

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WITHDRAWN	—	(Y/N)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

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

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

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

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158 shall provide instruction to contact a licensed child-placing
159 agency and may not take custody of the infant unless reasonable
160 efforts to contact a licensed child-placing agency to accept the
161 infant have not been successful.

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

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

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

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

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

181 (8) Within 7 business days after recording the judgment,
182 the clerk of the court shall mail a copy of the judgment to the
183 department, the petitioner, and any person ~~the persons~~ whose
184 consent was ~~were~~ required, if known. The clerk shall execute a
185 certificate of each mailing.

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

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

208 (c) ~~At the preliminary hearing, The court, upon the motion~~
209 ~~of any party or upon its own motion, may not order scientific~~
210 ~~testing to determine the paternity or maternity of the minor~~
211 ~~until such time as the court determines that a previously~~
212 ~~entered judgment terminating the parental rights of that parent~~
213 ~~is voidable pursuant to paragraph (a), unless all parties agree~~

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

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

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

228 63.0427 Agreements for Adopted minor's right to continued
229 communication or contact between adopted child and with
230 siblings, parents, and other relatives.-

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

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

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

245 (c) Statements of the prospective adoptive parents.

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

248
249 If the court determines that the child's best interests will be
250 served by postadoption communication or contact, the court shall
251 so order, stating the nature and frequency of for the
252 communication or contact. This order shall be made a part of the
253 final adoption order, but ~~in no event shall~~ the continuing
254 validity of the adoption may not be contingent upon such
255 postadoption communication or contact and, nor shall the ability
256 of the adoptive parents and child to change residence within or
257 outside the State of Florida may not be impaired by such
258 communication or contact.

259 (2) Notwithstanding ~~the provisions of~~ s. 63.162, the
260 adoptive parent may, at any time, petition for review of a
261 communication or contact order entered pursuant to subsection
262 (1), if the adoptive parent believes that the best interests of
263 the adopted child are being compromised, and the court may shall
264 ~~have authority to~~ order the communication or contact to be
265 terminated or modified, as the court deems to be in the best
266 interests of the adopted child; however, the court may not
267 increase contact between the adopted child and siblings, birth
268 parents, or other relatives without the consent of the adoptive
269 parent or parents. As part of the review process, the court may

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270 order the parties to engage in mediation. The department shall
271 not be required to be a party to such review.

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

274 63.052 Guardians designated; proof of commitment.—

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

280 (2) For minors who have been voluntarily surrendered to an
281 intermediary through an execution of a consent to adoption, the
282 intermediary shall be responsible for the minor until the time a
283 court orders preliminary approval of placement of the minor in
284 the prospective adoptive home, after which time the prospective
285 adoptive parents shall become guardians pending finalization of
286 adoption, subject to the intermediary's right and responsibility
287 to remove the child from the prospective adoptive home if the
288 removal is deemed by the intermediary to be in the best
289 interests interest of the child. The intermediary may not remove
290 the child without a court order unless the child is in danger of
291 imminent harm. The intermediary does not become responsible for
292 the minor child's medical bills that were incurred before taking
293 physical custody of the child after the execution of adoption
294 consents. Prior to the court's entry of an order granting
295 preliminary approval of the placement, the intermediary shall
296 have the responsibility and authority to provide for the needs
297 and welfare of the minor. A ~~No~~ minor may not shall be placed in

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298 a prospective adoptive home until that home has received a
299 favorable preliminary home study, as provided in s. 63.092,
300 completed and approved within 1 year before such placement in
301 the prospective home. The provisions of s. 627.6578 shall remain
302 in effect notwithstanding the guardianship provisions in this
303 section.

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

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

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

318 63.053 Rights and responsibilities of an unmarried
319 biological father; legislative findings.—

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

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326 has the primary responsibility to protect his rights and is
327 presumed to know that his child may be adopted without his
328 consent unless he strictly complies with ~~the provisions of~~ this
329 chapter and demonstrates a prompt and full commitment to his
330 parental responsibilities.

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

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

335 63.054 Actions required by an unmarried biological father
336 to establish parental rights; Florida Putative Father Registry.—

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

353 The Office of Vital Statistics may not record a claim of

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354 paternity after the date a petition for termination of parental
355 rights is filed. The failure of an unmarried biological father
356 to file a claim of paternity with the registry before the date a
357 petition for termination of parental rights is filed also bars
358 him from filing a paternity claim under chapter 742.

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

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

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

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

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

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

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

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

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

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409 63.062 Persons required to consent to adoption; affidavit
410 of nonpaternity; waiver of venue.-

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

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

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

419 2. The minor is his child by adoption;

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

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

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

433

434 The status of the father shall be determined at the time of the
435 filing of the petition to terminate parental rights and may not
436 be modified, except as otherwise provided in s. 63.0423(9)(a),

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437 for purposes of his obligations and rights under this chapter by
438 acts occurring after the filing of the petition to terminate
439 parental rights.

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

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

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

458 b. Maintained regular communication with the child or with
459 the person or agency having the care or custody of the child,
460 when physically or financially unable to visit the child or when
461 not prevented from doing so by the birth mother or person or
462 authorized agency having lawful custody of the child.

463 ~~2. The mere fact that an unmarried biological father~~
464 ~~expresses a desire to fulfill his responsibilities towards his~~

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465 ~~child which is unsupported by acts evidencing this intent does~~
466 ~~not preclude a finding by the court that the unmarried~~
467 ~~biological father failed to comply with the requirements of this~~
468 ~~subsection.~~

469 2.3. An unmarried biological father who openly lived with
470 the child for at least 6 months within the 1-year period
471 following the birth of the child and immediately preceding
472 placement of the child with adoptive parents and who openly held
473 himself out to be the father of the child during that period
474 shall be deemed to have developed a substantial relationship
475 with the child and to have otherwise met the requirements of
476 this paragraph.

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

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

489 2. Upon service of a notice of an intended adoption plan
490 or a petition for termination of parental rights pending
491 adoption, executed and filed an affidavit in that proceeding
492 stating that he is personally fully able and willing to take

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493 responsibility for the child, setting forth his plans for care
494 of the child, and agreeing to a court order of child support and
495 a contribution to the payment of living and medical expenses
496 incurred for the mother's pregnancy and the child's birth in
497 accordance with his ability to pay.

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

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

514 (d)(e) The petitioner shall file with the court a
515 certificate from the Office of Vital Statistics stating that a
516 diligent search has been made of the Florida Putative Father
517 Registry of notices from unmarried biological fathers described
518 in subparagraph (b)1. and that no filing has been found
519 pertaining to the father of the child in question or, if a
520 filing is found, stating the name of the putative father and the

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521 time and date of filing. That certificate shall be filed with
522 the court prior to the entry of a final judgment of termination
523 of parental rights.

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

530 (3) Pursuant to chapter 48, an adoption entity shall serve
531 a notice of intended adoption plan upon any known and locatable
532 unmarried biological father who is identified to the adoption
533 entity by the mother by the date she signs her consent for
534 adoption if the child is 6 months of age or less at the time the
535 consent is executed ~~or who is identified by a diligent search of~~
536 ~~the Florida Putative Father Registry, or upon an entity whose~~
537 ~~consent is required~~. Service of the notice of intended adoption
538 plan is not required ~~mandatory~~ when the unmarried biological
539 father signs a consent for adoption or an affidavit of
540 nonpaternity or when the child is more than 6 months of age at
541 the time of the execution of the consent by the mother. The
542 notice may be served at any time before the child's birth or
543 before placing the child in the adoptive home. The recipient of
544 the notice may waive service of process by executing a waiver
545 and acknowledging receipt of the plan. The notice of intended
546 adoption plan must specifically state that if the unmarried
547 biological father desires to contest the adoption plan he must,
548 within 30 days after service, file with the court a verified

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

563 (a) If the unmarried biological father or entity whose
564 consent is required fails to timely and properly file a verified
565 response with the court and, in the case of an unmarried
566 biological father, a claim of paternity form with the Office of
567 Vital Statistics, the court shall enter a default judgment
568 against the ~~any~~ unmarried biological father or entity and the
569 consent of that unmarried biological father or entity shall no
570 longer be required under this chapter and shall be deemed to
571 have waived any claim of rights to the child. To avoid an entry
572 of a default judgment, within 30 days after receipt of service
573 of the notice of intended adoption plan:

574 1. The unmarried biological father must:

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

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

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

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

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

598 (4) Any person whose consent is required under paragraph
599 (1) (b), or any other man, may execute an irrevocable affidavit
600 of nonpaternity in lieu of a consent under this section and by
601 doing so waives notice to all court proceedings after the date
602 of execution. An affidavit of nonpaternity must be executed as
603 provided in s. 63.082. The affidavit of nonpaternity may be
604 executed prior to the birth of the child. The person executing

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605 the affidavit must receive disclosure under s. 63.085 prior to
606 signing the affidavit. For purposes of this chapter, an
607 affidavit of nonpaternity is sufficient if it contains a
608 specific denial of parental obligations and does not need to
609 deny the existence of a biological relationship.

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

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

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

616 63.063 Responsibility of parents for actions; fraud or
617 misrepresentation; contesting termination of parental rights and
618 adoption.—

619 (2) Any person injured by a fraudulent representation or
620 action in connection with an adoption may pursue civil or
621 criminal penalties as provided by law. A fraudulent
622 representation is not a defense to compliance with the
623 requirements of this chapter and is not a basis for dismissing a
624 petition for termination of parental rights or a petition for
625 adoption, for vacating an adoption decree, or for granting
626 custody to the offended party. Custody and adoption
627 determinations must be based on the best interests ~~interest~~ of
628 the child in accordance with s. 61.13.

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

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633 63.082 Execution of consent to adoption or affidavit of
634 nonpaternity; family social and medical history; revocation
635 ~~withdrawal~~ of consent.-

636 (1)

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

650 (3)

651 (c) If any person who is required to consent is
652 unavailable because the person cannot be located, an the
653 ~~petition to terminate parental rights pending adoption must be~~
654 ~~accompanied by the~~ affidavit of diligent search required under
655 s. 63.088 shall be filed.

656 (d) If any person who is required to consent is
657 unavailable because the person is deceased, the petition to
658 terminate parental rights pending adoption must be accompanied
659 by a certified copy of the death certificate. In an adoption of
660 a stepchild or a relative, the certified copy of the death

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661 certificate of the person whose consent is required may ~~must~~ be
662 attached to the petition for adoption if a separate petition for
663 termination of parental rights is not being filed.

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

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

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

692 CONSENT TO ADOPTION

693
694 YOU HAVE THE RIGHT TO SELECT AT LEAST ONE PERSON WHO DOES NOT
695 HAVE AN EMPLOYMENT, PROFESSIONAL, OR PERSONAL RELATIONSHIP WITH
696 THE ADOPTION ENTITY OR THE PROSPECTIVE ADOPTIVE PARENTS TO BE
697 PRESENT WHEN THIS AFFIDAVIT IS EXECUTED AND TO SIGN IT AS A
698 WITNESS. YOU MUST ACKNOWLEDGE ON THIS FORM THAT YOU WERE
699 NOTIFIED OF THIS RIGHT AND YOU MUST INDICATE THE WITNESS OR
700 WITNESSES YOU SELECTED, IF ANY.

701
702 YOU DO NOT HAVE TO SIGN THIS CONSENT FORM. YOU MAY DO ANY OF THE
703 FOLLOWING INSTEAD OF SIGNING THIS CONSENT OR BEFORE SIGNING THIS
704 CONSENT:

- 705
- 706 1. CONSULT WITH AN ATTORNEY;
 - 707 2. HOLD, CARE FOR, AND FEED THE CHILD UNLESS OTHERWISE
708 LEGALLY PROHIBITED;
 - 709 3. PLACE THE CHILD IN FOSTER CARE OR WITH ANY FRIEND OR
710 FAMILY MEMBER YOU CHOOSE WHO IS WILLING TO CARE FOR THE
711 CHILD;
 - 712 4. TAKE THE CHILD HOME UNLESS OTHERWISE LEGALLY
713 PROHIBITED; AND

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714 5. FIND OUT ABOUT THE COMMUNITY RESOURCES THAT ARE
715 AVAILABLE TO YOU IF YOU DO NOT GO THROUGH WITH THE
716 ADOPTION.
717
718 IF YOU DO SIGN THIS CONSENT, YOU ARE GIVING UP ALL RIGHTS TO
719 YOUR CHILD. YOUR CONSENT IS VALID, BINDING, AND IRREVOCABLE
720 EXCEPT UNDER SPECIFIC LEGAL CIRCUMSTANCES. IF YOU ARE GIVING UP
721 YOUR RIGHTS TO A NEWBORN CHILD WHO IS TO BE IMMEDIATELY PLACED
722 FOR ADOPTION UPON THE CHILD'S RELEASE FROM A LICENSED HOSPITAL
723 OR BIRTH CENTER FOLLOWING BIRTH, A WAITING PERIOD WILL BE
724 IMPOSED UPON THE BIRTH MOTHER BEFORE SHE MAY SIGN THE CONSENT
725 FOR ADOPTION. A BIRTH MOTHER MUST WAIT 48 HOURS FROM THE TIME OF
726 BIRTH, OR UNTIL THE DAY THE BIRTH MOTHER HAS BEEN NOTIFIED IN
727 WRITING, EITHER ON HER PATIENT CHART OR IN RELEASE PAPERS, THAT
728 SHE IS FIT TO BE RELEASED FROM A LICENSED HOSPITAL OR BIRTH
729 CENTER, WHICHEVER IS SOONER, BEFORE THE CONSENT FOR ADOPTION MAY
730 BE EXECUTED. ANY MAN MAY EXECUTE A CONSENT AT ANY TIME AFTER THE
731 BIRTH OF THE CHILD. ONCE YOU HAVE SIGNED THE CONSENT, IT IS
732 VALID, BINDING, AND IRREVOCABLE AND CANNOT BE INVALIDATED
733 ~~WITHDRAWN~~ UNLESS A COURT FINDS THAT IT WAS OBTAINED BY FRAUD OR
734 DURESS.
735
736 IF YOU BELIEVE THAT YOUR CONSENT WAS OBTAINED BY FRAUD OR DURESS
737 AND YOU WISH TO INVALIDATE ~~REVOKE~~ THAT CONSENT, YOU MUST:
738
739 1. NOTIFY THE ADOPTION ENTITY, BY WRITING A LETTER, THAT
740 YOU WISH TO WITHDRAW YOUR CONSENT; AND

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741 2. PROVE IN COURT THAT THE CONSENT WAS OBTAINED BY FRAUD
742 OR DURESS.

743
744 This statement of rights is not required for the adoption of a
745 relative, an adult, a stepchild, or a child older than 6 months
746 of age. A consent form for the adoption of a child older than 6
747 months of age at the time of the execution of consent must
748 contain a statement outlining the revocation rights provided in
749 paragraph (c).

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

755 (b) Upon execution of the consent of the parent, the
756 adoption entity shall be permitted to ~~may~~ intervene in the
757 dependency case as a party in interest and must provide the
758 court that acquired ~~having~~ jurisdiction over the minor, pursuant
759 to the shelter or dependency petition filed by the department, a
760 copy of the preliminary home study of the prospective adoptive
761 parents and any other evidence of the suitability of the
762 placement. The preliminary home study must be maintained with
763 strictest confidentiality within the dependency court file and
764 the department's file. A preliminary home study must be provided
765 to the court in all cases in which an adoption entity has
766 intervened pursuant to this section. Unless the court has
767 concerns regarding the qualifications of the home study
768 provider, or concerns that the home study may not be adequate to

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769 determine the best interests of the child, the home study
770 provided by the adoption entity shall be deemed to be sufficient
771 and no additional home study needs to be performed by the
772 department.

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

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

795 (e) ~~(d)~~ In determining whether the best interests ~~interest~~
796 of the child are ~~is~~ served by transferring the custody of the

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797 minor child to the prospective adoptive parent selected by the
798 parent, the court shall consider the rights of the parent to
799 determine an appropriate placement for the child, the permanency
800 offered, the child's bonding with any potential adoptive home
801 that the child has been residing in, and the importance of
802 maintaining sibling relationships, if possible.

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

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

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

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

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

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

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

848 (d) If the person revoking ~~withdrawing~~ consent claims to
849 be the father of the minor but has not been established to be
850 the father by marriage, court order, or scientific testing, the
851 court may order scientific paternity testing and reserve ruling

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852 on removal of the minor until the results of such testing have
853 been filed with the court.

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

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

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

876 (h) If the consent of one parent is set aside or revoked
877 in accordance with this chapter, any other consents executed by
878 the other parent or a third party whose consent is required for
879 the adoption of the child may not be used by the parent who

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880 consent was revoked or set aside to terminate or diminish the
881 rights of the other parent or third party whose consent was
882 required for the adoption of the child.

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

887 63.085 Disclosure by adoption entity.—

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

903

904

ADOPTION DISCLOSURE

905

THE STATE OF FLORIDA REQUIRES THAT THIS FORM BE PROVIDED TO ALL
906 PERSONS CONSIDERING ADOPTING A MINOR OR SEEKING TO PLACE A MINOR

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907 FOR ADOPTION, TO ADVISE THEM OF THE FOLLOWING FACTS REGARDING
908 ADOPTION UNDER FLORIDA LAW:

909

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

912 Name:

913 Address:

914 Telephone Number:

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

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

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

931 5. A consent for adoption signed before the child attains
932 the age of 6 months is binding and irrevocable from the moment
933 it is signed unless it can be proven in court that the consent
934 was obtained by fraud or duress. A consent for adoption signed

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935 after the child attains the age of 6 months is valid from the
936 moment it is signed; however, it may be revoked up to 3 business
937 days after it was signed.

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

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

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963 Statistics, Attention: Adoption Unit, P.O. Box 210,
964 Jacksonville, FL 32231.

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

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

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

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

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

983 (2) DISCLOSURE TO ADOPTIVE PARENTS.—

984 (a) At the time that an adoption entity is responsible for
985 selecting prospective adoptive parents for a born or unborn
986 child whose parents are seeking to place the child for adoption
987 or whose rights were terminated pursuant to chapter 39, the
988 adoption entity must provide the prospective adoptive parents
989 with information concerning the background of the child to the
990 extent such information is disclosed to the adoption entity by

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

- 1005 1. A family social and medical history form completed
1006 pursuant to s. 63.162(6).
- 1007 2. The biological mother's medical records documenting her
1008 prenatal care and the birth and delivery of the child.
- 1009 3. A complete set of the child's medical records
1010 documenting all medical treatment and care since the child's
1011 birth and before placement.
- 1012 4. All mental health, psychological, and psychiatric
1013 records, reports, and evaluations concerning the child before
1014 placement.
- 1015 5. The child's educational records, including all records
1016 concerning any special education needs of the child before
1017 placement.

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1018 6. Records documenting all incidents that required the
1019 department to provide services to the child, including all
1020 orders of adjudication of dependency or termination of parental
1021 rights issued pursuant to chapter 39, any case plans drafted to
1022 address the child's needs, all protective services
1023 investigations identifying the child as a victim, and all
1024 guardian ad litem reports filed with the court concerning the
1025 child.

1026 7. Written information concerning the availability of
1027 adoption subsidies for the child, if applicable.

1028 (c) If the prospective adoptive parents waive the receipt
1029 of any of the records described in paragraph (a), a copy of the
1030 written notification of the waiver to the adoption entity shall
1031 be filed with the court.

1032 Section 15. Subsection (6) of section 63.087, Florida
1033 Statutes, is amended to read:

1034 63.087 Proceeding to terminate parental rights pending
1035 adoption; general provisions.—

1036 (6) ANSWER AND APPEARANCE REQUIRED.—An answer to the
1037 petition or any pleading requiring an answer must be filed in
1038 accordance with the Florida Family Law Rules of Procedure.
1039 Failure to file a written response to the petition constitutes
1040 grounds upon which the court may terminate parental rights.
1041 Failure to personally appear at the hearing constitutes grounds
1042 upon which the court may terminate parental rights. Any person
1043 present at the hearing to terminate parental rights pending
1044 adoption whose consent to adoption is required under s. 63.062
1045 must:

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1046 (a) Be advised by the court that he or she has a right to
1047 ask that the hearing be reset for a later date so that the
1048 person may consult with an attorney; and

1049 (b) Be given an opportunity to admit or deny the
1050 allegations in the petition.

1051 Section 16. Subsection (4) of section 63.088, Florida
1052 Statutes, is amended to read:

1053 63.088 Proceeding to terminate parental rights pending
1054 adoption; notice and service; diligent search.—

1055 (4) REQUIRED INQUIRY.—In proceedings initiated under s.
1056 63.087, the court shall conduct an inquiry of the person who is
1057 placing the minor for adoption and of any relative or person
1058 having legal custody of the minor who is present at the hearing
1059 and likely to have the following information regarding the
1060 identity of:

1061 (a) Any man to whom the mother of the minor was married at
1062 any time when conception of the minor may have occurred or at
1063 the time of the birth of the minor;

1064 (b) Any man who has filed an affidavit of paternity
1065 pursuant to s. 382.013(2)(c) before the date that a petition for
1066 termination of parental rights is filed with the court;

1067 (c) Any man who has adopted the minor;

1068 (d) Any man who has been adjudicated by a court as the
1069 father of the minor child before the date a petition for
1070 termination of parental rights is filed with the court; and

1071 (e) Any man whom the mother identified to the adoption
1072 entity as a potential biological father before the date she
1073 signed the consent for adoption.

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1074
1075 The information sought under this subsection may be provided to
1076 the court in the form of a sworn affidavit by a person having
1077 personal knowledge of the facts, addressing each inquiry
1078 enumerated in this subsection, except that, if the inquiry
1079 identifies a father under paragraph (a), paragraph (b), ~~or~~
1080 paragraph (c), or paragraph (d), the inquiry may not continue
1081 further. The inquiry required under this subsection may be
1082 conducted before the birth of the minor.

1083 Section 17. Paragraph (d) of subsection (3), paragraph (b)
1084 of subsection (4), and subsections (5) and (7) of section
1085 63.089, Florida Statutes, are amended to read:

1086 63.089 Proceeding to terminate parental rights pending
1087 adoption; hearing; grounds; dismissal of petition; judgment.—

1088 (3) GROUNDS FOR TERMINATING PARENTAL RIGHTS PENDING
1089 ADOPTION.—The court may enter a judgment terminating parental
1090 rights pending adoption if the court determines by clear and
1091 convincing evidence, supported by written findings of fact, that
1092 each person whose consent to adoption is required under s.
1093 63.062:

1094 (d) Has been properly served notice of the proceeding in
1095 accordance with the requirements of this chapter and has failed
1096 to file a written answer or personally appear at the evidentiary
1097 hearing resulting in the judgment terminating parental rights
1098 pending adoption;

1099 (4) FINDING OF ABANDONMENT.—A finding of abandonment
1100 resulting in a termination of parental rights must be based upon
1101 clear and convincing evidence that a parent or person having

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1102 legal custody has abandoned the child in accordance with the
1103 definition contained in s. 63.032. A finding of abandonment may
1104 also be based upon emotional abuse or a refusal to provide
1105 reasonable financial support, when able, to a birth mother
1106 during her pregnancy, or whether the person alleged to have
1107 abandoned the child, while being able, failed to establish
1108 contact with the child or accept responsibility for the child's
1109 welfare.

1110 (b) The child has been abandoned when the parent of a
1111 child is incarcerated on or after October 1, 2001, in a federal,
1112 state, or county correctional institution and:

1113 1. The period of time for which the parent has been or is
1114 expected to be incarcerated will constitute a significant
1115 portion of the child's minority. In determining whether the
1116 period of time is significant, the court shall consider the
1117 child's age and the child's need for a permanent and stable
1118 home. The period of time begins on the date that the parent
1119 enters into incarceration;

1120 2. The incarcerated parent has been determined by a court
1121 of competent jurisdiction to be a violent career criminal as
1122 defined in s. 775.084, a habitual violent felony offender as
1123 defined in s. 775.084, convicted of child abuse as defined in s.
1124 827.03, or a sexual predator as defined in s. 775.21; has been
1125 convicted of first degree or second degree murder in violation
1126 of s. 782.04 or a sexual battery that constitutes a capital,
1127 life, or first degree felony violation of s. 794.011; or has
1128 been convicted of a substantially similar offense in another
1129 jurisdiction. As used in this section, the term "substantially

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1130 similar offense" means any offense that is substantially similar
1131 in elements and penalties to one of those listed in this
1132 subparagraph, and that is in violation of a law of any other
1133 jurisdiction, whether that of another state, the District of
1134 Columbia, the United States or any possession or territory
1135 thereof, or any foreign jurisdiction; or

1136 3. The court determines by clear and convincing evidence
1137 that continuing the parental relationship with the incarcerated
1138 parent would be harmful to the child and, for this reason,
1139 termination of the parental rights of the incarcerated parent is
1140 in the best interests ~~interest~~ of the child.

1141 (5) DISMISSAL OF PETITION.—If the court does not find by
1142 clear and convincing evidence that parental rights of a parent
1143 should be terminated pending adoption, the court must dismiss
1144 the petition and that parent's parental rights that were the
1145 subject of such petition shall remain in full force under the
1146 law. The order must include written findings in support of the
1147 dismissal, including findings as to the criteria in subsection
1148 (4) if rejecting a claim of abandonment.

1149 (a) Parental rights may not be terminated based upon a
1150 consent that the court finds has been timely revoked ~~withdrawn~~
1151 under s. 63.082 or a consent to adoption or affidavit of
1152 nonpaternity that the court finds was obtained by fraud or
1153 duress.

1154 (b) The court must enter an order based upon written
1155 findings providing for the placement of the minor, but the court
1156 may not proceed to determine custody between competing eligible
1157 parties. The placement of the child should revert to the parent

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

1180 (7) RELIEF FROM JUDGMENT TERMINATING PARENTAL RIGHTS.—

1181 (a) A motion for relief from a judgment terminating
1182 parental rights must be filed with the court originally entering
1183 the judgment. The motion must be filed within a reasonable time,
1184 but not later than 1 year after the entry of the judgment. An
1185 unmarried biological father does not have standing to seek

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1186 relief from a judgment terminating parental rights if the mother
1187 did not identify him to the adoption entity before the date she
1188 signed a consent for adoption or if he was not located because
1189 the mother failed or refused to provide sufficient information
1190 to locate him.

1191 (b) No later than 30 days after the filing of a motion
1192 under this subsection, the court must conduct a preliminary
1193 hearing to determine what contact, if any, shall be permitted
1194 between a parent and the child pending resolution of the motion.
1195 Such contact shall be considered only if it is requested by a
1196 parent who has appeared at the hearing and may not be awarded
1197 unless the parent previously established a bonded relationship
1198 with the child and the parent has pled a legitimate legal basis
1199 and established a prima facie case for setting aside the
1200 judgment terminating parental rights. If the court orders
1201 contact between a parent and child, the order must be issued in
1202 writing as expeditiously as possible and must state with
1203 specificity any provisions regarding contact with persons other
1204 than those with whom the child resides.

1205 (c) At the preliminary hearing, the court, upon the motion
1206 of any party or upon its own motion, may order scientific
1207 testing to determine the paternity of the minor if the person
1208 seeking to set aside the judgment is alleging to be the child's
1209 father and that fact has not previously been determined by
1210 legitimacy or scientific testing. The court may order visitation
1211 with a person for whom scientific testing for paternity has been
1212 ordered and who has previously established a bonded relationship
1213 with the child.

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1214 (d) Unless otherwise agreed between the parties or for
1215 good cause shown, the court shall conduct a final hearing on the
1216 motion for relief from judgment within 45 days after the filing
1217 and enter its written order as expeditiously as possible
1218 thereafter.

1219 (e) If the court grants relief from the judgment
1220 terminating parental rights and no new pleading is filed to
1221 terminate parental rights, the placement of the child should
1222 revert to the parent or guardian who had physical custody of the
1223 child at the time of the original placement for adoption unless
1224 the court determines upon clear and convincing evidence that
1225 this placement is not in the best interests of the child or is
1226 not an available option for the child. The court may not change
1227 the placement of a child who has established a bonded
1228 relationship with the current caregiver without providing for a
1229 reasonable transition plan consistent with the best interests of
1230 the child. The court may direct the parties to participate in a
1231 reunification or unification plan with a qualified professional
1232 to assist the child in the transition. The court may not direct
1233 the placement of a child with a person other than the adoptive
1234 parents without first obtaining a favorable home study of that
1235 person and any other persons residing in the proposed home and
1236 shall take whatever additional steps are necessary and
1237 appropriate for the physical and emotional protection of the
1238 child.

1239 Section 18. Subsection (3) of section 63.092, Florida
1240 Statutes, is amended to read:

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1241 63.092 Report to the court of intended placement by an
1242 adoption entity; at-risk placement; preliminary study.-

1243 (3) PRELIMINARY HOME STUDY.-Before placing the minor in
1244 the intended adoptive home, a preliminary home study must be
1245 performed by a licensed child-placing agency, a child-caring
1246 agency registered under s. 409.176, a licensed professional, or
1247 agency described in s. 61.20(2), unless the adoptee is an adult
1248 or the petitioner is a stepparent or a relative. If the adoptee
1249 is an adult or the petitioner is a stepparent or a relative, a
1250 preliminary home study may be required by the court for good
1251 cause shown. The department is required to perform the
1252 preliminary home study only if there is no licensed child-
1253 placing agency, child-caring agency registered under s. 409.176,
1254 licensed professional, or agency described in s. 61.20(2), in
1255 the county where the prospective adoptive parents reside. The
1256 preliminary home study must be made to determine the suitability
1257 of the intended adoptive parents and may be completed prior to
1258 identification of a prospective adoptive minor. A favorable
1259 preliminary home study is valid for 1 year after the date of its
1260 completion. Upon its completion, a signed copy of the home study
1261 must be provided to the intended adoptive parents who were the
1262 subject of the home study. A minor may not be placed in an
1263 intended adoptive home before a favorable preliminary home study
1264 is completed unless the adoptive home is also a licensed foster
1265 home under s. 409.175. The preliminary home study must include,
1266 at a minimum:

1267 (a) An interview with the intended adoptive parents;

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1268 (b) Records checks of the department's central abuse
1269 registry and criminal records correspondence checks under s.
1270 39.0138 through the Department of Law Enforcement on the
1271 intended adoptive parents;

1272 (c) An assessment of the physical environment of the home;

1273 (d) A determination of the financial security of the
1274 intended adoptive parents;

1275 (e) Documentation of counseling and education of the
1276 intended adoptive parents on adoptive parenting;

1277 (f) Documentation that information on adoption and the
1278 adoption process has been provided to the intended adoptive
1279 parents;

1280 (g) Documentation that information on support services
1281 available in the community has been provided to the intended
1282 adoptive parents; and

1283 (h) A copy of each signed acknowledgment of receipt of
1284 disclosure required by s. 63.085.

1285 If the preliminary home study is favorable, a minor may be
1286 placed in the home pending entry of the judgment of adoption. A
1287 minor may not be placed in the home if the preliminary home
1288 study is unfavorable. If the preliminary home study is
1289 unfavorable, the adoption entity may, within 20 days after
1290 receipt of a copy of the written recommendation, petition the
1291 court to determine the suitability of the intended adoptive
1292 home. A determination as to suitability under this subsection
1293 does not act as a presumption of suitability at the final
1294 hearing. In determining the suitability of the intended adoptive
1295 home, the court must consider the totality of the circumstances

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1296 in the home. A ~~No~~ minor may not be placed in a home in which
1297 there resides any person determined by the court to be a sexual
1298 predator as defined in s. 775.21 or to have been convicted of an
1299 offense listed in s. 63.089(4)(b)2.

1300 Section 19. Subsection (7) is added to section 63.097,
1301 Florida Statutes, to read:

1302 63.097 Fees.—

1303 (7) In determining reasonable attorney fees, courts shall
1304 use the following criteria:

1305 (a) The time and labor required, the novelty and
1306 difficulty of the question involved, and the skill requisite to
1307 perform the legal service properly.

1308 (b) The likelihood, if apparent to the client, that the
1309 acceptance of the particular employment will preclude other
1310 employment by the attorney.

1311 (c) The fee customarily charged in the locality for
1312 similar legal services.

1313 (d) The amount involved in the subject matter of the
1314 representation, the responsibility involved in the
1315 representation, and the results obtained.

1316 (e) The time limitations imposed by the client or by the
1317 circumstances and, as between attorney and client, any
1318 additional or special time demands or requests of the attorney
1319 by the client.

1320 (f) The nature and length of the professional relationship
1321 with the client.

1322 (g) The experience, reputation, diligence, and ability of
1323 the attorney or attorneys performing the service and the skill,

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1324 expertise, or efficiency of effort reflected in the actual
1325 providing of such services.

1326 (h) Whether the fee is fixed or contingent.

1327 Section 20. Section 63.152, Florida Statutes, is amended
1328 to read:

1329 63.152 Application for new birth record.—Within 30 days
1330 after entry of a judgment of adoption, the clerk of the court or
1331 the adoption entity shall transmit a certified statement of the
1332 entry to the state registrar of vital statistics on a form
1333 provided by the registrar. A new birth record containing the
1334 necessary information supplied by the certificate shall be
1335 issued by the registrar on application of the adopting parents
1336 or the adopted person.

1337 Section 21. Subsection (7) of section 63.162, Florida
1338 Statutes, is amended to read:

1339 63.162 Hearings and records in adoption proceedings;
1340 confidential nature.—

1341 (7) The court may, upon petition of an adult adoptee or
1342 birth parent, for good cause shown, appoint an intermediary or a
1343 licensed child-placing agency to contact a birth parent or adult
1344 adoptee, as applicable, who has not registered with the adoption
1345 registry pursuant to s. 63.165 and advise both ~~them~~ of the
1346 availability of the intermediary or agency and that the birth
1347 parent or adult adoptee, as applicable, wishes to establish
1348 contact ~~same~~.

1349 Section 22. Paragraph (c) of subsection (2) of section
1350 63.167, Florida Statutes, is amended to read:

1351 63.167 State adoption information center.—

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

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1352 (2) The functions of the state adoption information center
1353 shall include:

1354 (c) Operating a toll-free telephone number to provide
1355 information and referral services. The state adoption
1356 information center shall provide contact information for all
1357 adoption entities in the caller's county or, if no adoption
1358 entities are located in the caller's county, the number of the
1359 nearest adoption entity when contacted for a referral to make an
1360 adoption plan and shall rotate the order in which the names of
1361 adoption entities are provided to callers.

1362 Section 23. Subsection (1) of section 63.202, Florida
1363 Statutes, is amended to read:

1364 63.202 Authority to license; adoption of rules.-

1365 (1) The Department of Children and Family Services is
1366 authorized and empowered to license child ~~welfare~~ placement
1367 agencies that it determines to be qualified to place minors for
1368 adoption.

1369 Section 24. Paragraph (g) of subsection (1) and
1370 subsections (2) and (8) of section 63.212, Florida Statutes, are
1371 amended to read:

1372 63.212 Prohibited acts; penalties for violation.-

1373 (1) It is unlawful for any person:

1374 (g) Except an adoption entity, to advertise or offer to
1375 the public, in any way, by any medium whatever that a minor is
1376 available for adoption or that a minor is sought for adoption;
1377 and, further, it is unlawful for any person to publish or
1378 broadcast any such advertisement or assist an unlicensed person
1379 or entity in publishing or broadcasting any such advertisement

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1380 without including a Florida license number of the agency or
1381 attorney placing the advertisement.

1382 1. Only a person who is an attorney licensed to practice
1383 law in this state or an adoption entity licensed under the laws
1384 of this state may place a paid advertisement or paid listing of
1385 the person's telephone number, on the person's own behalf, in a
1386 telephone directory that:

1387 a. A child is offered or wanted for adoption; or

1388 b. The person is able to place, locate, or receive a child
1389 for adoption.

1390 2. A person who publishes a telephone directory that is
1391 distributed in this state:

1392 a. Shall include, at the beginning of any classified
1393 heading for adoption and adoption services, a statement that
1394 informs directory users that only attorneys licensed to practice
1395 law in this state and licensed adoption entities may legally
1396 provide adoption services under state law.

1397 b. May publish an advertisement described in subparagraph
1398 1. in the telephone directory only if the advertisement contains
1399 the following:

1400 (I) For an attorney licensed to practice law in this
1401 state, the person's Florida Bar number.

1402 (II) For a child placing agency licensed under the laws of
1403 this state, the number on the person's adoption entity license.

1404 (2) Any person who is a birth mother, or a woman who holds
1405 herself out to be a birth mother, who is interested in making an
1406 adoption plan and who knowingly or intentionally benefits from

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1407 the payment of adoption-related expenses in connection with that
1408 adoption plan commits adoption deception if:

1409 (a) The person knows or should have known that the person
1410 is not pregnant at the time the sums were requested or received;

1411 (b) The person accepts living expenses assistance from a
1412 prospective adoptive parent or adoption entity without
1413 disclosing that she is receiving living expenses assistance from
1414 another prospective adoptive parent or adoption entity at the
1415 same time in an effort to adopt the same child; or

1416 (c) The person knowingly makes false representations to
1417 induce the payment of living expenses and does not intend to
1418 make an adoptive placement. ~~It is unlawful for:~~

1419 ~~(a) Any person or adoption entity under this chapter to:~~

1420 ~~1. Knowingly provide false information; or~~

1421 ~~2. Knowingly withhold material information.~~

1422 ~~(b) A parent, with the intent to defraud, to accept~~
1423 ~~benefits related to the same pregnancy from more than one~~
1424 ~~adoption entity without disclosing that fact to each entity.~~

1425
1426 Any person who willfully commits adoption deception ~~violates any~~
1427 ~~provision of this subsection~~ commits a misdemeanor of the second
1428 degree, punishable as provided in s. 775.082 or s. 775.083, if
1429 the sums received by the birth mother or woman holding herself
1430 out to be a birth mother do not exceed \$300, and a felony of the
1431 third degree, punishable as provided in s. 775.082, s. 775.083,
1432 or s. 775.084, if the sums received by the birth mother or woman
1433 holding herself out to be a birth mother exceed \$300. In
1434 addition, the person is liable for damages caused by such acts

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1435 or omissions, including reasonable attorney ~~attorney's~~ fees and
1436 costs incurred by the adoption entity or the prospective
1437 adoptive parent. Damages may be awarded through restitution in
1438 any related criminal prosecution or by filing a separate civil
1439 action.

1440 (8) Unless otherwise indicated, a person who willfully and
1441 with criminal intent violates any provision of this section,
1442 excluding paragraph (1)(g), commits a felony of the third
1443 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1444 775.084. A person who willfully and with criminal intent
1445 violates paragraph (1)(g) commits a misdemeanor of the second
1446 degree, punishable as provided in s. 775.083; and each day of
1447 continuing violation shall be considered a separate offense. In
1448 addition, any person who knowingly publishes or assists with the
1449 publication of any advertisement or other publication which
1450 violates the requirements of paragraph (1)(g) commits a
1451 misdemeanor of the second degree, punishable as provided in s.
1452 775.083, and may be required to pay a fine of up to \$150 per day
1453 for each day of continuing violation.

1454 Section 25. Paragraph (b) of subsection (1), paragraphs
1455 (a) and (e) of subsection (2), and paragraphs (b), (h), and (i)
1456 of subsection (6) of section 63.213, Florida Statutes, are
1457 amended to read:

1458 63.213 Preplanned adoption agreement.—

1459 (1) Individuals may enter into a preplanned adoption
1460 arrangement as specified in this section, but such arrangement
1461 may not in any way:

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1462 (b) Constitute consent of a mother to place her biological
1463 child for adoption until 48 hours after the ~~following~~ birth of
1464 the child and unless the court making the custody determination
1465 or approving the adoption determines that the mother was aware
1466 of her right to rescind within the 48-hour period after the
1467 ~~following~~ birth of the child but chose not to rescind such
1468 consent. The volunteer mother's right to rescind her consent in
1469 a preplanned adoption applies only when the child is genetically
1470 related to her.

1471 (2) A preplanned adoption agreement must include, but need
1472 not be limited to, the following terms:

1473 (a) That the volunteer mother agrees to become pregnant by
1474 the fertility technique specified in the agreement, to bear the
1475 child, and to terminate any parental rights and responsibilities
1476 to the child she might have through a written consent executed
1477 at the same time as the preplanned adoption agreement, subject
1478 to a right of rescission by the volunteer mother any time within
1479 48 hours after the birth of the child, if the volunteer mother
1480 is genetically related to the child.

1481 (e) That the intended father and intended mother
1482 acknowledge that they may not receive custody or the parental
1483 rights under the agreement if the volunteer mother terminates
1484 the agreement or if the volunteer mother rescinds her consent to
1485 place her child for adoption within 48 hours after the birth of
1486 the child, if the volunteer mother is genetically related to the
1487 child.

1488 (6) As used in this section, the term:

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1489 (b) "Child" means the child or children conceived by means
1490 of a fertility technique ~~an insemination~~ that is part of a
1491 preplanned adoption arrangement.

1492 (h) "Preplanned adoption arrangement" means the
1493 arrangement through which the parties enter into an agreement
1494 for the volunteer mother to bear the child, for payment by the
1495 intended father and intended mother of the expenses allowed by
1496 this section, for the intended father and intended mother to
1497 assert full parental rights and responsibilities to the child if
1498 consent to adoption is not rescinded after birth by a the
1499 volunteer mother who is genetically related to the child, and
1500 for the volunteer mother to terminate, subject to any ~~a~~ right of
1501 rescission, all her parental rights and responsibilities to the
1502 child in favor of the intended father and intended mother.

1503 (i) "Volunteer mother" means a female at least 18 years of
1504 age who voluntarily agrees, subject to a right of rescission if
1505 it is her biological child, that if she should become pregnant
1506 pursuant to a preplanned adoption arrangement, she will
1507 terminate her parental rights and responsibilities to the child
1508 in favor of the intended father and intended mother.

1509 Section 26. Section 63.222, Florida Statutes, is amended
1510 to read:

1511 63.222 Effect on prior adoption proceedings.—Any adoption
1512 made before July 1, 2012, is ~~the effective date of this act~~
1513 ~~shall be~~ valid, and any proceedings pending on that the
1514 ~~effective date~~ and any subsequent amendments thereto ~~of this act~~
1515 are not affected thereby unless the amendment is designated as a
1516 remedial provision.

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1517 Section 27. Section 63.2325, Florida Statutes, is amended
1518 to read:

1519 63.2325 Conditions for invalidation ~~revocation~~ of a
1520 consent to adoption or affidavit of nonpaternity.—
1521 Notwithstanding the requirements of this chapter, a failure to
1522 meet any of those requirements does not constitute grounds for
1523 invalidation ~~revocation~~ of a consent to adoption or revocation
1524 ~~withdrawal~~ of an affidavit of nonpaternity unless the extent and
1525 circumstances of such a failure result in a material failure of
1526 fundamental fairness in the administration of due process, or
1527 the failure constitutes or contributes to fraud or duress in
1528 obtaining a consent to adoption or affidavit of nonpaternity.

1529 Section 28. This act shall take effect July 1, 2012

1530
1531
1532 -----
1533 **T I T L E A M E N D M E N T**

1534 Remove the entire title and insert:

1535 A bill to be entitled

1536 An act relating to adoption; amending s. 39.802, F.S.; requiring
1537 the Department of Children and Families to inform the parents of
1538 a child of the availability of private placement of the child
1539 with an adoption entity in certain circumstances; amending s.
1540 63.022, F.S.; revising legislative intent to delete reference to
1541 reporting requirements for placements of minors and exceptions;
1542 amending s. 63.032, F.S.; revising definitions; amending s.
1543 63.037, F.S.; exempting adoption proceedings initiated under
1544 chapter 39, F.S., from a requirement for a search of the Florida

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COMMITTEE/SUBCOMMITTEE AMENDMENT

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

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1545 Putative Father Registry; amending s. 63.039, F.S.; providing
1546 that all adoptions of minor children require the use of an
1547 adoption entity that will assume the responsibilities provided
1548 in specified provisions; providing an exception; amending s.
1549 63.0423, F.S.; revising terminology relating to surrendered
1550 infants; providing that an infant who tests positive for illegal
1551 drugs, narcotic prescription drugs, alcohol, or other
1552 substances, but shows no other signs of child abuse or neglect,
1553 shall be placed in the custody of a licensed child-placing
1554 agency; providing that a specified reporting requirement is not
1555 superseded; providing that when the Department of Children and
1556 Family Services is contacted regarding a surrendered infant who
1557 does not appear to have been the victim of actual or suspected
1558 child abuse or neglect, it shall provide instruction to contact
1559 a licensed child-placing agency and may not take custody of the
1560 infant; providing an exception; revising provisions relating to
1561 scientific testing to determine the paternity or maternity of a
1562 minor; amending s. 63.0427, F.S.; prohibiting a court from
1563 increasing contact between an adopted child and siblings, birth
1564 parents, or other relatives without the consent of the adoptive
1565 parent or parents; amending s. 63.052, F.S.; deleting a
1566 requirement that a minor be permanently committed to an adoption
1567 entity in order for the entity to be guardian of the person of
1568 the minor; limiting the circumstances in which an intermediary
1569 may remove a child; providing that an intermediary does not
1570 become responsible for a minor child's medical bills that were
1571 incurred before taking physical custody of the child; providing
1572 additional placement options for a minor surrendered to an

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1573 adoption entity for subsequent adoption when a suitable
1574 prospective adoptive home is not available; amending s. 63.053,
1575 F.S.; requiring that an unmarried biological father strictly
1576 comply with specified provisions in order to protect his
1577 interests; amending s. 63.054, F.S.; authorizing submission of
1578 an alternative document to the Office of Vital Statistics by the
1579 petitioner in each proceeding for termination of parental
1580 rights; providing that by filing a claim of paternity form the
1581 registrant expressly consents to paying for DNA testing;
1582 requiring that an alternative address designated by a registrant
1583 be a physical address; providing that the filing of a claim of
1584 paternity with the Florida Putative Father Registry does not
1585 relieve a person from compliance with specified requirements;
1586 amending s. 63.062, F.S.; revising requirements for when a
1587 minor's father must be served prior to termination of parental
1588 rights; requiring that an unmarried biological father comply
1589 with specified requirements in order for his consent to be
1590 required for adoption; revising such requirements; providing
1591 that the mere fact that a father expresses a desire to fulfill
1592 his responsibilities towards his child which is unsupported by
1593 acts evidencing this intent does not meet the requirements;
1594 providing for the sufficiency of an affidavit of nonpaternity;
1595 providing an exception to a condition to a petition to adopt an
1596 adult; amending s. 63.063, F.S.; conforming terminology;
1597 amending s. 63.082, F.S.; revising language concerning
1598 applicability of notice and consent provisions in cases in which
1599 the child is conceived as a result of a violation of criminal
1600 law; requiring notice to be provided to the father of child

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1601 | alleged to be conceived as a result of a violation of criminal
1602 | law if charges are not filed; providing that a criminal
1603 | conviction is not required for the court to find that the child
1604 | was conceived as a result of a violation of criminal law;
1605 | requiring an affidavit of diligent search to be filed whenever a
1606 | person who is required to consent is unavailable because the
1607 | person cannot be located; providing that in an adoption of a
1608 | stepchild or a relative, a certified copy of the death
1609 | certificate of the person whose consent is required may be
1610 | attached to the petition for adoption if a separate petition for
1611 | termination of parental rights is not being filed; authorizing
1612 | the execution of an affidavit of nonpaternity before the birth
1613 | of a minor in preplanned adoptions; revising language of a
1614 | consent to adoption; providing that a home study provided by the
1615 | adoption entity shall be deemed to be sufficient except in
1616 | certain circumstances; providing for a hearing if an adoption
1617 | entity moves to intervene in a dependency case; requiring the
1618 | court to provided information to prospective adoptive parents
1619 | regarding parent training classes in the community upon
1620 | determining the child dependent; requiring acknowledgement of
1621 | receipt of information to be filed with the court by the
1622 | department; requiring the adoption entity to provide updates to
1623 | the court every 90 days from the date of placement to the date
1624 | of adoption finalization; requiring the court and the department
1625 | to advise a biological parent of the right to participate in
1626 | private adoption in all dependency cases at the time the
1627 | petition to terminate parental rights is filed; revising
1628 | language concerning seeking to revoke consent to an adoption of

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1629 a child older than 6 months of age; providing that if the
1630 consent of one parent is set aside or revoked, any other
1631 consents executed by the other parent or a third party whose
1632 consent is required for the adoption of the child may not be
1633 used by the parent who consent was revoked or set aside to
1634 terminate or diminish the rights of the other parent or third
1635 party; amending s. 63.085, F.S.; revising language of an
1636 adoption disclosure statement; requiring that a copy of a waiver
1637 by prospective adoptive parents of receipt of certain records
1638 must be filed with the court; amending s. 63.087, F.S.;
1639 specifying that a failure to personally appear at a proceeding
1640 to terminate parental rights constitutes grounds for
1641 termination; amending s. 63.088, F.S.; providing that in a
1642 termination of parental rights proceeding if a required inquiry
1643 that identifies a father who has been adjudicated by a court as
1644 the father of the minor child before the date a petition for
1645 termination of parental rights is filed the inquiry must
1646 terminate at that point; amending s. 63.089, F.S.; specifying
1647 that it is a failure to personally appear that provides grounds
1648 for termination of parental rights in certain circumstances;
1649 providing additional grounds upon which a finding of abandonment
1650 may be made; revising provisions relating to dismissal of
1651 petitions to terminate parental rights; providing that contact
1652 between a parent seeking relief from a judgment terminating
1653 parental rights and a child may be awarded only in certain
1654 circumstances; providing for placement of a child in the event
1655 that a court grants relief from a judgment terminating parental
1656 rights and no new pleading is filed to terminate parental

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1657 rights; amending s. 63.092, F.S.; requiring that a signed copy
1658 of the home study must be provided to the intended adoptive
1659 parents who were the subject of the study; amending s. 63.097,
1660 F.S.; providing guidelines for a court considering a reasonable
1661 attorney fee associated with adoption services; amending s.
1662 63.152, F.S.; authorizing an adoption entity to transmit a
1663 certified statement of the entry of a judgment of adoption to
1664 the state registrar of vital statistics; amending s. 63.162,
1665 F.S.; authorizing a birth parent to petition that court to
1666 appoint an intermediary or a licensed child-placing agency to
1667 contact an adult adoptee and advise both of the availability of
1668 the adoption registry and that the birth parent wishes to
1669 establish contact; amending s. 63.167, F.S.; requiring that the
1670 state adoption center provide contact information for all
1671 adoption entities in a caller's county or, if no adoption
1672 entities are located in the caller's county, the number of the
1673 nearest adoption entity when contacted for a referral to make an
1674 adoption plan; amending s. 63.202, F.S.; changing reference to
1675 child welfare agencies in licensing by department; amending s.
1676 63.212, F.S.; restricting who may place a paid advertisement or
1677 paid listing of the person's telephone number offering certain
1678 adoption services; requiring of publishers of telephone
1679 directories to include certain statements at the beginning of
1680 any classified heading for adoption and adoption services;
1681 providing requirements for such advertisements; providing
1682 criminal penalties for violations; prohibiting the offense of
1683 adoption deception by a person who is a birth mother or a woman
1684 who holds herself out to be a birth mother; providing criminal

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