

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WITHDRAWN	—	(Y/N)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 Committee

3 Representative Adkins offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (4) of section 39.802, Florida
8 Statutes, is amended to read:

9 39.802 Petition for termination of parental rights;
10 filing; elements.—

11 (4) A petition for termination of parental rights filed
12 under this chapter must contain facts supporting the following
13 allegations:

14 (a) That at least one of the grounds listed in s. 39.806
15 has been met.

16 (b) That the parents of the child were informed of their
17 right to counsel at all hearings that they attended and that a
18 dispositional order adjudicating the child dependent was entered

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19 in any prior dependency proceeding relied upon in offering a
20 parent a case plan as described in s. 39.806.

21 (c) That the manifest best interests of the child, in
22 accordance with s. 39.810, would be served by the granting of
23 the petition.

24 (d) That the parents of the child were informed of the
25 availability of private placement of the child with an adoption
26 entity, as defined in s. 63.032(3).

27 Section 2. Paragraphs (e) through (m) of subsection (4) of
28 section 63.022, Florida Statutes, are redesignated as paragraphs
29 (d) through (l), respectively, and subsection (2) and present
30 paragraph (d) of subsection (4) are amended to read:

31 63.022 Legislative intent.—

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

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

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

42 Section 3. Subsections (1), (3), (12), (17), and (19) of
43 section 63.032, Florida Statutes, are amended to read:

44 63.032 Definitions.—As used in this chapter, the term:

45 (1) "Abandoned" means a situation in which the parent or
46 person having legal custody of a child, while being able, makes

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47 little or no provision for the child's support or ~~and~~ makes
48 little or no effort to communicate with the child, which
49 situation is sufficient to evince an intent to reject parental
50 responsibilities. If, in the opinion of the court, the efforts
51 of such parent or person having legal custody of the child to
52 support and communicate with the child are only marginal efforts
53 that do not evince a settled purpose to assume all parental
54 duties, the court may declare the child to be abandoned. In
55 making this decision, the court may consider the conduct of a
56 father towards the child's mother during her pregnancy.

57 (3) "Adoption entity" means the department, ~~an agency,~~ a
58 child-caring agency registered under s. 409.176, an
59 intermediary, a Florida-licensed child-placing agency under s.
60 63.202, or a child-placing agency licensed in another state
61 which is ~~qualified~~ licensed by the department to place children
62 in the State of Florida.

63 (12) "Parent" means a woman who gives birth to a child and
64 who is not a gestational surrogate as defined in s. 742.13 or a
65 man whose consent to the adoption of the child would be required
66 under s. 63.062(1). If a child has been legally adopted, the
67 term "parent" means the adoptive mother or father of the child.
68 The term does not include an individual whose parental
69 relationship to the child has been legally terminated or an
70 alleged or prospective parent.

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

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74 (19) "Unmarried biological father" means the child's
75 biological father who is not married to the child's mother at
76 the time of conception or on the date of the birth of the child
77 and who, before the filing of a petition to terminate parental
78 rights, has not been adjudicated by a court of competent
79 jurisdiction to be the legal father of the child or has not
80 filed ~~executed~~ an affidavit pursuant to s. 382.013(2)(c).

81 Section 4. Section 63.037, Florida Statutes, is amended to
82 read:

83 63.037 Proceedings applicable to cases resulting from a
84 termination of parental rights under chapter 39.—A case in which
85 a minor becomes available for adoption after the parental rights
86 of each parent have been terminated by a judgment entered
87 pursuant to chapter 39 shall be governed by s. 39.812 and this
88 chapter. Adoption proceedings initiated under chapter 39 are
89 exempt from the following provisions of this chapter:

90 requirement for search of the Florida Putative Father Registry
91 provided in s. 63.054(7), if a search was previously completed
92 and documentation of the search is contained in the case file;
93 disclosure requirements for the adoption entity provided in s.
94 63.085(1); general provisions governing termination of parental
95 rights pending adoption provided in s. 63.087; notice and
96 service provisions governing termination of parental rights
97 pending adoption provided in s. 63.088; and procedures for
98 terminating parental rights pending adoption provided in s.
99 63.089.

100 Section 5. Subsections (2) through (4) of section 63.039,
101 Florida Statutes, are renumbered as subsections (3) through (5),

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102 respectively, and a new subsection (2) is added to that section
103 to read:

104 63.039 Duty of adoption entity to prospective adoptive
105 parents; sanctions.—

106 (2) With the exception of an adoption by a relative or
107 stepparent, all adoptions of minor children require the use of
108 an adoption entity that will assume the responsibilities
109 provided in this section.

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

112 63.0423 Procedures with respect to surrendered infants.—

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

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

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

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

146 (4) The parent who surrenders the infant in accordance
147 with s. 383.50 is presumed to have consented to termination of
148 parental rights, and express consent is not required. Except
149 when there is actual or suspected child abuse or neglect, the
150 adoption entity may ~~licensed child-placing agency shall~~ not
151 attempt to pursue, search for, or notify that parent as provided
152 in s. 63.088 and chapter 49. For purposes of s. 383.50 and this
153 section, an infant who tests positive for illegal drugs,
154 narcotic prescription drugs, alcohol, or other substances, but
155 shows no other signs of child abuse or neglect, shall be placed
156 in the custody of an adoption entity. This subsection does not
157 eliminate the reporting requirement under s. 383.50(7). When the

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

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

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

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

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

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

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

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

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

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

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

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

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

227 Section 7. Section 63.0427, Florida Statutes, is amended
228 to read:

229 63.0427 Agreements for Adopted minor's right to continued
230 communication or contact between adopted child and ~~with~~
231 siblings, parents, and other relatives.-

232 (1) A child whose parents have had their parental rights
233 terminated and whose custody has been awarded to the department
234 pursuant to s. 39.811, and who is the subject of a petition for
235 adoption under this chapter, shall have the right to have the
236 court consider the appropriateness of postadoption communication
237 or contact, including, but not limited to, visits, written
238 correspondence, or telephone calls, with his or her siblings or,
239 upon agreement of the adoptive parents, with the parents who
240 have had their parental rights terminated or other specified

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241 biological relatives. The court shall consider the following in
242 making such determination:

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

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

246 (c) Statements of the prospective adoptive parents.

247 (d) Any other information deemed relevant and material by
248 the court.

249
250 If the court determines that the child's best interests will be
251 served by postadoption communication or contact, the court shall
252 so order, stating the nature and frequency of ~~for~~ the
253 communication or contact. This order shall be made a part of the
254 final adoption order, but ~~in no event shall~~ the continuing
255 validity of the adoption may not be contingent upon such
256 postadoption communication or contact and, ~~nor shall~~ the ability
257 of the adoptive parents and child to change residence within or
258 outside the State of Florida may not be impaired by such
259 communication or contact.

260 (2) Notwithstanding ~~the provisions of~~ s. 63.162, the
261 adoptive parent may, at any time, petition for review of a
262 communication or contact order entered pursuant to subsection
263 (1), if the adoptive parent believes that the best interests of
264 the adopted child are being compromised, and the court may ~~shall~~
265 ~~have authority to~~ order the communication or contact to be
266 terminated or modified, as the court deems to be in the best
267 interests of the adopted child; however, the court may not
268 increase contact between the adopted child and siblings, birth

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269 parents, or other relatives without the consent of the adoptive
270 parent or parents. As part of the review process, the court may
271 order the parties to engage in mediation. The department shall
272 not be required to be a party to such review.

273 Section 8. Subsections (1), (2), (3), and (6) of section
274 63.052, Florida Statutes, are amended to read:

275 63.052 Guardians designated; proof of commitment.—

276 (1) For minors who have been placed for adoption with ~~and~~
277 ~~permanently committed to~~ an adoption entity, other than an
278 intermediary, such adoption entity shall be the guardian of the
279 person of the minor and has the responsibility and authority to
280 provide for the needs and welfare of the minor.

281 (2) For minors who have been voluntarily surrendered to an
282 intermediary through an execution of a consent to adoption, the
283 intermediary shall be responsible for the minor until the time a
284 court orders preliminary approval of placement of the minor in
285 the prospective adoptive home, after which time the prospective
286 adoptive parents shall become guardians pending finalization of
287 adoption, subject to the intermediary's right and responsibility
288 to remove the child from the prospective adoptive home if the
289 removal is deemed by the intermediary to be in the best
290 interests ~~interest~~ of the child. The intermediary may not remove
291 the child without a court order unless the child is in danger of
292 imminent harm. The intermediary does not become responsible for
293 the minor child's medical bills that were incurred before taking
294 physical custody of the child after the execution of adoption
295 consents. Prior to the court's entry of an order granting
296 preliminary approval of the placement, the intermediary shall

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297 have the responsibility and authority to provide for the needs
298 and welfare of the minor. A ~~No~~ minor may not ~~shall~~ be placed in
299 a prospective adoptive home until that home has received a
300 favorable preliminary home study, as provided in s. 63.092,
301 completed and approved within 1 year before such placement in
302 the prospective home. The provisions of s. 627.6578 shall remain
303 in effect notwithstanding the guardianship provisions in this
304 section.

305 (3) If a minor is surrendered to an adoption entity for
306 subsequent adoption and a suitable prospective adoptive home is
307 not available pursuant to s. 63.092 at the time the minor is
308 surrendered to the adoption entity, the minor must be placed in
309 a licensed foster care home, or with a person or family that has
310 received a favorable preliminary home study pursuant to
311 subsection (2), or with a relative until such a suitable
312 prospective adoptive home is available.

313 (6) Unless otherwise authorized by law or ordered by the
314 court, the department is not responsible for expenses incurred
315 by other adoption entities participating in a placement of a
316 minor.

317 Section 9. Subsections (2) and (3) of section 63.053,
318 Florida Statutes, are amended to read:

319 63.053 Rights and responsibilities of an unmarried
320 biological father; legislative findings.—

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

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325 and demonstrate a relationship with his child in accordance with
326 the requirements of this chapter. An unmarried biological father
327 has the primary responsibility to protect his rights and is
328 presumed to know that his child may be adopted without his
329 consent unless he strictly complies with ~~the provisions of~~ this
330 chapter and demonstrates a prompt and full commitment to his
331 parental responsibilities.

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

334 Section 10. Subsections (1), (2), (4), and (13) of section
335 63.054, Florida Statutes, are amended to read:

336 63.054 Actions required by an unmarried biological father
337 to establish parental rights; Florida Putative Father Registry.-

338 (1) In order to preserve the right to notice and consent
339 to an adoption under this chapter, an unmarried biological
340 father must, as the "registrant," file a notarized claim of
341 paternity form with the Florida Putative Father Registry
342 maintained by the Office of Vital Statistics of the Department
343 of Health which includes confirmation of his willingness and
344 intent to support the child for whom paternity is claimed in
345 accordance with state law. The claim of paternity may be filed
346 at any time before the child's birth, but may not be filed after
347 the date a petition is filed for termination of parental rights.
348 In each proceeding for termination of parental rights, the
349 petitioner must submit to the Office of Vital Statistics a copy
350 of the petition for termination of parental rights or a document
351 executed by the clerk of the court showing the style of the
352 case, the names of the persons whose rights are sought to be

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

354 The Office of Vital Statistics may not record a claim of
355 paternity after the date a petition for termination of parental
356 rights is filed. The failure of an unmarried biological father
357 to file a claim of paternity with the registry before the date a
358 petition for termination of parental rights is filed also bars
359 him from filing a paternity claim under chapter 742.

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

363 1. The mother identifies him to the adoption entity as a
364 potential biological father by the date she executes a consent
365 for adoption; and

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

370 (b) If an unmarried biological father falls within the
371 exception provided by paragraph (a), the petitioner shall also
372 submit to the Office of Vital Statistics a copy of the notice of
373 intended adoption plan and proof of service of the notice on the
374 potential biological father.

375 (c) An unmarried biological father who falls within the
376 exception provided by paragraph (a) may not file a claim of
377 paternity with the registry or a paternity claim under chapter
378 742 after the 30-day mandatory response date to the notice of
379 intended adoption plan has expired. The Office of Vital

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

382 (2) By filing a claim of paternity form with the Office of
383 Vital Statistics, the registrant expressly consents to submit to
384 and pay for DNA testing upon the request of any party, the
385 registrant, or the adoption entity with respect to the child
386 referenced in the claim of paternity.

387 (4) Upon initial registration, or at any time thereafter,
388 the registrant may designate a physical ~~an~~ address other than
389 his residential address for sending any communication regarding
390 his registration. Similarly, upon initial registration, or at
391 any time thereafter, the registrant may designate, in writing,
392 an agent or representative to receive any communication on his
393 behalf and receive service of process. The agent or
394 representative must file an acceptance of the designation, in
395 writing, in order to receive notice or service of process. The
396 failure of the designated representative or agent of the
397 registrant to deliver or otherwise notify the registrant of
398 receipt of correspondence from the Florida Putative Father
399 Registry is at the registrant's own risk and may ~~shall~~ not serve
400 as a valid defense based upon lack of notice.

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

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407 Section 11. Paragraph (b) of subsection (1), subsections
408 (2), (3), and (4), and paragraph (a) of subsection (8) of
409 section 63.062, Florida Statutes, are amended to read:

410 63.062 Persons required to consent to adoption; affidavit
411 of nonpaternity; waiver of venue.—

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

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

418 1. The minor was conceived or born while the father was
419 married to the mother;

420 2. The minor is his child by adoption;

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

424 4. He has filed an affidavit of paternity pursuant to s.
425 382.013(2)(c) or he is listed on the child's birth certificate
426 before ~~by~~ the date a petition ~~is filed~~ for termination of
427 parental rights is filed; or

428 5. In the case of an unmarried biological father, he has
429 acknowledged in writing, signed in the presence of a competent
430 witness, that he is the father of the minor, has filed such
431 acknowledgment with the Office of Vital Statistics of the
432 Department of Health within the required timeframes, and has
433 complied with the requirements of subsection (2).

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435 The status of the father shall be determined at the time of the
436 filing of the petition to terminate parental rights and may not
437 be modified, except as otherwise provided in s. 63.0423(9) (a),
438 for purposes of his obligations and rights under this chapter by
439 acts occurring after the filing of the petition to terminate
440 parental rights.

441 (2) In accordance with subsection (1), the consent of an
442 unmarried biological father shall be necessary only if the
443 unmarried biological father has complied with the requirements
444 of this subsection.

445 (a)1. With regard to a child who is placed with adoptive
446 parents more than 6 months after the child's birth, an unmarried
447 biological father must have developed a substantial relationship
448 with the child, taken some measure of responsibility for the
449 child and the child's future, and demonstrated a full commitment
450 to the responsibilities of parenthood by providing reasonable
451 and regular financial support to the child in accordance with
452 the unmarried biological father's ability, if not prevented from
453 doing so by the person or authorized agency having lawful
454 custody of the child, and either:

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

459 b. Maintained regular communication with the child or with
460 the person or agency having the care or custody of the child,
461 when physically or financially unable to visit the child or when

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

464 ~~2. The mere fact that an unmarried biological father~~
465 ~~expresses a desire to fulfill his responsibilities towards his~~
466 ~~child which is unsupported by acts evidencing this intent does~~
467 ~~not preclude a finding by the court that the unmarried~~
468 ~~biological father failed to comply with the requirements of this~~
469 ~~subsection.~~

470 ~~2.3.~~ An unmarried biological father who openly lived with
471 the child for at least 6 months within the 1-year period
472 following the birth of the child and immediately preceding
473 placement of the child with adoptive parents and who openly held
474 himself out to be the father of the child during that period
475 shall be deemed to have developed a substantial relationship
476 with the child and to have otherwise met the requirements of
477 this paragraph.

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

484 1. Filed a notarized claim of paternity form with the
485 Florida Putative Father Registry within the Office of Vital
486 Statistics of the Department of Health, which form shall be
487 maintained in the confidential registry established for that
488 purpose and shall be considered filed when the notice is entered
489 in the registry of notices from unmarried biological fathers.

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490 2. Upon service of a notice of an intended adoption plan
491 or a petition for termination of parental rights pending
492 adoption, executed and filed an affidavit in that proceeding
493 stating that he is personally fully able and willing to take
494 responsibility for the child, setting forth his plans for care
495 of the child, and agreeing to a court order of child support and
496 a contribution to the payment of living and medical expenses
497 incurred for the mother's pregnancy and the child's birth in
498 accordance with his ability to pay.

499 3. If he had knowledge of the pregnancy, paid a fair and
500 reasonable amount of the living and medical expenses incurred in
501 connection with the mother's pregnancy and the child's birth, in
502 accordance with his financial ability and when not prevented
503 from doing so by the birth mother or person or authorized agency
504 having lawful custody of the child. The responsibility of the
505 unmarried biological father to provide financial assistance to
506 the birth mother during her pregnancy and to the child after
507 birth is not abated because support is being provided to the
508 birth mother or child by the adoption entity, a prospective
509 adoptive parent, or a third party, nor does it serve as a basis
510 to excuse the birth father's failure to provide support.

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

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

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518 Registry of notices from unmarried biological fathers described
519 in subparagraph (b)1. and that no filing has been found
520 pertaining to the father of the child in question or, if a
521 filing is found, stating the name of the putative father and the
522 time and date of filing. That certificate shall be filed with
523 the court prior to the entry of a final judgment of termination
524 of parental rights.

525 (e) ~~(d)~~ An unmarried biological father who does not comply
526 with each of the conditions provided in this subsection is
527 deemed to have waived and surrendered any rights in relation to
528 the child, including the right to notice of any judicial
529 proceeding in connection with the adoption of the child, and his
530 consent to the adoption of the child is not required.

531 (3) Pursuant to chapter 48, an adoption entity shall serve
532 a notice of intended adoption plan upon any known and locatable
533 unmarried biological father who is identified to the adoption
534 entity by the mother by the date she signs her consent for
535 adoption if the child is 6 months of age or less at the time the
536 consent is executed ~~or who is identified by a diligent search of~~
537 ~~the Florida Putative Father Registry, or upon an entity whose~~
538 ~~consent is required.~~ Service of the notice of intended adoption
539 plan is not required ~~mandatory~~ when the unmarried biological
540 father signs a consent for adoption or an affidavit of
541 nonpaternity or when the child is more than 6 months of age at
542 the time of the execution of the consent by the mother. The
543 notice may be served at any time before the child's birth or
544 before placing the child in the adoptive home. The recipient of
545 the notice may waive service of process by executing a waiver

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546 and acknowledging receipt of the plan. The notice of intended
547 adoption plan must specifically state that if the unmarried
548 biological father desires to contest the adoption plan he must,
549 within 30 days after service, file with the court a verified
550 response that contains a pledge of commitment to the child in
551 substantial compliance with subparagraph (2)(b)2. and a claim of
552 paternity form with the Office of Vital Statistics, and must
553 provide the adoption entity with a copy of the verified response
554 filed with the court and the claim of paternity form filed with
555 the Office of Vital Statistics. The notice must also include
556 instructions for submitting a claim of paternity form to the
557 Office of Vital Statistics and the address to which the claim
558 must be sent. If the party served with the notice of intended
559 adoption plan is an entity whose consent is required, the notice
560 must specifically state that the entity must file, within 30
561 days after service, a verified response setting forth a legal
562 basis for contesting the intended adoption plan, specifically
563 addressing the best interests ~~interest~~ of the child.

564 (a) If the unmarried biological father or entity whose
565 consent is required fails to timely and properly file a verified
566 response with the court and, in the case of an unmarried
567 biological father, a claim of paternity form with the Office of
568 Vital Statistics, the court shall enter a default judgment
569 against the ~~any~~ unmarried biological father or entity and the
570 consent of that unmarried biological father or entity shall no
571 longer be required under this chapter and shall be deemed to
572 have waived any claim of rights to the child. To avoid an entry

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

575 1. The unmarried biological father must:

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

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

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

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

586 (b) If the mother identifies a potential unmarried
587 biological father within the timeframes required by the statute,
588 whose location is unknown, the adoption entity shall conduct a
589 diligent search pursuant to s. 63.088. If, upon completion of a
590 diligent search, the potential unmarried biological father's
591 location remains unknown and a search of the Florida Putative
592 Father Registry fails to reveal a match, the adoption entity
593 shall request in the petition for termination of parental rights
594 pending adoption that the court declare the diligent search to
595 be in compliance with s. 63.088, that the adoption entity has no
596 further obligation to provide notice to the potential unmarried
597 biological father, and that the potential unmarried biological
598 father's consent to the adoption is not required.

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

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601 of nonpaternity in lieu of a consent under this section and by
602 doing so waives notice to all court proceedings after the date
603 of execution. An affidavit of nonpaternity must be executed as
604 provided in s. 63.082. The affidavit of nonpaternity may be
605 executed prior to the birth of the child. The person executing
606 the affidavit must receive disclosure under s. 63.085 prior to
607 signing the affidavit. For purposes of this chapter, an
608 affidavit of nonpaternity is sufficient if it contains a
609 specific denial of parental obligations and does not need to
610 deny the existence of a biological relationship.

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

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

615 Section 12. Subsection (2) of section 63.063, Florida
616 Statutes, is amended to read:

617 63.063 Responsibility of parents for actions; fraud or
618 misrepresentation; contesting termination of parental rights and
619 adoption.—

620 (2) Any person injured by a fraudulent representation or
621 action in connection with an adoption may pursue civil or
622 criminal penalties as provided by law. A fraudulent
623 representation is not a defense to compliance with the
624 requirements of this chapter and is not a basis for dismissing a
625 petition for termination of parental rights or a petition for
626 adoption, for vacating an adoption decree, or for granting
627 custody to the offended party. Custody and adoption

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

630 Section 13. Paragraph (d) of subsection (1), paragraphs
631 (c) and (d) of subsection (3), paragraphs (a), (d), and (e) of
632 subsection (4), and subsections (6) and (7) of section 63.082,
633 Florida Statutes, are amended to read:

634 63.082 Execution of consent to adoption or affidavit of
635 nonpaternity; family social and medical history; revocation
636 ~~withdrawal~~ of consent.-

637 (1)

638 (d) The ~~notice and~~ consent provisions of this chapter as
639 they relate to the father ~~birth~~ of a child ~~or to legal fathers~~
640 do not apply in cases in which the child is conceived as a
641 result of a violation of the criminal laws of this or another
642 state or country, including, but not limited to, sexual battery,
643 unlawful sexual activity with certain minors under s. 794.05,
644 lewd acts perpetrated upon a minor, or incest. Notice shall be
645 provided to the father of a child, alleged to have been
646 conceived as a result of a violation of the criminal laws of
647 this or another state or country, if no criminal charges have
648 been filed. A criminal conviction is not required for the court
649 to find that the child was conceived as a result of a violation
650 of the criminal laws of this state or another state or country.

651 (3)

652 (c) If any person who is required to consent is
653 unavailable because the person cannot be located, an ~~the~~
654 ~~petition to terminate parental rights pending adoption must be~~

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655 ~~accompanied by the~~ affidavit of diligent search required under
656 s. 63.088 shall be filed.

657 (d) If any person who is required to consent is
658 unavailable because the person is deceased, the petition to
659 terminate parental rights pending adoption must be accompanied
660 by a certified copy of the death certificate. In an adoption of
661 a stepchild or a relative, the certified copy of the death
662 certificate of the person whose consent is required ~~may~~ must be
663 attached to the petition for adoption if a separate petition for
664 termination of parental rights is not being filed.

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

669 (d) The consent to adoption or the affidavit of
670 nonpaternity must be signed in the presence of two witnesses and
671 be acknowledged before a notary public who is not signing as one
672 of the witnesses. The notary public must legibly note on the
673 consent or the affidavit the date and time of execution. The
674 witnesses' names must be typed or printed underneath their
675 signatures. The witnesses' home or business addresses must be
676 included. The person who signs the consent or the affidavit has
677 the right to have at least one of the witnesses be an individual
678 who does not have an employment, professional, or personal
679 relationship with the adoption entity or the prospective
680 adoptive parents. The adoption entity must give reasonable
681 advance notice to the person signing the consent or affidavit of
682 the right to select a witness of his or her own choosing. The

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683 person who signs the consent or affidavit must acknowledge in
684 writing on the consent or affidavit that such notice was given
685 and indicate the witness, if any, who was selected by the person
686 signing the consent or affidavit. The adoption entity must
687 include its name, address, and telephone number on the consent
688 to adoption or affidavit of nonpaternity.

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

693 CONSENT TO ADOPTION

694
695 YOU HAVE THE RIGHT TO SELECT AT LEAST ONE PERSON WHO DOES NOT
696 HAVE AN EMPLOYMENT, PROFESSIONAL, OR PERSONAL RELATIONSHIP WITH
697 THE ADOPTION ENTITY OR THE PROSPECTIVE ADOPTIVE PARENTS TO BE
698 PRESENT WHEN THIS AFFIDAVIT IS EXECUTED AND TO SIGN IT AS A
699 WITNESS. YOU MUST ACKNOWLEDGE ON THIS FORM THAT YOU WERE
700 NOTIFIED OF THIS RIGHT AND YOU MUST INDICATE THE WITNESS OR
701 WITNESSES YOU SELECTED, IF ANY.

702
703 YOU DO NOT HAVE TO SIGN THIS CONSENT FORM. YOU MAY DO ANY OF THE
704 FOLLOWING INSTEAD OF SIGNING THIS CONSENT OR BEFORE SIGNING THIS
705 CONSENT:

- 706
- 707 1. CONSULT WITH AN ATTORNEY;
 - 708 2. HOLD, CARE FOR, AND FEED THE CHILD UNLESS OTHERWISE
 - 709 LEGALLY PROHIBITED;

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

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

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

718

719 IF YOU DO SIGN THIS CONSENT, YOU ARE GIVING UP ALL RIGHTS TO
720 YOUR CHILD. YOUR CONSENT IS VALID, BINDING, AND IRREVOCABLE
721 EXCEPT UNDER SPECIFIC LEGAL CIRCUMSTANCES. IF YOU ARE GIVING UP
722 YOUR RIGHTS TO A NEWBORN CHILD WHO IS TO BE IMMEDIATELY PLACED
723 FOR ADOPTION UPON THE CHILD'S RELEASE FROM A LICENSED HOSPITAL
724 OR BIRTH CENTER FOLLOWING BIRTH, A WAITING PERIOD WILL BE
725 IMPOSED UPON THE BIRTH MOTHER BEFORE SHE MAY SIGN THE CONSENT
726 FOR ADOPTION. A BIRTH MOTHER MUST WAIT 48 HOURS FROM THE TIME OF
727 BIRTH, OR UNTIL THE DAY THE BIRTH MOTHER HAS BEEN NOTIFIED IN
728 WRITING, EITHER ON HER PATIENT CHART OR IN RELEASE PAPERS, THAT
729 SHE IS FIT TO BE RELEASED FROM A LICENSED HOSPITAL OR BIRTH
730 CENTER, WHICHEVER IS SOONER, BEFORE THE CONSENT FOR ADOPTION MAY
731 BE EXECUTED. ANY MAN MAY EXECUTE A CONSENT AT ANY TIME AFTER THE
732 BIRTH OF THE CHILD. ONCE YOU HAVE SIGNED THE CONSENT, IT IS
733 VALID, BINDING, AND IRREVOCABLE AND CANNOT BE INVALIDATED
734 ~~WITHDRAWN~~ UNLESS A COURT FINDS THAT IT WAS OBTAINED BY FRAUD OR
735 DURESS.

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

- 739
- 740 1. NOTIFY THE ADOPTION ENTITY, BY WRITING A LETTER, THAT
 - 741 YOU WISH TO WITHDRAW YOUR CONSENT; AND
 - 742 2. PROVE IN COURT THAT THE CONSENT WAS OBTAINED BY FRAUD
 - 743 OR DURESS.
- 744

745 This statement of rights is not required for the adoption of a
746 relative, an adult, a stepchild, or a child older than 6 months
747 of age. A consent form for the adoption of a child older than 6
748 months of age at the time of the execution of consent must
749 contain a statement outlining the revocation rights provided in
750 paragraph (c).

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

756 (b) Upon execution of the consent of the parent, the
757 adoption entity shall be permitted to ~~may~~ intervene in the
758 dependency case as a party in interest and must provide the
759 court that acquired ~~having~~ jurisdiction over the minor, pursuant
760 to the shelter or dependency petition filed by the department, a
761 copy of the preliminary home study of the prospective adoptive
762 parents and any other evidence of the suitability of the
763 placement. The preliminary home study must be maintained with
764 strictest confidentiality within the dependency court file and

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765 the department's file. A preliminary home study must be provided
766 to the court in all cases in which an adoption entity has
767 intervened pursuant to this section. Unless the court has
768 concerns regarding the qualifications of the home study
769 provider, or concerns that the home study may not be adequate to
770 determine the best interests of the child, the home study
771 provided by the adoption entity shall be deemed to be sufficient
772 and no additional home study needs to be performed by the
773 department.

774 (c) If an adoption entity files a motion to intervene in
775 the dependency case in accordance with this chapter, the
776 dependency court shall promptly grant a hearing to determine
777 whether the adoption entity has filed the required documents to
778 be permitted to intervene and whether a change of placement of
779 the child is appropriate.

780 (d) ~~(e)~~ Upon a determination by the court that the
781 prospective adoptive parents are properly qualified to adopt the
782 minor child and that the adoption appears to be in the best
783 interests interest of the minor child, the court shall
784 immediately order the transfer of custody of the minor child to
785 the prospective adoptive parents, under the supervision of the
786 adoption entity. The adoption entity shall thereafter provide
787 monthly supervision reports to the department until finalization
788 of the adoption. If the child has been determined to be
789 dependent by the court, the department shall provide information
790 to the prospective adoptive parents at the time they receive
791 placement of the dependent child regarding approved parent
792 training classes available within the community. An

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793 acknowledgement of receipt of the information regarding approved
794 parent training classes available within the community shall be
795 filed with the court by the department.

796 (e) ~~(d)~~ In determining whether the best interests ~~interest~~
797 of the child are ~~is~~ served by transferring the custody of the
798 minor child to the prospective adoptive parent selected by the
799 parent, the court shall consider the rights of the parent to
800 determine an appropriate placement for the child, the permanency
801 offered, the child's bonding with any potential adoptive home
802 that the child has been residing in, and the importance of
803 maintaining sibling relationships, if possible.

804 (f) The adoption entity shall be responsible for keeping
805 the dependency court informed of the status of the adoption
806 proceedings at least every 90 days from the date of the order
807 changing placement of the child until the date of finalization
808 of the adoption.

809 (g) In all dependency proceedings, it shall be the
810 responsibility of the department and the court to advise the
811 biological parent of the right to participate in a private
812 adoption plan at the time the petition for termination of
813 parental rights is filed.

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

817 (a) The person seeking to revoke ~~withdraw~~ consent must, in
818 accordance with paragraph (4) (c), notify the adoption entity in
819 writing by certified mail, return receipt requested, within 3
820 business days after execution of the consent. As used in this

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821 subsection, the term "business day" means any day on which the
822 United States Postal Service accepts certified mail for
823 delivery.

824 (b) Upon receiving timely written notice from a person
825 whose consent to adoption is required of that person's desire to
826 revoke ~~withdraw~~ consent, the adoption entity must contact the
827 prospective adoptive parent to arrange a time certain for the
828 adoption entity to regain physical custody of the minor, unless,
829 upon a motion for emergency hearing by the adoption entity, the
830 court determines in written findings that placement of the minor
831 with the person who had legal or physical custody of the child
832 immediately before the child was placed for adoption may
833 endanger the minor or that the person who desires to revoke
834 ~~withdraw~~ consent is not required to consent to the adoption, has
835 been determined to have abandoned the child, or is otherwise
836 subject to a determination that the person's consent is waived
837 under this chapter.

838 (c) If the court finds that the placement may endanger the
839 minor, the court shall enter an order continuing the placement
840 of the minor with the prospective adoptive parents pending
841 further proceedings if they desire continued placement. If the
842 prospective adoptive parents do not desire continued placement,
843 the order must include, but need not be limited to, a
844 determination of whether temporary placement in foster care,
845 with the person who had legal or physical custody of the child
846 immediately before placing the child for adoption, or with a
847 relative is in the best interests ~~interest~~ of the child and
848 whether an investigation by the department is recommended.

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849 (d) If the person revoking ~~withdrawing~~ consent claims to
850 be the father of the minor but has not been established to be
851 the father by marriage, court order, or scientific testing, the
852 court may order scientific paternity testing and reserve ruling
853 on removal of the minor until the results of such testing have
854 been filed with the court.

855 (e) The adoption entity must return the minor within 3
856 business days after timely and proper notification of the
857 revocation ~~withdrawal~~ of consent or after the court determines
858 that revocation ~~withdrawal~~ is timely and in accordance with the
859 requirements of this chapter ~~valid and binding~~ upon
860 consideration of an emergency motion, as filed pursuant to
861 paragraph (b), to the physical custody of the person revoking
862 ~~withdrawing~~ consent or the person directed by the court. If the
863 person seeking to revoke ~~withdraw~~ consent claims to be the
864 father of the minor but has not been established to be the
865 father by marriage, court order, or scientific testing, the
866 adoption entity may return the minor to the care and custody of
867 the mother, if she desires such placement and she is not
868 otherwise prohibited by law from having custody of the child.

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

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

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877 (h) If the consent of one parent is set aside or revoked
878 in accordance with this chapter, any other consents executed by
879 the other parent or a third party whose consent is required for
880 the adoption of the child may not be used by the parent who
881 consent was revoked or set aside to terminate or diminish the
882 rights of the other parent or third party whose consent was
883 required for the adoption of the child.

884 Section 14. Subsection (1) and paragraph (a) of subsection
885 (2) of section 63.085, Florida Statutes, are amended, and
886 paragraph (c) is added to subsection (2) of that section, to
887 read:

888 63.085 Disclosure by adoption entity.-

889 (1) DISCLOSURE REQUIRED TO PARENTS AND PROSPECTIVE
890 ADOPTIVE PARENTS.-Within 14 days after a person seeking to adopt
891 a minor or a person seeking to place a minor for adoption
892 contacts an adoption entity in person or provides the adoption
893 entity with a mailing address, the entity must provide a written
894 disclosure statement to that person if the entity agrees or
895 continues to work with the person. The adoption entity shall
896 also provide the written disclosure to the parent who did not
897 initiate contact with the adoption entity within 14 days after
898 that parent is identified and located. For purposes of providing
899 the written disclosure, a person is considered to be seeking to
900 place a minor for adoption if that person has sought information
901 or advice from the adoption entity regarding the option of
902 adoptive placement. The written disclosure statement must be in
903 substantially the following form:

904

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ADOPTION DISCLOSURE

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

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

Name:

Address:

Telephone Number:

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

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

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

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932 5. A consent for adoption signed before the child attains
933 the age of 6 months is binding and irrevocable from the moment
934 it is signed unless it can be proven in court that the consent
935 was obtained by fraud or duress. A consent for adoption signed
936 after the child attains the age of 6 months is valid from the
937 moment it is signed; however, it may be revoked up to 3 business
938 days after it was signed.

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

942 7. An unmarried biological father must act immediately in
943 order to protect his parental rights. Section 63.062, Florida
944 Statutes, prescribes that any father seeking to establish his
945 right to consent to the adoption of his child must file a claim
946 of paternity with the Florida Putative Father Registry
947 maintained by the Office of Vital Statistics of the Department
948 of Health by the date a petition to terminate parental rights is
949 filed with the court, or within 30 days after receiving service
950 of a Notice of Intended Adoption Plan. If he receives a Notice
951 of Intended Adoption Plan, he must file a claim of paternity
952 with the Florida Putative Father Registry, file a parenting plan
953 with the court, and provide financial support to the mother or
954 child within 30 days following service. An unmarried biological
955 father's failure to timely respond to a Notice of Intended
956 Adoption Plan constitutes an irrevocable legal waiver of any and
957 all rights that the father may have to the child. A claim of
958 paternity registration form for the Florida Putative Father
959 Registry may be obtained from any local office of the Department

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960 of Health, Office of Vital Statistics, the Department of
961 Children and Families, the Internet websites for these agencies,
962 and the offices of the clerks of the Florida circuit courts. The
963 claim of paternity form must be submitted to the Office of Vital
964 Statistics, Attention: Adoption Unit, P.O. Box 210,
965 Jacksonville, FL 32231.

966 8. There are alternatives to adoption, including foster
967 care, relative care, and parenting the child. There may be
968 services and sources of financial assistance in the community
969 available to parents if they choose to parent the child.

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

974 10. A parent 14 years of age or younger must have a
975 parent, legal guardian, or court-appointed guardian ad litem to
976 assist and advise the parent as to the adoption plan and to
977 witness consent.

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

980 12. The payment of living or medical expenses by the
981 prospective adoptive parents before the birth of the child does
982 not, in any way, obligate the parent to sign the consent for
983 adoption.

984 (2) DISCLOSURE TO ADOPTIVE PARENTS.—

985 (a) At the time that an adoption entity is responsible for
986 selecting prospective adoptive parents for a born or unborn
987 child whose parents are seeking to place the child for adoption

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988 or whose rights were terminated pursuant to chapter 39, the
989 adoption entity must provide the prospective adoptive parents
990 with information concerning the background of the child to the
991 extent such information is disclosed to the adoption entity by
992 the parents, legal custodian, or the department. This subsection
993 applies only if the adoption entity identifies the prospective
994 adoptive parents and supervises the ~~physical~~ placement of the
995 child in the prospective adoptive parents' home. If any
996 information cannot be disclosed because the records custodian
997 failed or refused to produce the background information, the
998 adoption entity has a duty to provide the information if it
999 becomes available. An individual or entity contacted by an
1000 adoption entity to obtain the background information must
1001 release the requested information to the adoption entity without
1002 the necessity of a subpoena or a court order. In all cases, the
1003 prospective adoptive parents must receive all available
1004 information by the date of the final hearing on the petition for
1005 adoption. The information to be disclosed includes:

- 1006 1. A family social and medical history form completed
1007 pursuant to s. 63.162(6).
- 1008 2. The biological mother's medical records documenting her
1009 prenatal care and the birth and delivery of the child.
- 1010 3. A complete set of the child's medical records
1011 documenting all medical treatment and care since the child's
1012 birth and before placement.
- 1013 4. All mental health, psychological, and psychiatric
1014 records, reports, and evaluations concerning the child before
1015 placement.

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1016 5. The child's educational records, including all records
1017 concerning any special education needs of the child before
1018 placement.

1019 6. Records documenting all incidents that required the
1020 department to provide services to the child, including all
1021 orders of adjudication of dependency or termination of parental
1022 rights issued pursuant to chapter 39, any case plans drafted to
1023 address the child's needs, all protective services
1024 investigations identifying the child as a victim, and all
1025 guardian ad litem reports filed with the court concerning the
1026 child.

1027 7. Written information concerning the availability of
1028 adoption subsidies for the child, if applicable.

1029 (c) If the prospective adoptive parents waive the receipt
1030 of any of the records described in paragraph (a), a copy of the
1031 written notification of the waiver to the adoption entity shall
1032 be filed with the court.

1033 Section 15. Subsection (6) of section 63.087, Florida
1034 Statutes, is amended to read:

1035 63.087 Proceeding to terminate parental rights pending
1036 adoption; general provisions.—

1037 (6) ANSWER AND APPEARANCE REQUIRED.—An answer to the
1038 petition or any pleading requiring an answer must be filed in
1039 accordance with the Florida Family Law Rules of Procedure.
1040 Failure to file a written response to the petition constitutes
1041 grounds upon which the court may terminate parental rights.
1042 Failure to personally appear at the hearing constitutes grounds
1043 upon which the court may terminate parental rights. Any person

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1044 present at the hearing to terminate parental rights pending
1045 adoption whose consent to adoption is required under s. 63.062
1046 must:

1047 (a) Be advised by the court that he or she has a right to
1048 ask that the hearing be reset for a later date so that the
1049 person may consult with an attorney; and

1050 (b) Be given an opportunity to admit or deny the
1051 allegations in the petition.

1052 Section 16. Subsection (4) of section 63.088, Florida
1053 Statutes, is amended to read:

1054 63.088 Proceeding to terminate parental rights pending
1055 adoption; notice and service; diligent search.-

1056 (4) REQUIRED INQUIRY.-In proceedings initiated under s.
1057 63.087, the court shall conduct an inquiry of the person who is
1058 placing the minor for adoption and of any relative or person
1059 having legal custody of the minor who is present at the hearing
1060 and likely to have the following information regarding the
1061 identity of:

1062 (a) Any man to whom the mother of the minor was married at
1063 any time when conception of the minor may have occurred or at
1064 the time of the birth of the minor;

1065 (b) Any man who has filed an affidavit of paternity
1066 pursuant to s. 382.013(2)(c) before the date that a petition for
1067 termination of parental rights is filed with the court;

1068 (c) Any man who has adopted the minor;

1069 (d) Any man who has been adjudicated by a court as the
1070 father of the minor child before the date a petition for
1071 termination of parental rights is filed with the court; and

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1072 (e) Any man whom the mother identified to the adoption
1073 entity as a potential biological father before the date she
1074 signed the consent for adoption.

1075
1076 The information sought under this subsection may be provided to
1077 the court in the form of a sworn affidavit by a person having
1078 personal knowledge of the facts, addressing each inquiry
1079 enumerated in this subsection, except that, if the inquiry
1080 identifies a father under paragraph (a), paragraph (b), ~~or~~
1081 paragraph (c), or paragraph (d), the inquiry may not continue
1082 further. The inquiry required under this subsection may be
1083 conducted before the birth of the minor.

1084 Section 17. Paragraph (d) of subsection (3), paragraph (b)
1085 of subsection (4), and subsections (5) and (7) of section
1086 63.089, Florida Statutes, are amended to read:

1087 63.089 Proceeding to terminate parental rights pending
1088 adoption; hearing; grounds; dismissal of petition; judgment.—

1089 (3) GROUNDS FOR TERMINATING PARENTAL RIGHTS PENDING
1090 ADOPTION.—The court may enter a judgment terminating parental
1091 rights pending adoption if the court determines by clear and
1092 convincing evidence, supported by written findings of fact, that
1093 each person whose consent to adoption is required under s.
1094 63.062:

1095 (d) Has been properly served notice of the proceeding in
1096 accordance with the requirements of this chapter and has failed
1097 to file a written answer or personally appear at the evidentiary
1098 hearing resulting in the judgment terminating parental rights
1099 pending adoption;

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1100 (4) FINDING OF ABANDONMENT.—A finding of abandonment
1101 resulting in a termination of parental rights must be based upon
1102 clear and convincing evidence that a parent or person having
1103 legal custody has abandoned the child in accordance with the
1104 definition contained in s. 63.032. A finding of abandonment may
1105 also be based upon emotional abuse or a refusal to provide
1106 reasonable financial support, when able, to a birth mother
1107 during her pregnancy, or whether the person alleged to have
1108 abandoned the child, while being able, failed to establish
1109 contact with the child or accept responsibility for the child's
1110 welfare.

1111 (b) The child has been abandoned when the parent of a
1112 child is incarcerated on or after October 1, 2001, in a federal,
1113 state, or county correctional institution and:

1114 1. The period of time for which the parent has been or is
1115 expected to be incarcerated will constitute a significant
1116 portion of the child's minority. In determining whether the
1117 period of time is significant, the court shall consider the
1118 child's age and the child's need for a permanent and stable
1119 home. The period of time begins on the date that the parent
1120 enters into incarceration;

1121 2. The incarcerated parent has been determined by a court
1122 of competent jurisdiction to be a violent career criminal as
1123 defined in s. 775.084, a habitual violent felony offender as
1124 defined in s. 775.084, convicted of child abuse as defined in s.
1125 827.03, or a sexual predator as defined in s. 775.21; has been
1126 convicted of first degree or second degree murder in violation
1127 of s. 782.04 or a sexual battery that constitutes a capital,

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1128 life, or first degree felony violation of s. 794.011; or has
1129 been convicted of a substantially similar offense in another
1130 jurisdiction. As used in this section, the term "substantially
1131 similar offense" means any offense that is substantially similar
1132 in elements and penalties to one of those listed in this
1133 subparagraph, and that is in violation of a law of any other
1134 jurisdiction, whether that of another state, the District of
1135 Columbia, the United States or any possession or territory
1136 thereof, or any foreign jurisdiction; or

1137 3. The court determines by clear and convincing evidence
1138 that continuing the parental relationship with the incarcerated
1139 parent would be harmful to the child and, for this reason,
1140 termination of the parental rights of the incarcerated parent is
1141 in the best interests ~~interest~~ of the child.

1142 (5) DISMISSAL OF PETITION.—If the court does not find by
1143 clear and convincing evidence that parental rights of a parent
1144 should be terminated pending adoption, the court must dismiss
1145 the petition and that parent's parental rights that were the
1146 subject of such petition shall remain in full force under the
1147 law. The order must include written findings in support of the
1148 dismissal, including findings as to the criteria in subsection
1149 (4) if rejecting a claim of abandonment.

1150 (a) Parental rights may not be terminated based upon a
1151 consent that the court finds has been timely revoked ~~withdrawn~~
1152 under s. 63.082 or a consent to adoption or affidavit of
1153 nonpaternity that the court finds was obtained by fraud or
1154 duress.

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1155 (b) The court must enter an order based upon written
1156 findings providing for the placement of the minor, but the court
1157 may not proceed to determine custody between competing eligible
1158 parties. The placement of the child should revert to the parent
1159 or guardian who had physical custody of the child at the time of
1160 the placement for adoption unless the court determines upon
1161 clear and convincing evidence that this placement is not in the
1162 best interests of the child or is not an available option for
1163 the child. The court may not change the placement of a child who
1164 has established a bonded relationship with the current caregiver
1165 without providing for a reasonable transition plan consistent
1166 with the best interests of the child. The court may direct the
1167 parties to participate in a reunification or unification plan
1168 with a qualified professional to assist the child in the
1169 transition. The court may order scientific testing to determine
1170 the paternity of the minor only if the court has determined that
1171 the consent of the alleged father would be required, unless all
1172 parties agree that such testing is in the best interests of the
1173 child. The court may not order scientific testing to determine
1174 paternity of an unmarried biological father if the child has a
1175 father as described in s. 63.088(4)(a)-(d) whose rights have not
1176 been previously terminated at any time during which the court
1177 has jurisdiction over the minor. Further proceedings, if any,
1178 regarding the minor must be brought in a separate custody action
1179 under chapter 61, a dependency action under chapter 39, or a
1180 paternity action under chapter 742.

1181 (7) RELIEF FROM JUDGMENT TERMINATING PARENTAL RIGHTS.—

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1182 (a) A motion for relief from a judgment terminating
1183 parental rights must be filed with the court originally entering
1184 the judgment. The motion must be filed within a reasonable time,
1185 but not later than 1 year after the entry of the judgment. An
1186 unmarried biological father does not have standing to seek
1187 relief from a judgment terminating parental rights if the mother
1188 did not identify him to the adoption entity before the date she
1189 signed a consent for adoption or if he was not located because
1190 the mother failed or refused to provide sufficient information
1191 to locate him.

1192 (b) No later than 30 days after the filing of a motion
1193 under this subsection, the court must conduct a preliminary
1194 hearing to determine what contact, if any, shall be permitted
1195 between a parent and the child pending resolution of the motion.
1196 Such contact shall be considered only if it is requested by a
1197 parent who has appeared at the hearing and may not be awarded
1198 unless the parent previously established a bonded relationship
1199 with the child and the parent has pled a legitimate legal basis
1200 and established a prima facia case for setting aside the
1201 judgment terminating parental rights. If the court orders
1202 contact between a parent and child, the order must be issued in
1203 writing as expeditiously as possible and must state with
1204 specificity any provisions regarding contact with persons other
1205 than those with whom the child resides.

1206 (c) At the preliminary hearing, the court, upon the motion
1207 of any party or upon its own motion, may order scientific
1208 testing to determine the paternity of the minor if the person
1209 seeking to set aside the judgment is alleging to be the child's

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1210 father and that fact has not previously been determined by
1211 legitimacy or scientific testing. The court may order visitation
1212 with a person for whom scientific testing for paternity has been
1213 ordered and who has previously established a bonded relationship
1214 with the child.

1215 (d) Unless otherwise agreed between the parties or for
1216 good cause shown, the court shall conduct a final hearing on the
1217 motion for relief from judgment within 45 days after the filing
1218 and enter its written order as expeditiously as possible
1219 thereafter.

1220 (e) If the court grants relief from the judgment
1221 terminating parental rights and no new pleading is filed to
1222 terminate parental rights, the placement of the child should
1223 revert to the parent or guardian who had physical custody of the
1224 child at the time of the original placement for adoption unless
1225 the court determines upon clear and convincing evidence that
1226 this placement is not in the best interests of the child or is
1227 not an available option for the child. The court may not change
1228 the placement of a child who has established a bonded
1229 relationship with the current caregiver without providing for a
1230 reasonable transition plan consistent with the best interests of
1231 the child. The court may direct the parties to participate in a
1232 reunification or unification plan with a qualified professional
1233 to assist the child in the transition. The court may not direct
1234 the placement of a child with a person other than the adoptive
1235 parents without first obtaining a favorable home study of that
1236 person and any other persons residing in the proposed home and
1237 shall take whatever additional steps are necessary and

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1238 appropriate for the physical and emotional protection of the
1239 child.

1240 Section 18. Subsection (3) of section 63.092, Florida
1241 Statutes, is amended to read:

1242 63.092 Report to the court of intended placement by an
1243 adoption entity; at-risk placement; preliminary study.—

1244 (3) PRELIMINARY HOME STUDY.—Before placing the minor in
1245 the intended adoptive home, a preliminary home study must be
1246 performed by a licensed child-placing agency, a child-caring
1247 agency registered under s. 409.176, a licensed professional, or
1248 agency described in s. 61.20(2), unless the adoptee is an adult
1249 or the petitioner is a stepparent or a relative. If the adoptee
1250 is an adult or the petitioner is a stepparent or a relative, a
1251 preliminary home study may be required by the court for good
1252 cause shown. The department is required to perform the
1253 preliminary home study only if there is no licensed child-
1254 placing agency, child-caring agency registered under s. 409.176,
1255 licensed professional, or agency described in s. 61.20(2), in
1256 the county where the prospective adoptive parents reside. The
1257 preliminary home study must be made to determine the suitability
1258 of the intended adoptive parents and may be completed prior to
1259 identification of a prospective adoptive minor. A favorable
1260 preliminary home study is valid for 1 year after the date of its
1261 completion. Upon its completion, a signed copy of the home study
1262 must be provided to the intended adoptive parents who were the
1263 subject of the home study. A minor may not be placed in an
1264 intended adoptive home before a favorable preliminary home study
1265 is completed unless the adoptive home is also a licensed foster

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1266 home under s. 409.175. The preliminary home study must include,
1267 at a minimum:

1268 (a) An interview with the intended adoptive parents;

1269 (b) Records checks of the department's central abuse
1270 registry and criminal records correspondence checks under s.
1271 39.0138 through the Department of Law Enforcement on the
1272 intended adoptive parents;

1273 (c) An assessment of the physical environment of the home;

1274 (d) A determination of the financial security of the
1275 intended adoptive parents;

1276 (e) Documentation of counseling and education of the
1277 intended adoptive parents on adoptive parenting;

1278 (f) Documentation that information on adoption and the
1279 adoption process has been provided to the intended adoptive
1280 parents;

1281 (g) Documentation that information on support services
1282 available in the community has been provided to the intended
1283 adoptive parents; and

1284 (h) A copy of each signed acknowledgment of receipt of
1285 disclosure required by s. 63.085.

1286 If the preliminary home study is favorable, a minor may be
1287 placed in the home pending entry of the judgment of adoption. A
1288 minor may not be placed in the home if the preliminary home
1289 study is unfavorable. If the preliminary home study is
1290 unfavorable, the adoption entity may, within 20 days after
1291 receipt of a copy of the written recommendation, petition the
1292 court to determine the suitability of the intended adoptive
1293 home. A determination as to suitability under this subsection

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1294 does not act as a presumption of suitability at the final
1295 hearing. In determining the suitability of the intended adoptive
1296 home, the court must consider the totality of the circumstances
1297 in the home. A ~~No~~ minor may not be placed in a home in which
1298 there resides any person determined by the court to be a sexual
1299 predator as defined in s. 775.21 or to have been convicted of an
1300 offense listed in s. 63.089(4)(b)2.

1301 Section 19. Subsection (7) is added to section 63.097,
1302 Florida Statutes, to read:

1303 63.097 Fees.—

1304 (7) In determining reasonable attorney fees, courts shall
1305 use the following criteria:

1306 (a) The time and labor required, the novelty and
1307 difficulty of the question involved, and the skill requisite to
1308 perform the legal service properly.

1309 (b) The likelihood, if apparent to the client, that the
1310 acceptance of the particular employment will preclude other
1311 employment by the attorney.

1312 (c) The fee customarily charged in the locality for
1313 similar legal services.

1314 (d) The amount involved in the subject matter of the
1315 representation, the responsibility involved in the
1316 representation, and the results obtained.

1317 (e) The time limitations imposed by the client or by the
1318 circumstances and, as between attorney and client, any
1319 additional or special time demands or requests of the attorney
1320 by the client.

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1321 (f) The nature and length of the professional relationship
1322 with the client.

1323 (g) The experience, reputation, diligence, and ability of
1324 the attorney or attorneys performing the service and the skill,
1325 expertise, or efficiency of effort reflected in the actual
1326 providing of such services.

1327 (h) Whether the fee is fixed or contingent.

1328 Section 20. Section 63.152, Florida Statutes, is amended
1329 to read:

1330 63.152 Application for new birth record.—Within 30 days
1331 after entry of a judgment of adoption, the clerk of the court or
1332 the adoption entity shall transmit a certified statement of the
1333 entry to the state registrar of vital statistics on a form
1334 provided by the registrar. A new birth record containing the
1335 necessary information supplied by the certificate shall be
1336 issued by the registrar on application of the adopting parents
1337 or the adopted person.

1338 Section 21. Subsection (7) of section 63.162, Florida
1339 Statutes, is amended to read:

1340 63.162 Hearings and records in adoption proceedings;
1341 confidential nature.—

1342 (7) The court may, upon petition of an adult adoptee or
1343 birth parent, for good cause shown, appoint an intermediary or a
1344 licensed child-placing agency to contact a birth parent or adult
1345 adoptee, as applicable, who has not registered with the adoption
1346 registry pursuant to s. 63.165 and advise both ~~them~~ of the
1347 availability of the intermediary or agency and that the birth

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1348 parent or adult adoptee, as applicable, wishes to establish
1349 contact ~~same~~.

1350 Section 22. Paragraph (c) of subsection (2) of section
1351 63.167, Florida Statutes, is amended to read:

1352 63.167 State adoption information center.-

1353 (2) The functions of the state adoption information center
1354 shall include:

1355 (c) Operating a toll-free telephone number to provide
1356 information and referral services. The state adoption
1357 information center shall provide contact information for all
1358 adoption entities in the caller's county or, if no adoption
1359 entities are located in the caller's county, the number of the
1360 nearest adoption entity when contacted for a referral to make an
1361 adoption plan and shall rotate the order in which the names of
1362 adoption entities are provided to callers.

1363 Section 23. Subsection (1) of section 63.202, Florida
1364 Statutes, is amended to read:

1365 63.202 Authority to license; adoption of rules.-

1366 (1) The Department of Children and Family Services is
1367 authorized and empowered to license child ~~welfare~~ placement
1368 agencies that it determines to be qualified to place minors for
1369 adoption.

1370 Section 24. Paragraph (g) of subsection (1) and
1371 subsections (2) and (8) of section 63.212, Florida Statutes, are
1372 amended to read:

1373 63.212 Prohibited acts; penalties for violation.-

1374 (1) It is unlawful for any person:

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1375 (g) Except an adoption entity, to advertise or offer to
1376 the public, in any way, by any medium whatever that a minor is
1377 available for adoption or that a minor is sought for adoption;
1378 and, further, it is unlawful for any person to publish or
1379 broadcast any such advertisement or assist an unlicensed person
1380 or entity in publishing or broadcasting any such advertisement
1381 without including a Florida license number of the agency or
1382 attorney placing the advertisement.

1383 1. Only a person who is an attorney licensed to practice
1384 law in this state or an adoption entity licensed under the laws
1385 of this state may place a paid advertisement or paid listing of
1386 the person's telephone number, on the person's own behalf, in a
1387 telephone directory that:

1388 a. A child is offered or wanted for adoption; or
1389 b. The person is able to place, locate, or receive a child
1390 for adoption.

1391 2. A person who publishes a telephone directory that is
1392 distributed in this state:

1393 a. 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 b. May publish an advertisement described in subparagraph
1399 1. in the telephone directory only if the advertisement contains
1400 the following:

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

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1403 (II) 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. It is unlawful for:

1420 ~~(a) Any person or adoption entity under this chapter to:~~

1421 ~~1. Knowingly provide false information; or~~

1422 ~~2. Knowingly withhold material information.~~

1423 ~~(b) A parent, with the intent to defraud, to accept~~
1424 ~~benefits related to the same pregnancy from more than one~~
1425 ~~adoption entity without disclosing that fact to each entity.~~

1426
1427 Any person who willfully commits adoption deception ~~violates any~~
1428 ~~provision of this subsection~~ commits a misdemeanor of the second
1429 degree, punishable as provided in s. 775.082 or s. 775.083, if
1430 the sums received by the birth mother or woman holding herself

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

1441 (8) Unless otherwise indicated, a person who willfully and
1442 with criminal intent violates any provision of this section,
1443 excluding paragraph (1)(g), commits a felony of the third
1444 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1445 775.084. A person who willfully and with criminal intent
1446 violates paragraph (1)(g) commits a misdemeanor of the second
1447 degree, punishable as provided in s. 775.083; and each day of
1448 continuing violation shall be considered a separate offense. In
1449 addition, any person who knowingly publishes or assists with the
1450 publication of any advertisement or other publication which
1451 violates the requirements of paragraph (1)(g) commits a
1452 misdemeanor of the second degree, punishable as provided in s.
1453 775.083, and may be required to pay a fine of up to \$150 per day
1454 for each day of continuing violation.

1455 Section 25. Paragraph (b) of subsection (1), paragraphs
1456 (a) and (e) of subsection (2), and paragraphs (b), (h), and (i)
1457 of subsection (6) of section 63.213, Florida Statutes, are
1458 amended to read:

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1459 63.213 Preplanned adoption agreement.—

1460 (1) Individuals may enter into a preplanned adoption
1461 arrangement as specified in this section, but such arrangement
1462 may not in any way:

1463 (b) Constitute consent of a mother to place her biological
1464 child for adoption until 48 hours after the ~~following~~ birth of
1465 the child and unless the court making the custody determination
1466 or approving the adoption determines that the mother was aware
1467 of her right to rescind within the 48-hour period after the
1468 ~~following~~ birth of the child but chose not to rescind such
1469 consent. The volunteer mother's right to rescind her consent in
1470 a preplanned adoption applies only when the child is genetically
1471 related to her.

1472 (2) A preplanned adoption agreement must include, but need
1473 not be limited to, the following terms:

1474 (a) That the volunteer mother agrees to become pregnant by
1475 the fertility technique specified in the agreement, to bear the
1476 child, and to terminate any parental rights and responsibilities
1477 to the child she might have through a written consent executed
1478 at the same time as the preplanned adoption agreement, subject
1479 to a right of rescission by the volunteer mother any time within
1480 48 hours after the birth of the child, if the volunteer mother
1481 is genetically related to the child.

1482 (e) That the intended father and intended mother
1483 acknowledge that they may not receive custody or the parental
1484 rights under the agreement if the volunteer mother terminates
1485 the agreement or if the volunteer mother rescinds her consent to
1486 place her child for adoption within 48 hours after the birth of

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1487 the child, if the volunteer mother is genetically related to the
1488 child.

1489 (6) As used in this section, the term:

1490 (b) "Child" means the child or children conceived by means
1491 of a fertility technique ~~an insemination~~ that is part of a
1492 preplanned adoption arrangement.

1493 (h) "Preplanned adoption arrangement" means the
1494 arrangement through which the parties enter into an agreement
1495 for the volunteer mother to bear the child, for payment by the
1496 intended father and intended mother of the expenses allowed by
1497 this section, for the intended father and intended mother to
1498 assert full parental rights and responsibilities to the child if
1499 consent to adoption is not rescinded after birth by a the
1500 volunteer mother who is genetically related to the child, and
1501 for the volunteer mother to terminate, subject to any ~~a~~ right of
1502 rescission, all her parental rights and responsibilities to the
1503 child in favor of the intended father and intended mother.

1504 (i) "Volunteer mother" means a female at least 18 years of
1505 age who voluntarily agrees, subject to a right of rescission if
1506 it is her biological child, that if she should become pregnant
1507 pursuant to a preplanned adoption arrangement, she will
1508 terminate her parental rights and responsibilities to the child
1509 in favor of the intended father and intended mother.

1510 Section 26. Section 63.222, Florida Statutes, is amended
1511 to read:

1512 63.222 Effect on prior adoption proceedings.—Any adoption
1513 made before July 1, 2012, ~~is the effective date of this act~~
1514 ~~shall be valid~~, and any proceedings pending on that the

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1515 ~~effective date and any subsequent amendments thereto of this act~~
1516 are not affected thereby unless the amendment is designated as a
1517 remedial provision.

1518 Section 27. Section 63.2325, Florida Statutes, is amended
1519 to read:

1520 63.2325 Conditions for invalidation ~~revocation~~ of a
1521 consent to adoption or affidavit of nonpaternity.—
1522 Notwithstanding the requirements of this chapter, a failure to
1523 meet any of those requirements does not constitute grounds for
1524 invalidation ~~revocation~~ of a consent to adoption or revocation
1525 ~~withdrawal~~ of an affidavit of nonpaternity unless the extent and
1526 circumstances of such a failure result in a material failure of
1527 fundamental fairness in the administration of due process, or
1528 the failure constitutes or contributes to fraud or duress in
1529 obtaining a consent to adoption or affidavit of nonpaternity.

1530 Section 28. This act shall take effect July 1, 2012

1531
1532
1533 -----
1534 **T I T L E A M E N D M E N T**

1535 Remove the entire title and insert:

1536 A bill to be entitled
1537 An act relating to adoption; amending s. 39.802, F.S.; requiring
1538 the Department of Children and Families to inform the parents of
1539 a child of the availability of private placement of the child
1540 with an adoption entity in certain circumstances; amending s.
1541 63.022, F.S.; revising legislative intent to delete reference to
1542 reporting requirements for placements of minors and exceptions;

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1163 (2012)

Amendment No.

1543 amending s. 63.032, F.S.; revising definitions; amending s.
1544 63.037, F.S.; exempting adoption proceedings initiated under
1545 chapter 39, F.S., from a requirement for a search of the Florida
1546 Putative Father Registry; amending s. 63.039, F.S.; providing
1547 that all adoptions of minor children require the use of an
1548 adoption entity that will assume the responsibilities provided
1549 in specified provisions; providing an exception; amending s.
1550 63.0423, F.S.; revising terminology relating to surrendered
1551 infants; providing that an infant who tests positive for illegal
1552 drugs, narcotic prescription drugs, alcohol, or other
1553 substances, but shows no other signs of child abuse or neglect,
1554 shall be placed in the custody of an adoption entity; providing
1555 that a specified reporting requirement is not superseded;
1556 providing that when the Department of Children and Family
1557 Services is contacted regarding a surrendered infant who does
1558 not appear to have been the victim of actual or suspected child
1559 abuse or neglect, it shall provide instruction to contact an
1560 adoption entity and may not take custody of the infant;
1561 providing an exception; revising provisions relating to
1562 scientific testing to determine the paternity or maternity of a
1563 minor; amending s. 63.0427, F.S.; prohibiting a court from
1564 increasing contact between an adopted child and siblings, birth
1565 parents, or other relatives without the consent of the adoptive
1566 parent or parents; amending s. 63.052, F.S.; deleting a
1567 requirement that a minor be permanently committed to an adoption
1568 entity in order for the entity to be guardian of the person of
1569 the minor; limiting the circumstances in which an intermediary
1570 may remove a child; providing that an intermediary does not

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1571 become responsible for a minor child's medical bills that were
1572 incurred before taking physical custody of the child; providing
1573 additional placement options for a minor surrendered to an
1574 adoption entity for subsequent adoption when a suitable
1575 prospective adoptive home is not available; amending s. 63.053,
1576 F.S.; requiring that an unmarried biological father strictly
1577 comply with specified provisions in order to protect his
1578 interests; amending s. 63.054, F.S.; authorizing submission of
1579 an alternative document to the Office of Vital Statistics by the
1580 petitioner in each proceeding for termination of parental
1581 rights; providing that by filing a claim of paternity form the
1582 registrant expressly consents to paying for DNA testing;
1583 requiring that an alternative address designated by a registrant
1584 be a physical address; providing that the filing of a claim of
1585 paternity with the Florida Putative Father Registry does not
1586 relieve a person from compliance with specified requirements;
1587 amending s. 63.062, F.S.; revising requirements for when a
1588 minor's father must be served prior to termination of parental
1589 rights; requiring that an unmarried biological father comply
1590 with specified requirements in order for his consent to be
1591 required for adoption; revising such requirements; providing
1592 that the mere fact that a father expresses a desire to fulfill
1593 his responsibilities towards his child which is unsupported by
1594 acts evidencing this intent does not meet the requirements;
1595 providing for the sufficiency of an affidavit of nonpaternity;
1596 providing an exception to a condition to a petition to adopt an
1597 adult; amending s. 63.063, F.S.; conforming terminology;
1598 amending s. 63.082, F.S.; revising language concerning

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1599 applicability of notice and consent provisions in cases in which
1600 the child is conceived as a result of a violation of criminal
1601 law; requiring notice to be provided to the father of child
1602 alleged to be conceived as a result of a violation of criminal
1603 law if charges are not filed; providing that a criminal
1604 conviction is not required for the court to find that the child
1605 was conceived as a result of a violation of criminal law;
1606 requiring an affidavit of diligent search to be filed whenever a
1607 person who is required to consent is unavailable because the
1608 person cannot be located; providing that in an adoption of a
1609 stepchild or a relative, a certified copy of the death
1610 certificate of the person whose consent is required may be
1611 attached to the petition for adoption if a separate petition for
1612 termination of parental rights is not being filed; authorizing
1613 the execution of an affidavit of nonpaternity before the birth
1614 of a minor in preplanned adoptions; revising language of a
1615 consent to adoption; providing that a home study provided by the
1616 adoption entity shall be deemed to be sufficient except in
1617 certain circumstances; providing for a hearing if an adoption
1618 entity moves to intervene in a dependency case; requiring the
1619 court to provided information to prospective adoptive parents
1620 regarding parent training classes in the community upon
1621 determining the child dependent; requiring acknowledgement of
1622 receipt of information to be filed with the court by the
1623 department; requiring the adoption entity to provide updates to
1624 the court every 90 days from the date of placement to the date
1625 of adoption finalization; requiring the court and the department
1626 to advise a biological parent of the right to participate in

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1627 private adoption in all dependency cases at the time the
1628 petition to terminate parental rights is filed; revising
1629 language concerning seeking to revoke consent to an adoption of
1630 a child older than 6 months of age; providing that if the
1631 consent of one parent is set aside or revoked, any other
1632 consents executed by the other parent or a third party whose
1633 consent is required for the adoption of the child may not be
1634 used by the parent who consent was revoked or set aside to
1635 terminate or diminish the rights of the other parent or third
1636 party; amending s. 63.085, F.S.; revising language of an
1637 adoption disclosure statement; requiring that a copy of a waiver
1638 by prospective adoptive parents of receipt of certain records
1639 must be filed with the court; amending s. 63.087, F.S.;
1640 specifying that a failure to personally appear at a proceeding
1641 to terminate parental rights constitutes grounds for
1642 termination; amending s. 63.088, F.S.; providing that in a
1643 termination of parental rights proceeding if a required inquiry
1644 that identifies a father who has been adjudicated by a court as
1645 the father of the minor child before the date a petition for
1646 termination of parental rights is filed the inquiry must
1647 terminate at that point; amending s. 63.089, F.S.; specifying
1648 that it is a failure to personally appear that provides grounds
1649 for termination of parental rights in certain circumstances;
1650 providing additional grounds upon which a finding of abandonment
1651 may be made; revising provisions relating to dismissal of
1652 petitions to terminate parental rights; providing that contact
1653 between a parent seeking relief from a judgment terminating
1654 parental rights and a child may be awarded only in certain

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1655 | circumstances; providing for placement of a child in the event
1656 | that a court grants relief from a judgment terminating parental
1657 | rights and no new pleading is filed to terminate parental
1658 | rights; amending s. 63.092, F.S.; requiring that a signed copy
1659 | of the home study must be provided to the intended adoptive
1660 | parents who were the subject of the study; amending s. 63.097,
1661 | F.S.; providing guidelines for a court considering a reasonable
1662 | attorney fee associated with adoption services; amending s.
1663 | 63.152, F.S.; authorizing an adoption entity to transmit a
1664 | certified statement of the entry of a judgment of adoption to
1665 | the state registrar of vital statistics; amending s. 63.162,
1666 | F.S.; authorizing a birth parent to petition that court to
1667 | appoint an intermediary or a licensed child-placing agency to
1668 | contact an adult adoptee and advise both of the availability of
1669 | the adoption registry and that the birth parent wishes to
1670 | establish contact; amending s. 63.167, F.S.; requiring that the
1671 | state adoption center provide contact information for all
1672 | adoption entities in a caller's county or, if no adoption
1673 | entities are located in the caller's county, the number of the
1674 | nearest adoption entity when contacted for a referral to make an
1675 | adoption plan; amending s. 63.202, F.S.; changing reference to
1676 | child welfare agencies in licensing by department; amending s.
1677 | 63.212, F.S.; restricting who may place a paid advertisement or
1678 | paid listing of the person's telephone number offering certain
1679 | adoption services; requiring of publishers of telephone
1680 | directories to include certain statements at the beginning of
1681 | any classified heading for adoption and adoption services;
1682 | providing requirements for such advertisements; providing

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1683 criminal penalties for violations; prohibiting the offense of
1684 adoption deception by a person who is a birth mother or a woman
1685 who holds herself out to be a birth mother; providing criminal
1686 penalties; providing liability by violators for certain damages;
1687 amending s. 63.213, F.S.; providing that a preplanned adoption
1688 arrangement does not constitute consent of a mother to place her
1689 biological child for adoption until 48 hours following birth;
1690 providing that a volunteer mother's right to rescind her consent
1691 in a preplanned adoption applies only when the child is
1692 genetically related to her; revising the definitions of the
1693 terms "child," "preplanned adoption arrangement," and "volunteer
1694 mother"; amending s. 63.222, F.S.; providing that provisions
1695 designated as remedial may apply to any proceedings pending on
1696 the effective date of the provisions; amending s. 63.2325, F.S.;
1697 revising terminology relating to revocation of consent to
1698 adoption; providing an effective date.