in a telephone directory that:

1388 1. A child is offered or wanted for adoption; or

1389 2. The person is able to place, locate, or receive a child  
1390 for adoption.

1391 (b) A person who publishes a telephone directory that is  
1392 distributed in this state:

1393 1. Shall include, at the beginning of any classified  
1394 heading for adoption and adoption services, a statement that  
1395 informs directory users that only attorneys licensed to practice  
1396 law in this state and licensed adoption entities may legally  
1397 provide adoption services under state law.

1398 2. May publish an advertisement described in paragraph (a)  
1399 in the telephone directory only if the advertisement contains  
1400 the following:

1401 a. For an attorney licensed to practice law in this state,  
1402 the person's Florida Bar number.

Amendment No.

1403 b. For a child placing agency licensed under the laws of  
1404 this state, the number on the person's adoption entity license.

1405 (2) Any person who is a birth mother, or a woman who holds  
1406 herself out to be a birth mother, who is interested in making an  
1407 adoption plan and who knowingly or intentionally benefits from  
1408 the payment of adoption-related expenses in connection with that  
1409 adoption plan commits adoption deception if:

1410 (a) The person knows or should have known that the person  
1411 is not pregnant at the time the sums were requested or received;

1412 (b) The person accepts living expenses assistance from a  
1413 prospective adoptive parent or adoption entity without  
1414 disclosing that she is receiving living expenses assistance from  
1415 another prospective adoptive parent or adoption entity at the  
1416 same time in an effort to adopt the same child; or

1417 (c) The person knowingly makes false representations to  
1418 induce the payment of living expenses and does not intend to  
1419 make an adoptive placement.

1420 ~~It is unlawful for:~~

1421 ~~(a) Any person or adoption entity under this chapter to:~~

1422 ~~1. Knowingly provide false information; or~~

1423 ~~2. Knowingly withhold material information.~~

1424 ~~(b) A parent, with the intent to defraud, to accept~~  
1425 ~~benefits related to the same pregnancy from more than one~~  
1426 ~~adoption entity without disclosing that fact to each entity.~~

1427  
1428 Any person who willfully commits adoption deception ~~violates any~~  
1429 ~~provision of this subsection~~ commits a misdemeanor of the second  
1430 degree, punishable as provided in s. 775.082 or s. 775.083, if

Amendment No.

1431 the sums received by the birth mother or woman holding herself  
1432 out to be a birth mother do not exceed \$300, and a felony of the  
1433 third degree, punishable as provided in s. 775.082, s. 775.083,  
1434 or s. 775.084, if the sums received by the birth mother or woman  
1435 holding herself out to be a birth mother exceed \$300. In  
1436 addition, the person is liable for damages caused by such acts  
1437 or omissions, including reasonable attorney ~~attorney's~~ fees and  
1438 costs incurred by the adoption entity or the prospective  
1439 adoptive parent. Damages may be awarded through restitution in  
1440 any related criminal prosecution or by filing a separate civil  
1441 action.

1442 (8) Unless otherwise indicated, a person who willfully and  
1443 with criminal intent violates any provision of this section,  
1444 excluding paragraph (1)(g), commits a felony of the third  
1445 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
1446 775.084. A person who willfully and with criminal intent  
1447 violates paragraph (1)(g) commits a misdemeanor of the second  
1448 degree, punishable as provided in s. 775.083; and each day of  
1449 continuing violation shall be considered a separate offense. In  
1450 addition, any person who knowingly publishes or assists with the  
1451 publication of any advertisement or other publication which  
1452 violates the requirements of paragraph (1)(g) commits a  
1453 misdemeanor of the second degree, punishable as provided in s.  
1454 775.083, and may be required to pay a fine of up to \$150 per day  
1455 for each day of continuing violation.

1456 Section 24. Paragraph (b) of subsection (1), paragraphs  
1457 (a) and (e) of subsection (2), and paragraphs (b), (h), and (i)

Amendment No.

1458 of subsection (6) of section 63.213, Florida Statutes, are  
1459 amended to read:

1460 63.213 Preplanned adoption agreement.—

1461 (1) Individuals may enter into a preplanned adoption  
1462 arrangement as specified in this section, but such arrangement  
1463 may not in any way:

1464 (b) Constitute consent of a mother to place her biological  
1465 child for adoption until 48 hours after the ~~following~~ birth of  
1466 the child and unless the court making the custody determination  
1467 or approving the adoption determines that the mother was aware  
1468 of her right to rescind within the 48-hour period after the  
1469 ~~following~~ birth of the child but chose not to rescind such  
1470 consent. The volunteer mother's right to rescind her consent in  
1471 a preplanned adoption applies only when the child is genetically  
1472 related to her.

1473 (2) A preplanned adoption agreement must include, but need  
1474 not be limited to, the following terms:

1475 (a) That the volunteer mother agrees to become pregnant by  
1476 the fertility technique specified in the agreement, to bear the  
1477 child, and to terminate any parental rights and responsibilities  
1478 to the child she might have through a written consent executed  
1479 at the same time as the preplanned adoption agreement, subject  
1480 to a right of rescission by the volunteer mother any time within  
1481 48 hours after the birth of the child, if the volunteer mother  
1482 is genetically related to the child.

1483 (e) That the intended father and intended mother  
1484 acknowledge that they may not receive custody or the parental  
1485 rights under the agreement if the volunteer mother terminates

Amendment No.

1486 the agreement or if the volunteer mother rescinds her consent to  
1487 place her child for adoption within 48 hours after the birth of  
1488 the child, if the volunteer mother is genetically related to the  
1489 child.

1490 (6) As used in this section, the term:

1491 (b) "Child" means the child or children conceived by means  
1492 of a fertility technique ~~an insemination~~ that is part of a  
1493 preplanned adoption arrangement.

1494 (h) "Preplanned adoption arrangement" means the  
1495 arrangement through which the parties enter into an agreement  
1496 for the volunteer mother to bear the child, for payment by the  
1497 intended father and intended mother of the expenses allowed by  
1498 this section, for the intended father and intended mother to  
1499 assert full parental rights and responsibilities to the child if  
1500 consent to adoption is not rescinded after birth by a the  
1501 volunteer mother who is genetically related to the child, and  
1502 for the volunteer mother to terminate, subject to any ~~a~~ right of  
1503 rescission, all her parental rights and responsibilities to the  
1504 child in favor of the intended father and intended mother.

1505 (i) "Volunteer mother" means a female at least 18 years of  
1506 age who voluntarily agrees, subject to a right of rescission if  
1507 it is her biological child, that if she should become pregnant  
1508 pursuant to a preplanned adoption arrangement, she will  
1509 terminate her parental rights and responsibilities to the child  
1510 in favor of the intended father and intended mother.

1511 Section 25. Section 63.222, Florida Statutes, is amended  
1512 to read:

Amendment No.

1513 63.222 Effect on prior adoption proceedings.—Any adoption  
1514 made before July 1, 2012, is the effective date of this act  
1515 ~~shall be valid, and any proceedings pending on that the~~  
1516 ~~effective date and any subsequent amendments thereto of this act~~  
1517 are not affected thereby unless the amendment is designated as a  
1518 remedial provision.

1519 Section 26. Section 63.2325, Florida Statutes, is amended  
1520 to read:

1521 63.2325 Conditions for invalidation ~~revocation~~ of a  
1522 consent to adoption or affidavit of nonpaternity.—  
1523 Notwithstanding the requirements of this chapter, a failure to  
1524 meet any of those requirements does not constitute grounds for  
1525 invalidation ~~revocation~~ of a consent to adoption or revocation  
1526 ~~withdrawal~~ of an affidavit of nonpaternity unless the extent and  
1527 circumstances of such a failure result in a material failure of  
1528 fundamental fairness in the administration of due process, or  
1529 the failure constitutes or contributes to fraud or duress in  
1530 obtaining a consent to adoption or affidavit of nonpaternity.

1531 Section 27. This act shall take effect on July 1, 2012.  
1532  
1533

1534 -----  
1535 **T I T L E A M E N D M E N T**

1536 Remove the entire title and insert:

1537 An act relating to adoption; amending s. 63.022, F.S.; revising  
1538 legislative intent to delete reference to reporting requirements  
1539 for placements of minors and exceptions; amending s. 63.032,  
1540 F.S.; revising definitions; amending s. 63.037, F.S.; exempting

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1163 (2012)

Amendment No.

1541 adoption proceedings initiated under chapter 39, F.S., from a  
1542 requirement for a search of the Florida Putative Father  
1543 Registry; amending s. 63.039, F.S.; providing that all adoptions  
1544 of minor children require the use of an adoption entity that  
1545 will assume the responsibilities provided in specified  
1546 provisions; providing an exception; amending s. 63.042, F.S.;  
1547 revising terminology relating to who may adopt; amending s.  
1548 63.0423, F.S.; revising terminology relating to surrendered  
1549 infants; providing that an infant who tests positive for illegal  
1550 drugs, narcotic prescription drugs, alcohol, or other  
1551 substances, but shows no other signs of child abuse or neglect,  
1552 is treated as having been properly surrendered; providing that  
1553 if the Department of Children and Family Services is contacted  
1554 regarding a surrendered infant who does not appear to have been  
1555 the victim of actual or suspected child abuse or neglect, it  
1556 shall provide instruction to contact an adoption entity and may  
1557 not take custody of the infant; providing an exception; revising  
1558 provisions relating to scientific testing to determine the  
1559 paternity or maternity of a minor; amending s. 63.0425, F.S.;  
1560 requiring that a child's residence be continuous for a specified  
1561 period in order to entitle the grandparent to notice of certain  
1562 proceedings; amending s. 63.0427, F.S.; prohibiting a court from  
1563 increasing contact between an adopted child and siblings, birth  
1564 parents, or other relatives without the consent of the adoptive  
1565 parent or parents; providing for agreements for contact between  
1566 a child to be adopted and the birth parent, other relative, or  
1567 previous foster parent of the child; amending s. 63.052, F.S.;  
1568 deleting a requirement that a minor be permanently committed to

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1163 (2012)

Amendment No.

1569 an adoption entity in order for the entity to be guardian of the  
1570 person of the minor; limiting the circumstances in which an  
1571 intermediary may remove a child; providing that an intermediary  
1572 does not become responsible for a minor child's medical bills  
1573 that were incurred before taking physical custody of the child;  
1574 providing additional placement options for a minor surrendered  
1575 to an adoption entity for subsequent adoption when a suitable  
1576 prospective adoptive home is not available; amending s. 63.053,  
1577 F.S.; requiring that an unmarried biological father strictly  
1578 comply with specified provisions in order to protect his  
1579 interests; amending s. 63.054, F.S.; authorizing submission of  
1580 an alternative document to the Office of Vital Statistics by the  
1581 petitioner in each proceeding for termination of parental  
1582 rights; providing that by filing a claim of paternity form the  
1583 registrant expressly consents to paying for DNA testing;  
1584 requiring that an alternative address designated by a registrant  
1585 be a physical address; providing that the filing of a claim of  
1586 paternity with the Florida Putative Father Registry does not  
1587 relieve a person from compliance with specified requirements;  
1588 amending s. 63.062, F.S.; revising requirements for when a  
1589 minor's father must be served prior to termination of parental  
1590 rights; requiring that an unmarried biological father comply  
1591 with specified requirements in order for his consent to be  
1592 required for adoption; revising such requirements; providing  
1593 that the mere fact that a father expresses a desire to fulfill  
1594 his responsibilities towards his child which is unsupported by  
1595 acts evidencing this intent does not meet the requirements;  
1596 providing for the sufficiency of an affidavit of nonpaternity;

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Published On: 1/23/2012 11:42:49 AM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1163 (2012)

Amendment No.

1597 providing an exception to a condition to a petition to adopt an  
1598 adult; amending s. 63.063, F.S.; conforming terminology;  
1599 amending s. 63.082, F.S.; revising language concerning  
1600 applicability of notice and consent provisions in cases in which  
1601 the child is conceived as a result of a violation of criminal  
1602 law; providing that a criminal conviction is not required for  
1603 the court to find that the child was conceived as a result of a  
1604 violation of criminal law; requiring an affidavit of diligent  
1605 search to be filed whenever a person who is required to consent  
1606 is unavailable because the person cannot be located; providing  
1607 that in an adoption of a stepchild or a relative, a certified  
1608 copy of the death certificate of the person whose consent is  
1609 required may be attached to the petition for adoption if a  
1610 separate petition for termination of parental rights is not  
1611 being filed; authorizing the execution of an affidavit of  
1612 nonpaternity before the birth of a minor in preplanned  
1613 adoptions; revising language of a consent to adoption; providing  
1614 that a home study provided by the adoption entity shall be  
1615 deemed to be sufficient except in certain circumstances;  
1616 providing for a hearing if an adoption entity moves to intervene  
1617 in a dependency case; revising language concerning seeking to  
1618 revoke consent to an adoption of a child older than 6 months of  
1619 age; providing that if the consent of one parent is set aside or  
1620 revoked, any other consents executed by the other parent or a  
1621 third party whose consent is required for the adoption of the  
1622 child may not be used by the parent who consent was revoked or  
1623 set aside to terminate or diminish the rights of the other  
1624 parent or third party; amending s. 63.085, F.S.; revising

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Published On: 1/23/2012 11:42:49 AM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1163 (2012)

Amendment No.

1625 language of an adoption disclosure statement; requiring that a  
1626 copy of a waiver by prospective adoptive parents of receipt of  
1627 certain records must be filed with the court; amending s.  
1628 63.087, F.S.; specifying that a failure to personally appear at  
1629 a proceeding to terminate parental rights constitutes grounds  
1630 for termination; amending s. 63.088, F.S.; providing that in a  
1631 termination of parental rights proceeding if a required inquiry  
1632 that identifies a father who has been adjudicated by a court as  
1633 the father of the minor child before the date a petition for  
1634 termination of parental rights is filed the inquiry must  
1635 terminate at that point; amending s. 63.089, F.S.; specifying  
1636 that it is a failure to personally appear that provides grounds  
1637 for termination of parental rights in certain circumstances;  
1638 revising provisions relating to dismissal of petitions to  
1639 terminate parental rights; providing that contact between a  
1640 parent seeking relief from a judgment terminating parental  
1641 rights and a child may be awarded only in certain circumstances;  
1642 providing for placement of a child in the event that a court  
1643 grants relief from a judgment terminating parental rights and no  
1644 new pleading is filed to terminate parental rights; amending s.  
1645 63.092, F.S.; requiring that a signed copy of the home study  
1646 must be provided to the intended adoptive parents who were the  
1647 subject of the study; amending s. 63.152, F.S.; authorizing an  
1648 adoption entity to transmit a certified statement of the entry  
1649 of a judgment of adoption to the state registrar of vital  
1650 statistics; amending s. 63.162, F.S.; authorizing a birth parent  
1651 to petition that court to appoint an intermediary or a licensed  
1652 child-placing agency to contact an adult adoptee and advise both

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Published On: 1/23/2012 11:42:49 AM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1163 (2012)

Amendment No.

1653 of the availability of the adoption registry and that the birth  
1654 parent wishes to establish contact; amending s. 63.167, F.S.;  
1655 requiring that the state adoption center provide contact  
1656 information for all adoption entities in a caller's county or,  
1657 if no adoption entities are located in the caller's county, the  
1658 number of the nearest adoption entity when contacted for a  
1659 referral to make an adoption plan; amending s. 63.212, F.S.;  
1660 restricting who may place a paid advertisement or paid listing  
1661 of the person's telephone number offering certain adoption  
1662 services; requiring of publishers of telephone directories to  
1663 include certain statements at the beginning of any classified  
1664 heading for adoption and adoption services; providing  
1665 requirements for such advertisements; providing criminal  
1666 penalties for violations; prohibiting the offense of adoption  
1667 deception by a person who is a birth mother or a woman who holds  
1668 herself out to be a birth mother; providing criminal penalties;  
1669 providing liability by violators for certain damages; amending  
1670 s. 63.213, F.S.; providing that a preplanned adoption  
1671 arrangement does not constitute consent of a mother to place her  
1672 biological child for adoption until 48 hours following birth;  
1673 providing that a volunteer mother's right to rescind her consent  
1674 in a preplanned adoption applies only when the child is  
1675 genetically related to her; revising the definitions of the  
1676 terms "child," "preplanned adoption arrangement," and "volunteer  
1677 mother"; amending s. 63.222, F.S.; providing that provisions  
1678 designated as remedial may apply to any proceedings pending on  
1679 the effective date of the provisions; amending s. 63.2325, F.S.;

335249 - h1163-strike.docx

Published On: 1/23/2012 11:42:49 AM

Page 61 of 62

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1163 (2012)

Amendment No.

1680 revising terminology relating to revocation of consent to  
1681 adoption; providing an effective date.