

1                   A bill to be entitled  
2           An act relating to adoption; amending s. 63.022, F.S.;  
3           revising legislative intent to delete reference to  
4           reporting requirements for placements of minors and  
5           exceptions; amending s. 63.032, F.S.; revising  
6           definitions; amending s. 63.037, F.S.; exempting  
7           adoption proceedings initiated under chapter 39, F.S.,  
8           from a requirement for a search of the Florida  
9           Putative Father Registry; amending s. 63.039, F.S.;  
10          providing that all adoptions of minor children require  
11          the use of an adoption entity that will assume the  
12          responsibilities provided in specified provisions;  
13          providing an exception; amending s. 63.042, F.S.;  
14          revising terminology relating to who may adopt;  
15          amending s. 63.0423, F.S.; revising terminology  
16          relating to surrendered infants; providing that an  
17          infant who tests positive for illegal drugs, narcotic  
18          prescription drugs, alcohol, or other substances that  
19          would cause concern for the infant's welfare and  
20          safety if left in the care of the mother or is born to  
21          a mother who tests positive for such substances at the  
22          time of delivery, but shows no other signs of child  
23          abuse or neglect, is treated as having been properly  
24          surrendered; providing that if the Department of  
25          Children and Family Services is contacted regarding a  
26          surrendered infant who does not appear to have been  
27          the victim of actual or suspected child abuse or  
28          neglect, it shall provide instruction to contact an

29 adoption entity and may not become involved; providing  
30 an exception; revising provisions relating to  
31 scientific testing to determine the paternity or  
32 maternity of a minor; amending s. 63.0425, F.S.;  
33 requiring that a child's residence be continuous for a  
34 specified period in order to entitle the grandparent  
35 to notice of certain proceedings; amending s. 63.0427,  
36 F.S.; prohibiting a court from increasing contact  
37 between an adopted child and siblings, birth parents,  
38 or other relatives without the consent of the adoptive  
39 parent or parents; providing for agreements for  
40 contact between a child to be adopted and the birth  
41 parent, other relative, or previous foster parent of  
42 the child; amending s. 63.052, F.S.; deleting a  
43 requirement that a minor be permanently committed to  
44 an adoption entity in order for the entity to be  
45 guardian of the person of the minor; limiting the  
46 circumstances in which an intermediary may remove a  
47 child; providing that an intermediary does not become  
48 responsible for a minor child's medical bills that  
49 were incurred before taking physical custody of the  
50 child; providing additional placement options for a  
51 minor surrendered to an adoption entity for subsequent  
52 adoption when a suitable prospective adoptive home is  
53 not available; amending s. 63.053, F.S.; requiring  
54 that an unmarried biological father strictly comply  
55 with specified provisions in order to protect his  
56 interests; amending s. 63.054, F.S.; authorizing

57 | submission of an alternative document to the Office of  
58 | Vital Statistics by the petitioner in each proceeding  
59 | for termination of parental rights; providing that by  
60 | filing a claim of paternity form the registrant  
61 | expressly consents to paying for DNA testing;  
62 | requiring that an alternative address designated by a  
63 | registrant be a physical address; providing that the  
64 | filing of a claim of paternity with the Florida  
65 | Putative Father Registry does not relieve a person  
66 | from compliance with specified requirements; amending  
67 | s. 63.062, F.S.; revising requirements for when a  
68 | minor's father must be served prior to termination of  
69 | parental rights; requiring that an unmarried  
70 | biological father comply with specified requirements  
71 | in order for his consent to be required for adoption;  
72 | revising such requirements; providing that the mere  
73 | fact that a father expresses a desire to fulfill his  
74 | responsibilities towards his child which is  
75 | unsupported by acts evidencing this intent does not  
76 | meet the requirements; providing for the sufficiency  
77 | of an affidavit of nonpaternity; providing an  
78 | exception to a condition to a petition to adopt an  
79 | adult; amending s. 63.063, F.S.; conforming  
80 | terminology; amending s. 63.082, F.S.; revising  
81 | language concerning applicability of notice and  
82 | consent provisions in cases in which the child is  
83 | conceived as a result of a violation of criminal law;  
84 | providing that a criminal conviction is not required

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85 | for the court to find that the child was conceived as  
86 | a result of a violation of criminal law; requiring an  
87 | affidavit of diligent search to be filed whenever a  
88 | person who is required to consent is unavailable  
89 | because the person cannot be located; providing that  
90 | in an adoption of a stepchild or a relative, a  
91 | certified copy of the death certificate of the person  
92 | whose consent is required may be attached to the  
93 | petition for adoption if a separate petition for  
94 | termination of parental rights is not being filed;  
95 | authorizing the execution of an affidavit of  
96 | nonpaternity before the birth of a minor in preplanned  
97 | adoptions; revising language of a consent to adoption;  
98 | providing that a home study provided by the adoption  
99 | entity shall be deemed to be sufficient except in  
100 | certain circumstances; providing for a hearing if an  
101 | adoption entity moves to intervene in a dependency  
102 | case; revising language concerning seeking to revoke  
103 | consent to an adoption of a child older than 6 months  
104 | of age; providing that if the consent of one parent is  
105 | set aside or revoked, any other consents executed by  
106 | the other parent or a third party whose consent is  
107 | required for the adoption of the child may not be used  
108 | by the parent who consent was revoked or set aside to  
109 | terminate or diminish the rights of the other parent  
110 | or third party; amending s. 63.085, F.S.; revising  
111 | language of an adoption disclosure statement;  
112 | requiring that a copy of a waiver by prospective

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113 adoptive parents of receipt of certain records must be  
114 filed with the court; amending s. 63.087, F.S.;  
115 specifying that a failure to personally appear at a  
116 proceeding to terminate parental rights constitutes  
117 grounds for termination; amending s. 63.088, F.S.;  
118 providing that in a termination of parental rights  
119 proceeding if a required inquiry that identifies a  
120 father who has been adjudicated by a court as the  
121 father of the minor child before the date a petition  
122 for termination of parental rights is filed the  
123 inquiry must terminate at that point; amending s.  
124 63.089, F.S.; specifying that it is a failure to  
125 personally appear that provides grounds for  
126 termination of parental rights in certain  
127 circumstances; revising provisions relating to  
128 dismissal of petitions to terminate parental rights;  
129 providing that contact between a parent seeking relief  
130 from a judgment terminating parental rights and a  
131 child may be awarded only in certain circumstances;  
132 providing for placement of a child in the event that a  
133 court grants relief from a judgment terminating  
134 parental rights and no new pleading is filed to  
135 terminate parental rights; amending s. 63.092, F.S.;  
136 requiring that a signed copy of the home study must be  
137 provided to the intended adoptive parents who were the  
138 subject of the study; amending s. 63.152, F.S.;  
139 authorizing an adoption entity to transmit a certified  
140 statement of the entry of a judgment of adoption to

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141 the state registrar of vital statistics; amending s.  
142 63.162, F.S.; authorizing a birth parent to petition  
143 that court to appoint an intermediary or a licensed  
144 child-placing agency to contact an adult adoptee and  
145 advise both of the availability of the adoption  
146 registry and that the birth parent wishes to establish  
147 contact; amending s. 63.167, F.S.; requiring that the  
148 state adoption center provide contact information for  
149 all adoption entities in a caller's county or, if no  
150 adoption entities are located in the caller's county,  
151 the number of the nearest adoption entity when  
152 contacted for a referral to make an adoption plan;  
153 amending s. 63.212, F.S.; restricting who may place a  
154 paid advertisement or paid listing of the person's  
155 telephone number offering certain adoption services;  
156 requiring of publishers of telephone directories to  
157 include certain statements at the beginning of any  
158 classified heading for adoption and adoption services;  
159 providing requirements for such advertisements;  
160 providing criminal penalties for violations;  
161 prohibiting the offense of adoption deception by a  
162 person who is a birth mother or a woman who holds  
163 herself out to be a birth mother; providing criminal  
164 penalties; providing liability by violators for  
165 certain damages; amending s. 63.213, F.S.; providing  
166 that a preplanned adoption arrangement does not  
167 constitute consent of a mother to place her biological  
168 child for adoption until 48 hours following birth;

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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169 providing that a volunteer mother's right to rescind  
 170 her consent in a preplanned adoption applies only when  
 171 the child is genetically related to her; revising the  
 172 definitions of the terms "child," "preplanned adoption  
 173 arrangement," and "volunteer mother"; amending s.  
 174 63.222, F.S.; providing that provisions designated as  
 175 remedial may apply to any proceedings pending on the  
 176 effective date of the provisions; amending s. 63.2325,  
 177 F.S.; revising terminology relating to revocation of  
 178 consent to adoption; providing an effective date.

179  
 180 Be It Enacted by the Legislature of the State of Florida:

181  
 182 Section 1. Paragraphs (e) through (m) of subsection (4) of  
 183 section 63.022, Florida Statutes, are redesignated as paragraphs  
 184 (d) through (l), respectively, and subsection (2) and present  
 185 paragraph (d) of subsection (4) of that section are amended to  
 186 read:

187 63.022 Legislative intent.—

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

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

195 ~~(d) All placements of minors for adoption are reported to~~  
 196 ~~the Department of Children and Family Services, except relative,~~

197 ~~adult, and stepparent adoptions.~~

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

200 63.032 Definitions.—As used in this chapter, the term:

201 (1) "Abandoned" means a situation in which the parent or  
 202 person having legal custody of a child, while being able, makes  
 203 little or no provision for the child's support or ~~and~~ makes  
 204 little or no effort to communicate with the child, which  
 205 situation is sufficient to evince an intent to reject parental  
 206 responsibilities. If, in the opinion of the court, the efforts  
 207 of such parent or person having legal custody of the child to  
 208 support and communicate with the child are only marginal efforts  
 209 that do not evince a settled purpose to assume all parental  
 210 duties, the court may declare the child to be abandoned. In  
 211 making this decision, the court may consider the conduct of a  
 212 father towards the child's mother during her pregnancy.

213 (12) "Parent" means a woman who gives birth to a child and  
 214 who is not a gestational surrogate as defined in s. 742.13 or a  
 215 man whose consent to the adoption of the child would be required  
 216 under s. 63.062(1). If a child has been legally adopted, the  
 217 term "parent" means the adoptive mother or father of the child.  
 218 The term does not include an individual whose parental  
 219 relationship to the child has been legally terminated or an  
 220 alleged or prospective parent.

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

224 (19) "Unmarried biological father" means the child's



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225 biological father who is not married to the child's mother at  
 226 the time of conception or on the date of the birth of the child  
 227 and who, before the filing of a petition to terminate parental  
 228 rights, has not been adjudicated by a court of competent  
 229 jurisdiction to be the legal father of the child or has not  
 230 filed ~~executed~~ an affidavit pursuant to s. 382.013(2)(c).

231 Section 3. Section 63.037, Florida Statutes, is amended to  
 232 read:

233 63.037 Proceedings applicable to cases resulting from a  
 234 termination of parental rights under chapter 39.—A case in which  
 235 a minor becomes available for adoption after the parental rights  
 236 of each parent have been terminated by a judgment entered  
 237 pursuant to chapter 39 shall be governed by s. 39.812 and this  
 238 chapter. Adoption proceedings initiated under chapter 39 are  
 239 exempt from the following provisions of this chapter:  
 240 requirement for search of the Florida Putative Father Registry  
 241 provided in s. 63.054(7); disclosure requirements for the  
 242 adoption entity provided in s. 63.085(1); general provisions  
 243 governing termination of parental rights pending adoption  
 244 provided in s. 63.087; notice and service provisions governing  
 245 termination of parental rights pending adoption provided in s.  
 246 63.088; and procedures for terminating parental rights pending  
 247 adoption provided in s. 63.089.

248 Section 4. Subsections (2) through (4) of section 63.039,  
 249 Florida Statutes, are renumbered as subsections (3) through (5),  
 250 respectively, and a new subsection (2) is added to that section  
 251 to read:

252 63.039 Duty of adoption entity to prospective adoptive

253 parents; sanctions.—

254 (2) With the exception of an adoption by a relative or  
 255 stepparent, all adoptions of minor children require the use of  
 256 an adoption entity that will assume the responsibilities  
 257 provided in this section.

258 Section 5. Paragraph (c) of subsection (2) of section  
 259 63.042, Florida Statutes, is amended to read:

260 63.042 Who may be adopted; who may adopt.—

261 (2) The following persons may adopt:

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

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

267 2. The failure of his or her ~~the other~~ spouse to join in  
 268 the petition or to consent to the adoption is excused by the  
 269 court for good cause shown or in the best interests ~~interest~~ of  
 270 the child.

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

273 63.0423 Procedures with respect to surrendered infants.—

274 (1) Upon entry of final judgment terminating parental  
 275 rights, an adoption entity ~~A licensed child-placing agency~~ that  
 276 takes physical custody of an infant surrendered at a hospital,  
 277 emergency medical services station, or fire station pursuant to  
 278 s. 383.50 assumes ~~shall assume~~ responsibility for the ~~all~~  
 279 medical ~~costs~~ and ~~all~~ other costs associated with the emergency  
 280 services and care of the surrendered infant from the time the

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281 adoption entity ~~licensed child-placing agency~~ takes physical  
282 custody of the surrendered infant.

283 (2) The adoption entity ~~licensed child-placing agency~~  
284 shall immediately seek an order from the circuit court for  
285 emergency custody of the surrendered infant. The emergency  
286 custody order shall remain in effect until the court orders  
287 preliminary approval of placement of the surrendered infant in  
288 the prospective home, at which time the prospective adoptive  
289 parents become guardians pending termination of parental rights  
290 and finalization of adoption or until the court orders  
291 otherwise. The guardianship of the prospective adoptive parents  
292 shall remain subject to the right of the adoption entity  
293 ~~licensed child-placing agency~~ to remove the surrendered infant  
294 from the placement during the pendency of the proceedings if  
295 such removal is deemed by the adoption entity ~~licensed child-~~  
296 ~~placing agency~~ to be in the best interests ~~interest~~ of the  
297 child. The adoption entity ~~licensed child-placing agency~~ may  
298 immediately seek to place the surrendered infant in a  
299 prospective adoptive home.

300 (3) The adoption entity ~~licensed child-placing agency~~ that  
301 takes physical custody of the surrendered infant shall, within  
302 24 hours thereafter, request assistance from law enforcement  
303 officials to investigate and determine, through the Missing  
304 Children Information Clearinghouse, the National Center for  
305 Missing and Exploited Children, and any other national and state  
306 resources, whether the surrendered infant is a missing child.

307 (4) The parent who surrenders the infant in accordance  
308 with s. 383.50 is presumed to have consented to termination of

309 | parental rights, and express consent is not required. Except  
 310 | when there is actual or suspected child abuse or neglect, the  
 311 | adoption entity may ~~licensed child-placing agency shall~~ not  
 312 | attempt to pursue, search for, or notify that parent as provided  
 313 | in s. 63.088 and chapter 49. For purposes of s. 383.50 and this  
 314 | section, an infant who tests positive for illegal drugs,  
 315 | narcotic prescription drugs, alcohol, or other substances that  
 316 | would cause concern for the infant's welfare and safety if left  
 317 | in the care of the mother, or who is born to a mother who tests  
 318 | positive for such substances at the time of delivery, but shows  
 319 | no other signs of child abuse or neglect, shall be treated as  
 320 | having been properly surrendered under this section. If the  
 321 | department is contacted regarding an infant properly surrendered  
 322 | under this section, the department shall provide instruction to  
 323 | contact an adoption entity and may not become involved unless  
 324 | reasonable efforts to contact an adoption entity to accept the  
 325 | infant have not been successful.

326 | (7) If a claim of parental rights of a surrendered infant  
 327 | is made before the judgment to terminate parental rights is  
 328 | entered, the circuit court may hold the action for termination  
 329 | of parental rights ~~pending subsequent adoption~~ in abeyance for a  
 330 | period of time not to exceed 60 days.

331 | (a) The court may order scientific testing to determine  
 332 | maternity or paternity at the expense of the parent claiming  
 333 | parental rights.

334 | (b) The court shall appoint a guardian ad litem for the  
 335 | surrendered infant and order whatever investigation, home  
 336 | evaluation, and psychological evaluation are necessary to

337 determine what is in the best interests ~~interest~~ of the  
 338 surrendered infant.

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

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

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

350 (9) (a) A judgment terminating parental rights pending  
 351 adoption is voidable, and any later judgment of adoption of that  
 352 minor is voidable, if, upon the motion of a ~~birth~~ parent, the  
 353 court finds that an adoption entity ~~a person~~ knowingly gave  
 354 false information that prevented the ~~birth~~ parent from timely  
 355 making known his or her desire to assume parental  
 356 responsibilities toward the minor or from exercising his or her  
 357 parental rights. A motion under this subsection must be filed  
 358 with the court originally entering the judgment. The motion must  
 359 be filed within a reasonable time but not later than 1 year  
 360 after the entry of the judgment terminating parental rights.

361 (b) No later than 30 days after the filing of a motion  
 362 under this subsection, the court shall conduct a preliminary  
 363 hearing to determine what contact, if any, will be permitted  
 364 between a ~~birth~~ parent and the child pending resolution of the

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365 motion. Such contact may be allowed only if it is requested by a  
366 parent who has appeared at the hearing and the court determines  
367 that it is in the best interests ~~interest~~ of the child. If the  
368 court orders contact between a ~~birth~~ parent and the child, the  
369 order must be issued in writing as expeditiously as possible and  
370 must state with specificity any provisions regarding contact  
371 with persons other than those with whom the child resides.

372 (c) ~~At the preliminary hearing, The court, upon the motion~~  
373 ~~of any party or upon its own motion,~~ may not order scientific  
374 testing to determine the paternity or maternity of the minor  
375 until such time as the court determines that a previously  
376 entered judgment terminating the parental rights of that parent  
377 is voidable pursuant to paragraph (a), unless all parties agree  
378 that such testing is in the best interests of the child ~~if the~~  
379 ~~person seeking to set aside the judgment is alleging to be the~~  
380 ~~child's birth parent but has not previously been determined by~~  
381 ~~legal proceedings or scientific testing to be the birth parent.~~  
382 Upon the filing of test results establishing that person's  
383 maternity or paternity of the surrendered infant, the court may  
384 order visitation only if it appears to be ~~as it deems~~  
385 ~~appropriate and~~ in the best interests ~~interest~~ of the child.

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

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

392 63.0425 Grandparent's right to notice.—

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

398 Section 8. Section 63.0427, Florida Statutes, is amended  
 399 to read:

400 63.0427 Agreements for ~~Adopted minor's right to~~ continued  
 401 communication or contact between adopted child and ~~with~~  
 402 siblings, parents, and other relatives.-

403 (1) A child whose parents have had their parental rights  
 404 terminated and whose custody has been awarded to the department  
 405 pursuant to s. 39.811, and who is the subject of a petition for  
 406 adoption under this chapter, shall have the right to have the  
 407 court consider the appropriateness of postadoption communication  
 408 or contact, including, but not limited to, visits, written  
 409 correspondence, or telephone calls, with his or her siblings or,  
 410 upon agreement of the adoptive parents, with the parents who  
 411 have had their parental rights terminated or other specified  
 412 biological relatives. The court shall consider the following in  
 413 making such determination:

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

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

417 (c) Statements of the prospective adoptive parents.

418 (d) Any other information deemed relevant and material by  
 419 the court.

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421 If the court determines that the child's best interests will be  
422 served by postadoption communication or contact, the court shall  
423 so order, stating the nature and frequency of ~~for~~ the  
424 communication or contact. This order shall be made a part of the  
425 final adoption order, but ~~in no event shall~~ the continuing  
426 validity of the adoption may not be contingent upon such  
427 postadoption communication or contact and, ~~nor shall~~ the ability  
428 of the adoptive parents and child to change residence within or  
429 outside the State of Florida may not be impaired by such  
430 communication or contact.

431 (2) Notwithstanding ~~the provisions of~~ s. 63.162, the  
432 adoptive parent may, at any time, petition for review of a  
433 communication or contact order entered pursuant to subsection  
434 (1), if the adoptive parent believes that the best interests of  
435 the adopted child are being compromised, and the court may ~~shall~~  
436 ~~have authority to~~ order the communication or contact to be  
437 terminated or modified, as the court deems to be in the best  
438 interests of the adopted child; however, the court may not  
439 increase contact between the adopted child and siblings, birth  
440 parents, or other relatives without the consent of the adoptive  
441 parent or parents. As part of the review process, the court may  
442 order the parties to engage in mediation. The department shall  
443 not be required to be a party to such review.

444 (3) Prospective adoptive parents may enter into an  
445 agreement for contact between the child to be adopted and the  
446 birth parent, other relative, or previous foster parent of the  
447 child to be adopted. Such contact may include visits, written  
448 correspondence, telephone contact, exchange of photographs, or



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449 other similar types of contact. The agreement is enforceable by  
450 the court only if:

451 (a) The agreement was in writing and was submitted to the  
452 court.

453 (b) The adoptive parents have agreed to the terms of the  
454 contact agreement.

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

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

459 (e) All parties acknowledge that a dispute regarding the  
460 contact agreement does not affect the validity or finality of  
461 the adoption and that a breach of the agreement may not be  
462 grounds to set aside the adoption or otherwise impact the  
463 validity or finality of the adoption in any way.

464 (f) An adoptive parent may terminate the contact between  
465 the child and the birth parent, other relative, or foster parent  
466 if the adoptive parent reasonably believes that the contact is  
467 detrimental to the best interests of the child.

468 (g) In order to terminate the agreement for contact, the  
469 adoptive parent must file a notice of intent to terminate the  
470 contact agreement with the court that initially approved the  
471 contact agreement, and provide a copy of the notice to the  
472 adoption entity that placed the child, if any, and to the birth  
473 parent, other relative, or foster parent of the child who is a  
474 party to the agreement, outlining the reasons for termination of  
475 the agreement.

476 (h) If appropriate under the circumstances of the case,

477 the court may order the parties to participate in mediation to  
 478 attempt to resolve the issues with the contact agreement.

479 (i) The court may modify the terms of the agreement in  
 480 order to serve the best interests of the child, but may not  
 481 increase the amount or type of contact unless the adoptive  
 482 parents agree to the increase in contact or change in the type  
 483 of contact.

484 (j) An agreement for contact entered into under this  
 485 subsection is enforceable even if it does not fully disclose the  
 486 identity of the parties to the agreement or if identifying  
 487 information has been redacted from the agreement.

488 Section 9. Subsections (1), (2), (3), and (6) of section  
 489 63.052, Florida Statutes, are amended to read:

490 63.052 Guardians designated; proof of commitment.—

491 (1) For minors who have been placed for adoption with ~~and~~  
 492 ~~permanently committed to~~ an adoption entity, other than an  
 493 intermediary, such adoption entity shall be the guardian of the  
 494 person of the minor and has the responsibility and authority to  
 495 provide for the needs and welfare of the minor.

496 (2) For minors who have been voluntarily surrendered to an  
 497 intermediary through an execution of a consent to adoption, the  
 498 intermediary shall be responsible for the minor until the time a  
 499 court orders preliminary approval of placement of the minor in  
 500 the prospective adoptive home, after which time the prospective  
 501 adoptive parents shall become guardians pending finalization of  
 502 adoption, subject to the intermediary's right and responsibility  
 503 to remove the child from the prospective adoptive home if the  
 504 removal is deemed by the intermediary to be in the best

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505 interests ~~interest~~ of the child. The intermediary may not remove  
506 the child without a court order unless the child is in danger of  
507 imminent harm. The intermediary does not become responsible for  
508 the minor child's medical bills that were incurred before taking  
509 physical custody of the child after the execution of adoption  
510 consents. Prior to the court's entry of an order granting  
511 preliminary approval of the placement, the intermediary shall  
512 have the responsibility and authority to provide for the needs  
513 and welfare of the minor. A ~~No~~ minor may not ~~shall~~ be placed in  
514 a prospective adoptive home until that home has received a  
515 favorable preliminary home study, as provided in s. 63.092,  
516 completed and approved within 1 year before such placement in  
517 the prospective home. The provisions of s. 627.6578 shall remain  
518 in effect notwithstanding the guardianship provisions in this  
519 section.

520 (3) If a minor is surrendered to an adoption entity for  
521 subsequent adoption and a suitable prospective adoptive home is  
522 not available pursuant to s. 63.092 at the time the minor is  
523 surrendered to the adoption entity, the minor must be placed in  
524 a licensed foster care home, ~~or~~ with a home-study-approved  
525 person or family, or with a relative until ~~such~~ a suitable  
526 prospective adoptive home is available.

527 (6) Unless otherwise authorized by law or ordered by the  
528 court, the department is not responsible for expenses incurred  
529 by other adoption entities participating in a placement of a  
530 minor.

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

533           63.053 Rights and responsibilities of an unmarried  
534 biological father; legislative findings.—

535           (2) The Legislature finds that the interests of the state,  
536 the mother, the child, and the adoptive parents described in  
537 this chapter outweigh the interest of an unmarried biological  
538 father who does not take action in a timely manner to establish  
539 and demonstrate a relationship with his child in accordance with  
540 the requirements of this chapter. An unmarried biological father  
541 has the primary responsibility to protect his rights and is  
542 presumed to know that his child may be adopted without his  
543 consent unless he strictly complies with ~~the provisions of~~ this  
544 chapter and demonstrates a prompt and full commitment to his  
545 parental responsibilities.

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

548           Section 11. Subsections (1), (2), (4), and (13) of section  
549 63.054, Florida Statutes, are amended to read:

550           63.054 Actions required by an unmarried biological father  
551 to establish parental rights; Florida Putative Father Registry.—

552           (1) In order to preserve the right to notice and consent  
553 to an adoption under this chapter, an unmarried biological  
554 father must, as the "registrant," file a notarized claim of  
555 paternity form with the Florida Putative Father Registry  
556 maintained by the Office of Vital Statistics of the Department  
557 of Health which includes confirmation of his willingness and  
558 intent to support the child for whom paternity is claimed in  
559 accordance with state law. The claim of paternity may be filed  
560 at any time before the child's birth, but may not be filed after

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561 the date a petition is filed for termination of parental rights.  
562 In each proceeding for termination of parental rights, the  
563 petitioner must submit to the Office of Vital Statistics a copy  
564 of the petition for termination of parental rights or a document  
565 executed by the clerk of the court showing the style of the  
566 case, the names of the persons whose rights are sought to be  
567 terminated, and the date and time of the filing of the petition.  
568 The Office of Vital Statistics may not record a claim of  
569 paternity after the date a petition for termination of parental  
570 rights is filed. The failure of an unmarried biological father  
571 to file a claim of paternity with the registry before the date a  
572 petition for termination of parental rights is filed also bars  
573 him from filing a paternity claim under chapter 742.

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

577 1. The mother identifies him to the adoption entity as a  
578 potential biological father by the date she executes a consent  
579 for adoption; and

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

584 (b) If an unmarried biological father falls within the  
585 exception provided by paragraph (a), the petitioner shall also  
586 submit to the Office of Vital Statistics a copy of the notice of  
587 intended adoption plan and proof of service of the notice on the  
588 potential biological father.

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589 (c) An unmarried biological father who falls within the  
590 exception provided by paragraph (a) may not file a claim of  
591 paternity with the registry or a paternity claim under chapter  
592 742 after the 30-day mandatory response date to the notice of  
593 intended adoption plan has expired. The Office of Vital  
594 Statistics may not record a claim of paternity 30 days after  
595 service of the notice of intended adoption plan.

596 (2) By filing a claim of paternity form with the Office of  
597 Vital Statistics, the registrant expressly consents to submit to  
598 and pay for DNA testing upon the request of any party, the  
599 registrant, or the adoption entity with respect to the child  
600 referenced in the claim of paternity.

601 (4) Upon initial registration, or at any time thereafter,  
602 the registrant may designate a physical ~~an~~ address other than  
603 his residential address for sending any communication regarding  
604 his registration. Similarly, upon initial registration, or at  
605 any time thereafter, the registrant may designate, in writing,  
606 an agent or representative to receive any communication on his  
607 behalf and receive service of process. The agent or  
608 representative must file an acceptance of the designation, in  
609 writing, in order to receive notice or service of process. The  
610 failure of the designated representative or agent of the  
611 registrant to deliver or otherwise notify the registrant of  
612 receipt of correspondence from the Florida Putative Father  
613 Registry is at the registrant's own risk and may ~~shall~~ not serve  
614 as a valid defense based upon lack of notice.

615 (13) The filing of a claim of paternity with the Florida  
616 Putative Father Registry does not excuse or waive the obligation

617 of a petitioner to comply with the requirements of s. 63.088(4)  
 618 for conducting a diligent search and required inquiry with  
 619 respect to the identity of an unmarried biological father or  
 620 legal father which are set forth in this chapter.

621 Section 12. Paragraph (b) of subsection (1), subsections  
 622 (2), (3), and (4), and paragraph (a) of subsection (8) of  
 623 section 63.062, Florida Statutes, are amended to read:

624 63.062 Persons required to consent to adoption; affidavit  
 625 of nonpaternity; waiver of venue.—

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

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

632 1. The minor was conceived or born while the father was  
 633 married to the mother;

634 2. The minor is his child by adoption;

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

638 4. He has filed an affidavit of paternity pursuant to s.  
 639 382.013(2)(c) or he is listed on the child's birth certificate  
 640 before ~~by~~ the date a petition ~~is filed~~ for termination of  
 641 parental rights is filed; or

642 5. In the case of an unmarried biological father, he has  
 643 acknowledged in writing, signed in the presence of a competent  
 644 witness, that he is the father of the minor, has filed such

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645 acknowledgment with the Office of Vital Statistics of the  
646 Department of Health within the required timeframes, and has  
647 complied with the requirements of subsection (2).

648

649 The status of the father shall be determined at the time of the  
650 filing of the petition to terminate parental rights and may not  
651 be modified for purposes of his obligations and rights under  
652 this chapter by acts occurring after the filing of the petition  
653 to terminate parental rights.

654 (2) In accordance with subsection (1), the consent of an  
655 unmarried biological father shall be necessary only if the  
656 unmarried biological father has complied with the requirements  
657 of this subsection.

658 (a)1. With regard to a child who is placed with adoptive  
659 parents more than 6 months after the child's birth, an unmarried  
660 biological father must have developed a substantial relationship  
661 with the child, taken some measure of responsibility for the  
662 child and the child's future, and demonstrated a full commitment  
663 to the responsibilities of parenthood by providing reasonable  
664 and regular financial support to the child in accordance with  
665 the unmarried biological father's ability, if not prevented from  
666 doing so by the person or authorized agency having lawful  
667 custody of the child, and either:

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

672 b. Maintained regular communication with the child or with



673 the person or agency having the care or custody of the child,  
 674 when physically or financially unable to visit the child or when  
 675 not prevented from doing so by the birth mother or person or  
 676 authorized agency having lawful custody of the child.

677 ~~2. The mere fact that an unmarried biological father~~  
 678 ~~expresses a desire to fulfill his responsibilities towards his~~  
 679 ~~child which is unsupported by acts evidencing this intent does~~  
 680 ~~not preclude a finding by the court that the unmarried~~  
 681 ~~biological father failed to comply with the requirements of this~~  
 682 ~~subsection.~~

683 2.3. An unmarried biological father who openly lived with  
 684 the child for at least 6 months within the 1-year period  
 685 following the birth of the child and immediately preceding  
 686 placement of the child with adoptive parents and who openly held  
 687 himself out to be the father of the child during that period  
 688 shall be deemed to have developed a substantial relationship  
 689 with the child and to have otherwise met the requirements of  
 690 this paragraph.

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

697 1. Filed a notarized claim of paternity form with the  
 698 Florida Putative Father Registry within the Office of Vital  
 699 Statistics of the Department of Health, which form shall be  
 700 maintained in the confidential registry established for that

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701 purpose and shall be considered filed when the notice is entered  
702 in the registry of notices from unmarried biological fathers.

703 2. Upon service of a notice of an intended adoption plan  
704 or a petition for termination of parental rights pending  
705 adoption, executed and filed an affidavit in that proceeding  
706 stating that he is personally fully able and willing to take  
707 responsibility for the child, setting forth his plans for care  
708 of the child, and agreeing to a court order of child support and  
709 a contribution to the payment of living and medical expenses  
710 incurred for the mother's pregnancy and the child's birth in  
711 accordance with his ability to pay.

712 3. If he had knowledge of the pregnancy, paid a fair and  
713 reasonable amount of the living and medical expenses incurred in  
714 connection with the mother's pregnancy and the child's birth, in  
715 accordance with his financial ability and when not prevented  
716 from doing so by the birth mother or person or authorized agency  
717 having lawful custody of the child. The responsibility of the  
718 unmarried biological father to provide financial assistance to  
719 the birth mother during her pregnancy and to the child after  
720 birth is not abated because support is being provided to the  
721 birth mother or child by the adoption entity, a prospective  
722 adoptive parent, or a third party, nor does it serve as a basis  
723 to excuse the birth father's failure to provide support.

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

728 (d)-(e) The petitioner shall file with the court a

729 certificate from the Office of Vital Statistics stating that a  
 730 diligent search has been made of the Florida Putative Father  
 731 Registry of notices from unmarried biological fathers described  
 732 in subparagraph (b)1. and that no filing has been found  
 733 pertaining to the father of the child in question or, if a  
 734 filing is found, stating the name of the putative father and the  
 735 time and date of filing. That certificate shall be filed with  
 736 the court prior to the entry of a final judgment of termination  
 737 of parental rights.

738 (e)~~(d)~~ An unmarried biological father who does not comply  
 739 with each of the conditions provided in this subsection is  
 740 deemed to have waived and surrendered any rights in relation to  
 741 the child, including the right to notice of any judicial  
 742 proceeding in connection with the adoption of the child, and his  
 743 consent to the adoption of the child is not required.

744 (3) Pursuant to chapter 48, an adoption entity shall serve  
 745 a notice of intended adoption plan upon any known and locatable  
 746 unmarried biological father who is identified to the adoption  
 747 entity by the mother by the date she signs her consent for  
 748 adoption if the child is 6 months of age or less at the time the  
 749 consent is executed ~~or who is identified by a diligent search of~~  
 750 ~~the Florida Putative Father Registry, or upon an entity whose~~  
 751 ~~consent is required~~. Service of the notice of intended adoption  
 752 plan is not required ~~mandatory~~ when the unmarried biological  
 753 father signs a consent for adoption or an affidavit of  
 754 nonpaternity or when the child is more than 6 months of age at  
 755 the time of the execution of the consent by the mother. The  
 756 notice may be served at any time before the child's birth or

757 before placing the child in the adoptive home. The recipient of  
 758 the notice may waive service of process by executing a waiver  
 759 and acknowledging receipt of the plan. The notice of intended  
 760 adoption plan must specifically state that if the unmarried  
 761 biological father desires to contest the adoption plan he must,  
 762 within 30 days after service, file with the court a verified  
 763 response that contains a pledge of commitment to the child in  
 764 substantial compliance with subparagraph (2)(b)2. and a claim of  
 765 paternity form with the Office of Vital Statistics, and must  
 766 provide the adoption entity with a copy of the verified response  
 767 filed with the court and the claim of paternity form filed with  
 768 the Office of Vital Statistics. The notice must also include  
 769 instructions for submitting a claim of paternity form to the  
 770 Office of Vital Statistics and the address to which the claim  
 771 must be sent. If the party served with the notice of intended  
 772 adoption plan is an entity whose consent is required, the notice  
 773 must specifically state that the entity must file, within 30  
 774 days after service, a verified response setting forth a legal  
 775 basis for contesting the intended adoption plan, specifically  
 776 addressing the best interests ~~interest~~ of the child.

777 (a) If the unmarried biological father or entity whose  
 778 consent is required fails to timely and properly file a verified  
 779 response with the court and, in the case of an unmarried  
 780 biological father, a claim of paternity form with the Office of  
 781 Vital Statistics, the court shall enter a default judgment  
 782 against the ~~any~~ unmarried biological father or entity and the  
 783 consent of that unmarried biological father or entity shall no  
 784 longer be required under this chapter and shall be deemed to

785 have waived any claim of rights to the child. To avoid an entry  
 786 of a default judgment, within 30 days after receipt of service  
 787 of the notice of intended adoption plan:

788 1. The unmarried biological father must:

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

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

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

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

799 (b) If the mother identifies a potential unmarried  
 800 biological father within the timeframes required by the statute,  
 801 whose location is unknown, the adoption entity shall conduct a  
 802 diligent search pursuant to s. 63.088. If, upon completion of a  
 803 diligent search, the potential unmarried biological father's  
 804 location remains unknown and a search of the Florida Putative  
 805 Father Registry fails to reveal a match, the adoption entity  
 806 shall request in the petition for termination of parental rights  
 807 pending adoption that the court declare the diligent search to  
 808 be in compliance with s. 63.088, that the adoption entity has no  
 809 further obligation to provide notice to the potential unmarried  
 810 biological father, and that the potential unmarried biological  
 811 father's consent to the adoption is not required.

812 (4) Any person whose consent is required under paragraph

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813 (1) (b), or any other man, may execute an irrevocable affidavit  
 814 of nonpaternity in lieu of a consent under this section and by  
 815 doing so waives notice to all court proceedings after the date  
 816 of execution. An affidavit of nonpaternity must be executed as  
 817 provided in s. 63.082. The affidavit of nonpaternity may be  
 818 executed prior to the birth of the child. The person executing  
 819 the affidavit must receive disclosure under s. 63.085 prior to  
 820 signing the affidavit. For purposes of this chapter, an  
 821 affidavit of nonpaternity is sufficient if it contains a  
 822 specific denial of parental obligations and does not need to  
 823 deny the existence of a biological relationship.

824 (8) A petition to adopt an adult may be granted if:  
 825 (a) Written consent to adoption has been executed by the  
 826 adult and the adult's spouse, if any, unless the spouse's  
 827 consent is waived by the court for good cause.

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

830 63.063 Responsibility of parents for actions; fraud or  
 831 misrepresentation; contesting termination of parental rights and  
 832 adoption.—

833 (2) Any person injured by a fraudulent representation or  
 834 action in connection with an adoption may pursue civil or  
 835 criminal penalties as provided by law. A fraudulent  
 836 representation is not a defense to compliance with the  
 837 requirements of this chapter and is not a basis for dismissing a  
 838 petition for termination of parental rights or a petition for  
 839 adoption, for vacating an adoption decree, or for granting  
 840 custody to the offended party. Custody and adoption

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

843 Section 14. Paragraph (d) of subsection (1), paragraphs  
844 (c) and (d) of subsection (3), paragraphs (a), (d), and (e) of  
845 subsection (4), and subsections (6) and (7) of section 63.082,  
846 Florida Statutes, are amended to read:

847 63.082 Execution of consent to adoption or affidavit of  
848 nonpaternity; family social and medical history; revocation  
849 ~~withdrawal~~ of consent.—

850 (1)

851 (d) The notice and consent provisions of this chapter as  
852 they relate to the father ~~birth~~ of a child ~~or to legal fathers~~  
853 do not apply in cases in which the child is conceived as a  
854 result of a violation of the criminal laws of this or another  
855 state or country, including, but not limited to, sexual battery,  
856 unlawful sexual activity with certain minors under s. 794.05,  
857 lewd acts perpetrated upon a minor, or incest. A criminal  
858 conviction is not required for the court to find that the child  
859 was conceived as a result of a violation of the criminal laws of  
860 this state or another state or country.

861 (3)

862 (c) If any person who is required to consent is  
863 unavailable because the person cannot be located, an the  
864 ~~petition to terminate parental rights pending adoption must be~~  
865 ~~accompanied by the~~ affidavit of diligent search required under  
866 s. 63.088 shall be filed.

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

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869 terminate parental rights pending adoption must be accompanied  
870 by a certified copy of the death certificate. In an adoption of  
871 a stepchild or a relative, the certified copy of the death  
872 certificate of the person whose consent is required may ~~must~~ be  
873 attached to the petition for adoption if a separate petition for  
874 termination of parental rights is not being filed.

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

879 (d) The consent to adoption or the affidavit of  
880 nonpaternity must be signed in the presence of two witnesses and  
881 be acknowledged before a notary public who is not signing as one  
882 of the witnesses. The notary public must legibly note on the  
883 consent or the affidavit the date and time of execution. The  
884 witnesses' names must be typed or printed underneath their  
885 signatures. The witnesses' home or business addresses must be  
886 included. The person who signs the consent or the affidavit has  
887 the right to have at least one of the witnesses be an individual  
888 who does not have an employment, professional, or personal  
889 relationship with the adoption entity or the prospective  
890 adoptive parents. The adoption entity must give reasonable  
891 advance notice to the person signing the consent or affidavit of  
892 the right to select a witness of his or her own choosing. The  
893 person who signs the consent or affidavit must acknowledge in  
894 writing on the consent or affidavit that such notice was given  
895 and indicate the witness, if any, who was selected by the person  
896 signing the consent or affidavit. The adoption entity must



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

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

903 CONSENT TO ADOPTION

904  
 905 YOU HAVE THE RIGHT TO SELECT AT LEAST ONE PERSON WHO DOES NOT  
 906 HAVE AN EMPLOYMENT, PROFESSIONAL, OR PERSONAL RELATIONSHIP WITH  
 907 THE ADOPTION ENTITY OR THE PROSPECTIVE ADOPTIVE PARENTS TO BE  
 908 PRESENT WHEN THIS AFFIDAVIT IS EXECUTED AND TO SIGN IT AS A  
 909 WITNESS. YOU MUST ACKNOWLEDGE ON THIS FORM THAT YOU WERE  
 910 NOTIFIED OF THIS RIGHT AND YOU MUST INDICATE THE WITNESS OR  
 911 WITNESSES YOU SELECTED, IF ANY.

912  
 913 YOU DO NOT HAVE TO SIGN THIS CONSENT FORM. YOU MAY DO ANY OF THE  
 914 FOLLOWING INSTEAD OF SIGNING THIS CONSENT OR BEFORE SIGNING THIS  
 915 CONSENT:

- 916
- 917 1. CONSULT WITH AN ATTORNEY;
  - 918 2. HOLD, CARE FOR, AND FEED THE CHILD UNLESS OTHERWISE  
 919 LEGALLY PROHIBITED;
  - 920 3. PLACE THE CHILD IN FOSTER CARE OR WITH ANY FRIEND OR  
 921 FAMILY MEMBER YOU CHOOSE WHO IS WILLING TO CARE FOR THE  
 922 CHILD;
  - 923 4. TAKE THE CHILD HOME UNLESS OTHERWISE LEGALLY  
 924 PROHIBITED; AND

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

928  
 929 IF YOU DO SIGN THIS CONSENT, YOU ARE GIVING UP ALL RIGHTS TO  
 930 YOUR CHILD. YOUR CONSENT IS VALID, BINDING, AND IRREVOCABLE  
 931 EXCEPT UNDER SPECIFIC LEGAL CIRCUMSTANCES. IF YOU ARE GIVING UP  
 932 YOUR RIGHTS TO A NEWBORN CHILD WHO IS TO BE IMMEDIATELY PLACED  
 933 FOR ADOPTION UPON THE CHILD'S RELEASE FROM A LICENSED HOSPITAL  
 934 OR BIRTH CENTER FOLLOWING BIRTH, A WAITING PERIOD WILL BE  
 935 IMPOSED UPON THE BIRTH MOTHER BEFORE SHE MAY SIGN THE CONSENT  
 936 FOR ADOPTION. A BIRTH MOTHER MUST WAIT 48 HOURS FROM THE TIME OF  
 937 BIRTH, OR UNTIL THE DAY THE BIRTH MOTHER HAS BEEN NOTIFIED IN  
 938 WRITING, EITHER ON HER PATIENT CHART OR IN RELEASE PAPERS, THAT  
 939 SHE IS FIT TO BE RELEASED FROM A LICENSED HOSPITAL OR BIRTH  
 940 CENTER, WHICHEVER IS SOONER, BEFORE THE CONSENT FOR ADOPTION MAY  
 941 BE EXECUTED. ANY MAN MAY EXECUTE A CONSENT AT ANY TIME AFTER THE  
 942 BIRTH OF THE CHILD. ONCE YOU HAVE SIGNED THE CONSENT, IT IS  
 943 VALID, BINDING, AND IRREVOCABLE AND CANNOT BE INVALIDATED  
 944 ~~WITHDRAWN~~ UNLESS A COURT FINDS THAT IT WAS OBTAINED BY FRAUD OR  
 945 DURESS.

946  
 947 IF YOU BELIEVE THAT YOUR CONSENT WAS OBTAINED BY FRAUD OR DURESS  
 948 AND YOU WISH TO INVALIDATE ~~REVOKE~~ THAT CONSENT, YOU MUST:

- 949
- 950 1. NOTIFY THE ADOPTION ENTITY, BY WRITING A LETTER, THAT
  - 951 YOU WISH TO WITHDRAW YOUR CONSENT; AND
  - 952 2. PROVE IN COURT THAT THE CONSENT WAS OBTAINED BY FRAUD

953 OR DURESS.

954

955 This statement of rights is not required for the adoption of a  
 956 relative, an adult, a stepchild, or a child older than 6 months  
 957 of age. A consent form for the adoption of a child older than 6  
 958 months of age at the time of the execution of consent must  
 959 contain a statement outlining the revocation rights provided in  
 960 paragraph (c).

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

966 (b) Upon execution of the consent of the parent, the  
 967 adoption entity shall be permitted to ~~may~~ intervene in the  
 968 dependency case as a party in interest and must provide the  
 969 court that acquired ~~having~~ jurisdiction over the minor, pursuant  
 970 to the shelter or dependency petition filed by the department, a  
 971 copy of the preliminary home study of the prospective adoptive  
 972 parents and any other evidence of the suitability of the  
 973 placement. The preliminary home study must be maintained with  
 974 strictest confidentiality within the dependency court file and  
 975 the department's file. A preliminary home study must be provided  
 976 to the court in all cases in which an adoption entity has  
 977 intervened pursuant to this section. Unless the court has  
 978 concerns regarding the qualifications of the home study  
 979 provider, or concerns that the home study may not be adequate to  
 980 determine the best interests of the child, the home study

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981 provided by the adoption entity shall be deemed to be sufficient  
982 and no additional home study needs to be performed by the  
983 department.

984 (c) If an adoption entity files a motion to intervene in  
985 the dependency case in accordance with this chapter, the  
986 dependency court shall promptly grant a hearing to determine  
987 whether the adoption entity has filed the required documents to  
988 be permitted to intervene and whether a change of placement of  
989 the child is appropriate.

990 (d)(e) Upon a determination by the court that the  
991 prospective adoptive parents are properly qualified to adopt the  
992 minor child and that the adoption appears to be in the best  
993 interests ~~interest~~ of the minor child, the court shall  
994 immediately order the transfer of custody of the minor child to  
995 the prospective adoptive parents, under the supervision of the  
996 adoption entity. The adoption entity shall thereafter provide  
997 monthly supervision reports to the department until finalization  
998 of the adoption.

999 (e)(d) In determining whether the best interests ~~interest~~  
1000 of the child are ~~is~~ served by transferring the custody of the  
1001 minor child to the prospective adoptive parent selected by the  
1002 parent, the court shall consider the rights of the parent to  
1003 determine an appropriate placement for the child, the permanency  
1004 offered, the child's bonding with any potential adoptive home  
1005 that the child has been residing in, and the importance of  
1006 maintaining sibling relationships, if possible.

1007 (7) If a person is seeking to revoke ~~withdraw~~ consent for  
1008 a child older than 6 months of age ~~who has been placed with~~

1009 ~~prospective adoptive parents:~~

1010 (a) The person seeking to revoke ~~withdraw~~ consent must, in  
 1011 accordance with paragraph (4)(c), notify the adoption entity in  
 1012 writing by certified mail, return receipt requested, within 3  
 1013 business days after execution of the consent. As used in this  
 1014 subsection, the term "business day" means any day on which the  
 1015 United States Postal Service accepts certified mail for  
 1016 delivery.

1017 (b) Upon receiving timely written notice from a person  
 1018 whose consent to adoption is required of that person's desire to  
 1019 revoke ~~withdraw~~ consent, the adoption entity must contact the  
 1020 prospective adoptive parent to arrange a time certain for the  
 1021 adoption entity to regain physical custody of the minor, unless,  
 1022 upon a motion for emergency hearing by the adoption entity, the  
 1023 court determines in written findings that placement of the minor  
 1024 with the person who had legal or physical custody of the child  
 1025 immediately before the child was placed for adoption may  
 1026 endanger the minor or that the person who desires to revoke  
 1027 ~~withdraw~~ consent is not required to consent to the adoption, has  
 1028 been determined to have abandoned the child, or is otherwise  
 1029 subject to a determination that the person's consent is waived  
 1030 under this chapter.

1031 (c) If the court finds that the placement may endanger the  
 1032 minor, the court shall enter an order continuing the placement  
 1033 of the minor with the prospective adoptive parents pending  
 1034 further proceedings if they desire continued placement. If the  
 1035 prospective adoptive parents do not desire continued placement,  
 1036 the order must include, but need not be limited to, a

1037 determination of whether temporary placement in foster care,  
 1038 with the person who had legal or physical custody of the child  
 1039 immediately before placing the child for adoption, or with a  
 1040 relative is in the best interests ~~interest~~ of the child and  
 1041 whether an investigation by the department is recommended.

1042 (d) If the person revoking ~~withdrawing~~ consent claims to  
 1043 be the father of the minor but has not been established to be  
 1044 the father by marriage, court order, or scientific testing, the  
 1045 court may order scientific paternity testing and reserve ruling  
 1046 on removal of the minor until the results of such testing have  
 1047 been filed with the court.

1048 (e) The adoption entity must return the minor within 3  
 1049 business days after timely and proper notification of the  
 1050 revocation ~~withdrawal~~ of consent or after the court determines  
 1051 that revocation ~~withdrawal~~ is timely and in accordance with the  
 1052 requirements of this chapter ~~valid and binding~~ upon  
 1053 consideration of an emergency motion, as filed pursuant to  
 1054 paragraph (b), to the physical custody of the person revoking  
 1055 ~~withdrawing~~ consent or the person directed by the court. If the  
 1056 person seeking to revoke ~~withdraw~~ consent claims to be the  
 1057 father of the minor but has not been established to be the  
 1058 father by marriage, court order, or scientific testing, the  
 1059 adoption entity may return the minor to the care and custody of  
 1060 the mother, if she desires such placement and she is not  
 1061 otherwise prohibited by law from having custody of the child.

1062 (f) Following the revocation period ~~for withdrawal of~~  
 1063 ~~consent~~ described in paragraph (a), ~~or the placement of the~~  
 1064 ~~child with the prospective adoptive parents, whichever occurs~~

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1065 ~~later~~, consent may be set aside ~~withdrawn~~ only when the court  
 1066 finds that the consent was obtained by fraud or duress.

1067 (g) An affidavit of nonpaternity may be set aside  
 1068 ~~withdrawn~~ only if the court finds that the affidavit was  
 1069 obtained by fraud or duress.

1070 (h) If the consent of one parent is set aside or revoked  
 1071 in accordance with this chapter, any other consents executed by  
 1072 the other parent or a third party whose consent is required for  
 1073 the adoption of the child may not be used by the parent who  
 1074 consent was revoked or set aside to terminate or diminish the  
 1075 rights of the other parent or third party whose consent was  
 1076 required for the adoption of the child.

1077 Section 15. Subsection (1) and paragraph (a) of subsection  
 1078 (2) of section 63.085, Florida Statutes, are amended, and  
 1079 paragraph (c) is added to subsection (2) of that section, to  
 1080 read:

1081 63.085 Disclosure by adoption entity.—

1082 (1) DISCLOSURE REQUIRED TO PARENTS AND PROSPECTIVE  
 1083 ADOPTIVE PARENTS.—Within 14 days after a person seeking to adopt  
 1084 a minor or a person seeking to place a minor for adoption  
 1085 contacts an adoption entity in person or provides the adoption  
 1086 entity with a mailing address, the entity must provide a written  
 1087 disclosure statement to that person if the entity agrees or  
 1088 continues to work with the person. The adoption entity shall  
 1089 also provide the written disclosure to the parent who did not  
 1090 initiate contact with the adoption entity within 14 days after  
 1091 that parent is identified and located. For purposes of providing  
 1092 the written disclosure, a person is considered to be seeking to

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1093 place a minor for adoption if that person has sought information  
1094 or advice from the adoption entity regarding the option of  
1095 adoptive placement. The written disclosure statement must be in  
1096 substantially the following form:

1097  
1098 ADOPTION DISCLOSURE

1099 THE STATE OF FLORIDA REQUIRES THAT THIS FORM BE PROVIDED TO ALL  
1100 PERSONS CONSIDERING ADOPTING A MINOR OR SEEKING TO PLACE A MINOR  
1101 FOR ADOPTION, TO ADVISE THEM OF THE FOLLOWING FACTS REGARDING  
1102 ADOPTION UNDER FLORIDA LAW:

1103  
1104 1. The name, address, and telephone number of the adoption  
1105 entity providing this disclosure is:

1106 Name:

1107 Address:

1108 Telephone Number:

1109 2. The adoption entity does not provide legal  
1110 representation or advice to parents or anyone signing a consent  
1111 for adoption or affidavit of nonpaternity, and parents have the  
1112 right to consult with an attorney of their own choosing to  
1113 advise them.

1114 3. With the exception of an adoption by a stepparent or  
1115 relative, a child cannot be placed into a prospective adoptive  
1116 home unless the prospective adoptive parents have received a  
1117 favorable preliminary home study, including criminal and child  
1118 abuse clearances.

1119 4. A valid consent for adoption may not be signed by the  
1120 birth mother until 48 hours after the birth of the child, or the



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1121 day the birth mother is notified, in writing, that she is fit  
1122 for discharge from the licensed hospital or birth center. Any  
1123 man may sign a valid consent for adoption at any time after the  
1124 birth of the child.

1125 5. A consent for adoption signed before the child attains  
1126 the age of 6 months is binding and irrevocable from the moment  
1127 it is signed unless it can be proven in court that the consent  
1128 was obtained by fraud or duress. A consent for adoption signed  
1129 after the child attains the age of 6 months is valid from the  
1130 moment it is signed; however, it may be revoked up to 3 business  
1131 days after it was signed.

1132 6. A consent for adoption is not valid if the signature of  
1133 the person who signed the consent was obtained by fraud or  
1134 duress.

1135 7. An unmarried biological father must act immediately in  
1136 order to protect his parental rights. Section 63.062, Florida  
1137 Statutes, prescribes that any father seeking to establish his  
1138 right to consent to the adoption of his child must file a claim  
1139 of paternity with the Florida Putative Father Registry  
1140 maintained by the Office of Vital Statistics of the Department  
1141 of Health by the date a petition to terminate parental rights is  
1142 filed with the court, or within 30 days after receiving service  
1143 of a Notice of Intended Adoption Plan. If he receives a Notice  
1144 of Intended Adoption Plan, he must file a claim of paternity  
1145 with the Florida Putative Father Registry, file a parenting plan  
1146 with the court, and provide financial support to the mother or  
1147 child within 30 days following service. An unmarried biological  
1148 father's failure to timely respond to a Notice of Intended

1149 Adoption Plan constitutes an irrevocable legal waiver of any and  
 1150 all rights that the father may have to the child. A claim of  
 1151 paternity registration form for the Florida Putative Father  
 1152 Registry may be obtained from any local office of the Department  
 1153 of Health, Office of Vital Statistics, the Department of  
 1154 Children and Families, the Internet websites for these agencies,  
 1155 and the offices of the clerks of the Florida circuit courts. The  
 1156 claim of paternity form must be submitted to the Office of Vital  
 1157 Statistics, Attention: Adoption Unit, P.O. Box 210,  
 1158 Jacksonville, FL 32231.

1159 8. There are alternatives to adoption, including foster  
 1160 care, relative care, and parenting the child. There may be  
 1161 services and sources of financial assistance in the community  
 1162 available to parents if they choose to parent the child.

1163 9. A parent has the right to have a witness of his or her  
 1164 choice, who is unconnected with the adoption entity or the  
 1165 adoptive parents, to be present and witness the signing of the  
 1166 consent or affidavit of nonpaternity.

1167 10. A parent 14 years of age or younger must have a  
 1168 parent, legal guardian, or court-appointed guardian ad litem to  
 1169 assist and advise the parent as to the adoption plan and to  
 1170 witness consent.

1171 11. A parent has a right to receive supportive counseling  
 1172 from a counselor, social worker, physician, clergy, or attorney.

1173 12. The payment of living or medical expenses by the  
 1174 prospective adoptive parents before the birth of the child does  
 1175 not, in any way, obligate the parent to sign the consent for  
 1176 adoption.

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1177  
1178 (2) DISCLOSURE TO ADOPTIVE PARENTS.—  
1179 (a) At the time that an adoption entity is responsible for  
1180 selecting prospective adoptive parents for a born or unborn  
1181 child whose parents are seeking to place the child for adoption  
1182 or whose rights were terminated pursuant to chapter 39, the  
1183 adoption entity must provide the prospective adoptive parents  
1184 with information concerning the background of the child to the  
1185 extent such information is disclosed to the adoption entity by  
1186 the parents, legal custodian, or the department. This subsection  
1187 applies only if the adoption entity identifies the prospective  
1188 adoptive parents and supervises the ~~physical~~ placement of the  
1189 child in the prospective adoptive parents' home. If any  
1190 information cannot be disclosed because the records custodian  
1191 failed or refused to produce the background information, the  
1192 adoption entity has a duty to provide the information if it  
1193 becomes available. An individual or entity contacted by an  
1194 adoption entity to obtain the background information must  
1195 release the requested information to the adoption entity without  
1196 the necessity of a subpoena or a court order. In all cases, the  
1197 prospective adoptive parents must receive all available  
1198 information by the date of the final hearing on the petition for  
1199 adoption. The information to be disclosed includes:

- 1200 1. A family social and medical history form completed  
1201 pursuant to s. 63.162(6).
- 1202 2. The biological mother's medical records documenting her  
1203 prenatal care and the birth and delivery of the child.
- 1204 3. A complete set of the child's medical records

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1205 | documenting all medical treatment and care since the child's  
 1206 | birth and before placement.

1207 |         4. All mental health, psychological, and psychiatric  
 1208 | records, reports, and evaluations concerning the child before  
 1209 | placement.

1210 |         5. The child's educational records, including all records  
 1211 | concerning any special education needs of the child before  
 1212 | placement.

1213 |         6. Records documenting all incidents that required the  
 1214 | department to provide services to the child, including all  
 1215 | orders of adjudication of dependency or termination of parental  
 1216 | rights issued pursuant to chapter 39, any case plans drafted to  
 1217 | address the child's needs, all protective services  
 1218 | investigations identifying the child as a victim, and all  
 1219 | guardian ad litem reports filed with the court concerning the  
 1220 | child.

1221 |         7. Written information concerning the availability of  
 1222 | adoption subsidies for the child, if applicable.

1223 |         (c) If the prospective adoptive parents waive the receipt  
 1224 | of any of the records described in paragraph (a), a copy of the  
 1225 | written notification of the waiver to the adoption entity shall  
 1226 | be filed with the court.

1227 |         Section 16. Subsection (6) of section 63.087, Florida  
 1228 | Statutes, is amended to read:

1229 |         63.087 Proceeding to terminate parental rights pending  
 1230 | adoption; general provisions.—

1231 |         (6) ANSWER AND APPEARANCE REQUIRED.—An answer to the  
 1232 | petition or any pleading requiring an answer must be filed in

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1233 accordance with the Florida Family Law Rules of Procedure.  
 1234 Failure to file a written response to the petition constitutes  
 1235 grounds upon which the court may terminate parental rights.  
 1236 Failure to personally appear at the hearing constitutes grounds  
 1237 upon which the court may terminate parental rights. Any person  
 1238 present at the hearing to terminate parental rights pending  
 1239 adoption whose consent to adoption is required under s. 63.062  
 1240 must:

1241 (a) Be advised by the court that he or she has a right to  
 1242 ask that the hearing be reset for a later date so that the  
 1243 person may consult with an attorney; and

1244 (b) Be given an opportunity to admit or deny the  
 1245 allegations in the petition.

1246 Section 17. Subsection (4) of section 63.088, Florida  
 1247 Statutes, is amended to read:

1248 63.088 Proceeding to terminate parental rights pending  
 1249 adoption; notice and service; diligent search.—

1250 (4) REQUIRED INQUIRY.—In proceedings initiated under s.  
 1251 63.087, the court shall conduct an inquiry of the person who is  
 1252 placing the minor for adoption and of any relative or person  
 1253 having legal custody of the minor who is present at the hearing  
 1254 and likely to have the following information regarding the  
 1255 identity of:

1256 (a) Any man to whom the mother of the minor was married at  
 1257 any time when conception of the minor may have occurred or at  
 1258 the time of the birth of the minor;

1259 (b) Any man who has filed an affidavit of paternity  
 1260 pursuant to s. 382.013(2)(c) before the date that a petition for

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1261 termination of parental rights is filed with the court;

1262 (c) Any man who has adopted the minor;

1263 (d) Any man who has been adjudicated by a court as the  
 1264 father of the minor child before the date a petition for  
 1265 termination of parental rights is filed with the court; and

1266 (e) Any man whom the mother identified to the adoption  
 1267 entity as a potential biological father before the date she  
 1268 signed the consent for adoption.

1269

1270 The information sought under this subsection may be provided to  
 1271 the court in the form of a sworn affidavit by a person having  
 1272 personal knowledge of the facts, addressing each inquiry  
 1273 enumerated in this subsection, except that, if the inquiry  
 1274 identifies a father under paragraph (a), paragraph (b), ~~or~~  
 1275 paragraph (c), or paragraph (d), the inquiry may not continue  
 1276 further. The inquiry required under this subsection may be  
 1277 conducted before the birth of the minor.

1278 Section 18. Paragraph (d) of subsection (3), paragraph (b)  
 1279 of subsection (4), and subsections (5) and (7) of section  
 1280 63.089, Florida Statutes, are amended to read:

1281 63.089 Proceeding to terminate parental rights pending  
 1282 adoption; hearing; grounds; dismissal of petition; judgment.—

1283 (3) GROUNDS FOR TERMINATING PARENTAL RIGHTS PENDING  
 1284 ADOPTION.—The court may enter a judgment terminating parental  
 1285 rights pending adoption if the court determines by clear and  
 1286 convincing evidence, supported by written findings of fact, that  
 1287 each person whose consent to adoption is required under s.  
 1288 63.062:

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1289 (d) Has been properly served notice of the proceeding in  
1290 accordance with the requirements of this chapter and has failed  
1291 to file a written answer or personally appear at the evidentiary  
1292 hearing resulting in the judgment terminating parental rights  
1293 pending adoption;

1294 (4) FINDING OF ABANDONMENT.—A finding of abandonment  
1295 resulting in a termination of parental rights must be based upon  
1296 clear and convincing evidence that a parent or person having  
1297 legal custody has abandoned the child in accordance with the  
1298 definition contained in s. 63.032. A finding of abandonment may  
1299 also be based upon emotional abuse or a refusal to provide  
1300 reasonable financial support, when able, to a birth mother  
1301 during her pregnancy.

1302 (b) The child has been abandoned when the parent of a  
1303 child is incarcerated on or after October 1, 2001, in a federal,  
1304 state, or county correctional institution and:

1305 1. The period of time for which the parent has been or is  
1306 expected to be incarcerated will constitute a significant  
1307 portion of the child's minority. In determining whether the  
1308 period of time is significant, the court shall consider the  
1309 child's age and the child's need for a permanent and stable  
1310 home. The period of time begins on the date that the parent  
1311 enters into incarceration;

1312 2. The incarcerated parent has been determined by a court  
1313 of competent jurisdiction to be a violent career criminal as  
1314 defined in s. 775.084, a habitual violent felony offender as  
1315 defined in s. 775.084, convicted of child abuse as defined in s.  
1316 827.03, or a sexual predator as defined in s. 775.21; has been

1317 convicted of first degree or second degree murder in violation  
 1318 of s. 782.04 or a sexual battery that constitutes a capital,  
 1319 life, or first degree felony violation of s. 794.011; or has  
 1320 been convicted of a substantially similar offense in another  
 1321 jurisdiction. As used in this section, the term "substantially  
 1322 similar offense" means any offense that is substantially similar  
 1323 in elements and penalties to one of those listed in this  
 1324 subparagraph, and that is in violation of a law of any other  
 1325 jurisdiction, whether that of another state, the District of  
 1326 Columbia, the United States or any possession or territory  
 1327 thereof, or any foreign jurisdiction; or

1328 3. The court determines by clear and convincing evidence  
 1329 that continuing the parental relationship with the incarcerated  
 1330 parent would be harmful to the child and, for this reason,  
 1331 termination of the parental rights of the incarcerated parent is  
 1332 in the best interests ~~interest~~ of the child.

1333 (5) DISMISSAL OF PETITION.—If the court does not find by  
 1334 clear and convincing evidence that parental rights of a parent  
 1335 should be terminated pending adoption, the court must dismiss  
 1336 the petition and that parent's parental rights that were the  
 1337 subject of such petition shall remain in full force under the  
 1338 law. The order must include written findings in support of the  
 1339 dismissal, including findings as to the criteria in subsection  
 1340 (4) if rejecting a claim of abandonment.

1341 (a) Parental rights may not be terminated based upon a  
 1342 consent that the court finds has been timely revoked ~~withdrawn~~  
 1343 under s. 63.082 or a consent to adoption or affidavit of  
 1344 nonpaternity that the court finds was obtained by fraud or



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1345 duress.

1346 (b) The court must enter an order based upon written  
1347 findings providing for the placement of the minor, but the court  
1348 may not proceed to determine custody between competing eligible  
1349 parties. The placement of the child should revert to the parent  
1350 or guardian who had physical custody of the child at the time of  
1351 the placement for adoption unless the court determines upon  
1352 clear and convincing evidence that this placement is not in the  
1353 best interests of the child or is not an available option for  
1354 the child. The court may not change the placement of a child who  
1355 has established a bonded relationship with the current caregiver  
1356 without providing for a reasonable transition plan consistent  
1357 with the best interests of the child. The court may direct the  
1358 parties to participate in a reunification or unification plan  
1359 with a qualified professional to assist the child in the  
1360 transition. The court may order scientific testing to determine  
1361 the paternity of the minor only if the court has determined that  
1362 the consent of the alleged father would be required, unless all  
1363 parties agree that such testing is in the best interests of the  
1364 child. The court may not order scientific testing to determine  
1365 paternity of an unmarried biological father if the child has a  
1366 father as described in s. 63.088(4)(a)-(d) whose rights have not  
1367 been previously terminated at any time during which the court  
1368 has jurisdiction over the minor. Further proceedings, if any,  
1369 regarding the minor must be brought in a separate custody action  
1370 under chapter 61, a dependency action under chapter 39, or a  
1371 paternity action under chapter 742.

1372 (7) RELIEF FROM JUDGMENT TERMINATING PARENTAL RIGHTS.—

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1373 (a) A motion for relief from a judgment terminating  
1374 parental rights must be filed with the court originally entering  
1375 the judgment. The motion must be filed within a reasonable time,  
1376 but not later than 1 year after the entry of the judgment. An  
1377 unmarried biological father does not have standing to seek  
1378 relief from a judgment terminating parental rights if the mother  
1379 did not identify him to the adoption entity before the date she  
1380 signed a consent for adoption or if he was not located because  
1381 the mother failed or refused to provide sufficient information  
1382 to locate him.

1383 (b) No later than 30 days after the filing of a motion  
1384 under this subsection, the court must conduct a preliminary  
1385 hearing to determine what contact, if any, shall be permitted  
1386 between a parent and the child pending resolution of the motion.  
1387 Such contact shall be considered only if it is requested by a  
1388 parent who has appeared at the hearing and may not be awarded  
1389 unless the parent previously established a bonded relationship  
1390 with the child and the parent has pled a legitimate legal basis  
1391 and established a prima facia case for setting aside the  
1392 judgment terminating parental rights. If the court orders  
1393 contact between a parent and child, the order must be issued in  
1394 writing as expeditiously as possible and must state with  
1395 specificity any provisions regarding contact with persons other  
1396 than those with whom the child resides.

1397 (c) At the preliminary hearing, the court, upon the motion  
1398 of any party or upon its own motion, may order scientific  
1399 testing to determine the paternity of the minor if the person  
1400 seeking to set aside the judgment is alleging to be the child's

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1401 father and that fact has not previously been determined by  
1402 legitimacy or scientific testing. The court may order visitation  
1403 with a person for whom scientific testing for paternity has been  
1404 ordered and who has previously established a bonded relationship  
1405 with the child.

1406 (d) Unless otherwise agreed between the parties or for  
1407 good cause shown, the court shall conduct a final hearing on the  
1408 motion for relief from judgment within 45 days after the filing  
1409 and enter its written order as expeditiously as possible  
1410 thereafter.

1411 (e) If the court grants relief from the judgment  
1412 terminating parental rights and no new pleading is filed to  
1413 terminate parental rights, the placement of the child should  
1414 revert to the parent or guardian who had physical custody of the  
1415 child at the time of the original placement for adoption unless  
1416 the court determines upon clear and convincing evidence that  
1417 this placement is not in the best interests of the child or is  
1418 not an available option for the child. The court may not change  
1419 the placement of a child who has established a bonded  
1420 relationship with the current caregiver without providing for a  
1421 reasonable transition plan consistent with the best interests of  
1422 the child. The court may direct the parties to participate in a  
1423 reunification or unification plan with a qualified professional  
1424 to assist the child in the transition. The court may not direct  
1425 the placement of a child with a person other than the adoptive  
1426 parents without first obtaining a favorable home study of that  
1427 person and any other persons residing in the proposed home and  
1428 shall take whatever additional steps are necessary and

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1429 appropriate for the physical and emotional protection of the  
1430 child.

1431 Section 19. Subsection (3) of section 63.092, Florida  
1432 Statutes, is amended to read:

1433 63.092 Report to the court of intended placement by an  
1434 adoption entity; at-risk placement; preliminary study.—

1435 (3) PRELIMINARY HOME STUDY.—Before placing the minor in  
1436 the intended adoptive home, a preliminary home study must be  
1437 performed by a licensed child-placing agency, a child-caring  
1438 agency registered under s. 409.176, a licensed professional, or  
1439 agency described in s. 61.20(2), unless the adoptee is an adult  
1440 or the petitioner is a stepparent or a relative. If the adoptee  
1441 is an adult or the petitioner is a stepparent or a relative, a  
1442 preliminary home study may be required by the court for good  
1443 cause shown. The department is required to perform the  
1444 preliminary home study only if there is no licensed child-  
1445 placing agency, child-caring agency registered under s. 409.176,  
1446 licensed professional, or agency described in s. 61.20(2), in  
1447 the county where the prospective adoptive parents reside. The  
1448 preliminary home study must be made to determine the suitability  
1449 of the intended adoptive parents and may be completed prior to  
1450 identification of a prospective adoptive minor. A favorable  
1451 preliminary home study is valid for 1 year after the date of its  
1452 completion. Upon its completion, a signed copy of the home study  
1453 must be provided to the intended adoptive parents who were the  
1454 subject of the home study. A minor may not be placed in an  
1455 intended adoptive home before a favorable preliminary home study  
1456 is completed unless the adoptive home is also a licensed foster

1457 home under s. 409.175. The preliminary home study must include,  
 1458 at a minimum:

- 1459 (a) An interview with the intended adoptive parents;
- 1460 (b) Records checks of the department's central abuse  
 1461 registry and criminal records correspondence checks under s.  
 1462 39.0138 through the Department of Law Enforcement on the  
 1463 intended adoptive parents;
- 1464 (c) An assessment of the physical environment of the home;
- 1465 (d) A determination of the financial security of the  
 1466 intended adoptive parents;
- 1467 (e) Documentation of counseling and education of the  
 1468 intended adoptive parents on adoptive parenting;
- 1469 (f) Documentation that information on adoption and the  
 1470 adoption process has been provided to the intended adoptive  
 1471 parents;
- 1472 (g) Documentation that information on support services  
 1473 available in the community has been provided to the intended  
 1474 adoptive parents; and
- 1475 (h) A copy of each signed acknowledgment of receipt of  
 1476 disclosure required by s. 63.085.

1477  
 1478 If the preliminary home study is favorable, a minor may be  
 1479 placed in the home pending entry of the judgment of adoption. A  
 1480 minor may not be placed in the home if the preliminary home  
 1481 study is unfavorable. If the preliminary home study is  
 1482 unfavorable, the adoption entity may, within 20 days after  
 1483 receipt of a copy of the written recommendation, petition the  
 1484 court to determine the suitability of the intended adoptive

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1485 home. A determination as to suitability under this subsection  
 1486 does not act as a presumption of suitability at the final  
 1487 hearing. In determining the suitability of the intended adoptive  
 1488 home, the court must consider the totality of the circumstances  
 1489 in the home. A ~~Ne~~ minor may not be placed in a home in which  
 1490 there resides any person determined by the court to be a sexual  
 1491 predator as defined in s. 775.21 or to have been convicted of an  
 1492 offense listed in s. 63.089(4)(b)2.

1493 Section 20. Section 63.152, Florida Statutes, is amended  
 1494 to read:

1495 63.152 Application for new birth record.—Within 30 days  
 1496 after entry of a judgment of adoption, the clerk of the court or  
 1497 the adoption entity shall transmit a certified statement of the  
 1498 entry to the state registrar of vital statistics on a form  
 1499 provided by the registrar. A new birth record containing the  
 1500 necessary information supplied by the certificate shall be  
 1501 issued by the registrar on application of the adopting parents  
 1502 or the adopted person.

1503 Section 21. Subsection (7) of section 63.162, Florida  
 1504 Statutes, is amended to read:

1505 63.162 Hearings and records in adoption proceedings;  
 1506 confidential nature.—

1507 (7) The court may, upon petition of an adult adoptee or  
 1508 birth parent, for good cause shown, appoint an intermediary or a  
 1509 licensed child-placing agency to contact a birth parent or adult  
 1510 adoptee, as applicable, who has not registered with the adoption  
 1511 registry pursuant to s. 63.165 and advise both ~~them~~ of the  
 1512 availability of the intermediary or agency and that the birth

1513 parent or adult adoptee, as applicable, wishes to establish  
 1514 contact ~~same~~.

1515 Section 22. Paragraph (c) of subsection (2) of section  
 1516 63.167, Florida Statutes, is amended to read:

1517 63.167 State adoption information center.—

1518 (2) The functions of the state adoption information center  
 1519 shall include:

1520 (c) Operating a toll-free telephone number to provide  
 1521 information and referral services. The state adoption  
 1522 information center shall provide contact information for all  
 1523 adoption entities in the caller's county or, if no adoption  
 1524 entities are located in the caller's county, the number of the  
 1525 nearest adoption entity when contacted for a referral to make an  
 1526 adoption plan and shall rotate the order in which the names of  
 1527 adoption entities are provided to callers.

1528 Section 23. Paragraph (g) of subsection (1) and  
 1529 subsections (2) and (8) of section 63.212, Florida Statutes, are  
 1530 amended to read:

1531 63.212 Prohibited acts; penalties for violation.—

1532 (1) It is unlawful for any person:

1533 (g) Except an adoption entity, to advertise or offer to  
 1534 the public, in any way, by any medium whatever that a minor is  
 1535 available for adoption or that a minor is sought for adoption;  
 1536 and, further, it is unlawful for any person to publish or  
 1537 broadcast any such advertisement or assist an unlicensed person  
 1538 or entity in publishing or broadcasting any such advertisement  
 1539 without including a Florida license number of the agency or  
 1540 attorney placing the advertisement. Only a person who is an

1541 attorney licensed to practice law in this state or an adoption  
 1542 entity licensed under the laws of this state may place a paid  
 1543 advertisement or paid listing of the person's telephone number,  
 1544 on the person's own behalf, in a telephone directory that:  
 1545 1. A child is offered or wanted for adoption; or  
 1546 2. The person is able to place, locate, or receive a child  
 1547 for adoption.  
 1548 (b) A person who publishes a telephone directory that is  
 1549 distributed in this state:  
 1550 1. Shall include, at the beginning of any classified  
 1551 heading for adoption and adoption services, a statement that  
 1552 informs directory users that only attorneys licensed to practice  
 1553 law in this state and licensed adoption entities may legally  
 1554 provide adoption services under state law.  
 1555 2. May publish an advertisement described in paragraph (a)  
 1556 in the telephone directory only if the advertisement contains  
 1557 the following:  
 1558 a. For an attorney licensed to practice law in this state,  
 1559 the person's Florida Bar number.  
 1560 b. For a child placing agency licensed under the laws of  
 1561 this state, the number on the person's adoption entity license.  
 1562 (2) Any person who is a birth mother, or a woman who holds  
 1563 herself out to be a birth mother, who is interested in making an  
 1564 adoption plan and who knowingly or intentionally benefits from  
 1565 the payment of adoption-related expenses in connection with that  
 1566 adoption plan commits adoption deception if:  
 1567 (a) The person knows or should have known that the person  
 1568 is not pregnant at the time the sums were requested or received;



1569           (b) The person accepts living expenses assistance from a  
 1570 prospective adoptive parent or adoption entity without  
 1571 disclosing that she is receiving living expenses assistance from  
 1572 another prospective adoptive parent or adoption entity at the  
 1573 same time in an effort to adopt the same child; or

1574           (c) The person knowingly makes false representations to  
 1575 induce the payment of living expenses and does not intend to  
 1576 make an adoptive placement.

1577 ~~It is unlawful for:~~

1578           ~~(a) Any person or adoption entity under this chapter to:~~

- 1579           ~~1. Knowingly provide false information; or~~  
 1580           ~~2. Knowingly withhold material information.~~

1581           ~~(b) A parent, with the intent to defraud, to accept~~  
 1582 ~~benefits related to the same pregnancy from more than one~~  
 1583 ~~adoption entity without disclosing that fact to each entity.~~

1584  
 1585 Any person who willfully commits adoption deception ~~violates any~~  
 1586 ~~provision of this subsection~~ commits a misdemeanor of the second  
 1587 degree, punishable as provided in s. 775.082 or s. 775.083, if  
 1588 the sums received by the birth mother or woman holding herself  
 1589 out to be a birth mother do not exceed \$300, and a felony of the  
 1590 third degree, punishable as provided in s. 775.082, s. 775.083,  
 1591 or s. 775.084, if the sums received by the birth mother or woman  
 1592 holding herself out to be a birth mother exceed \$300. In  
 1593 addition, the person is liable for damages caused by such acts  
 1594 or omissions, including reasonable attorney ~~attorney's~~ fees and  
 1595 costs incurred by the adoption entity or the prospective  
 1596 adoptive parent. Damages may be awarded through restitution in

1597 any related criminal prosecution or by filing a separate civil  
 1598 action.

1599 (8) Unless otherwise indicated, a person who willfully and  
 1600 with criminal intent violates any provision of this section,  
 1601 excluding paragraph (1)(g), commits a felony of the third  
 1602 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 1603 775.084. A person who willfully and with criminal intent  
 1604 violates paragraph (1)(g) commits a misdemeanor of the second  
 1605 degree, punishable as provided in s. 775.083; and each day of  
 1606 continuing violation shall be considered a separate offense. In  
 1607 addition, any person who knowingly publishes or assists with the  
 1608 publication of any advertisement or other publication which  
 1609 violates the requirements of paragraph (1)(g) commits a  
 1610 misdemeanor of the second degree, punishable as provided in s.  
 1611 775.083, and may be required to pay a fine of up to \$150 per day  
 1612 for each day of continuing violation.

1613 Section 24. Paragraph (b) of subsection (1), paragraphs  
 1614 (a) and (e) of subsection (2), and paragraphs (b), (h), and (i)  
 1615 of subsection (6) of section 63.213, Florida Statutes, are  
 1616 amended to read:

1617 63.213 Preplanned adoption agreement.—

1618 (1) Individuals may enter into a preplanned adoption  
 1619 arrangement as specified in this section, but such arrangement  
 1620 may not in any way:

1621 (b) Constitute consent of a mother to place her biological  
 1622 child for adoption until 48 hours after the following birth of  
 1623 the child and unless the court making the custody determination  
 1624 or approving the adoption determines that the mother was aware

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1625 of her right to rescind within the 48-hour period after the  
1626 ~~following~~ birth of the child but chose not to rescind such  
1627 consent. The volunteer mother's right to rescind her consent in  
1628 a preplanned adoption applies only when the child is genetically  
1629 related to her.

1630 (2) A preplanned adoption agreement must include, but need  
1631 not be limited to, the following terms:

1632 (a) That the volunteer mother agrees to become pregnant by  
1633 the fertility technique specified in the agreement, to bear the  
1634 child, and to terminate any parental rights and responsibilities  
1635 to the child she might have through a written consent executed  
1636 at the same time as the preplanned adoption agreement, subject  
1637 to a right of rescission by the volunteer mother any time within  
1638 48 hours after the birth of the child, if the volunteer mother  
1639 is genetically related to the child.

1640 (e) That the intended father and intended mother  
1641 acknowledge that they may not receive custody or the parental  
1642 rights under the agreement if the volunteer mother terminates  
1643 the agreement or if the volunteer mother rescinds her consent to  
1644 place her child for adoption within 48 hours after the birth of  
1645 the child, if the volunteer mother is genetically related to the  
1646 child.

1647 (6) As used in this section, the term:

1648 (b) "Child" means the child or children conceived by means  
1649 of a fertility technique ~~an insemination~~ that is part of a  
1650 preplanned adoption arrangement.

1651 (h) "Preplanned adoption arrangement" means the  
1652 arrangement through which the parties enter into an agreement

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1653 for the volunteer mother to bear the child, for payment by the  
 1654 intended father and intended mother of the expenses allowed by  
 1655 this section, for the intended father and intended mother to  
 1656 assert full parental rights and responsibilities to the child if  
 1657 consent to adoption is not rescinded after birth by a the  
 1658 volunteer mother who is genetically related to the child, and  
 1659 for the volunteer mother to terminate, subject to any ~~a~~ right of  
 1660 rescission, all her parental rights and responsibilities to the  
 1661 child in favor of the intended father and intended mother.

1662 (i) "Volunteer mother" means a female at least 18 years of  
 1663 age who voluntarily agrees, subject to a right of rescission if  
 1664 it is her biological child, that if she should become pregnant  
 1665 pursuant to a preplanned adoption arrangement, she will  
 1666 terminate her parental rights and responsibilities to the child  
 1667 in favor of the intended father and intended mother.

1668 Section 25. Section 63.222, Florida Statutes, is amended  
 1669 to read:

1670 63.222 Effect on prior adoption proceedings.—Any adoption  
 1671 made before July 1, 2012, ~~is the effective date of this act~~  
 1672 ~~shall be~~ valid, and any proceedings pending on that the  
 1673 ~~effective date and any subsequent amendments thereto of this act~~  
 1674 are not affected thereby unless the amendment is designated as a  
 1675 remedial provision.

1676 Section 26. Section 63.2325, Florida Statutes, is amended  
 1677 to read:

1678 63.2325 Conditions for invalidation ~~revocation~~ of a  
 1679 consent to adoption or affidavit of nonpaternity.—  
 1680 Notwithstanding the requirements of this chapter, a failure to

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1681 meet any of those requirements does not constitute grounds for  
1682 invalidation ~~revocation~~ of a consent to adoption or revocation  
1683 ~~withdrawal~~ of an affidavit of nonpaternity unless the extent and  
1684 circumstances of such a failure result in a material failure of  
1685 fundamental fairness in the administration of due process, or  
1686 the failure constitutes or contributes to fraud or duress in  
1687 obtaining a consent to adoption or affidavit of nonpaternity.  
1688       Section 27. This act shall take effect July 1, 2012.