

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, but  
19          shows no other signs of child abuse or neglect, shall  
20          be placed in the custody of an adoption entity;  
21          providing that if the Department of Children and  
22          Family Services is contacted regarding a surrendered  
23          infant who does not appear to have been the victim of  
24          actual or suspected child abuse or neglect, it shall  
25          provide instruction to contact an adoption entity and  
26          may not take custody of the infant; providing an  
27          exception; revising provisions relating to scientific  
28          testing to determine the paternity or maternity of a

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

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

85 | person who is required to consent is unavailable  
86 | because the person cannot be located; providing that  
87 | in an adoption of a stepchild or a relative, a  
88 | certified copy of the death certificate of the person  
89 | whose consent is required may be attached to the  
90 | petition for adoption if a separate petition for  
91 | termination of parental rights is not being filed;  
92 | authorizing the execution of an affidavit of  
93 | nonpaternity before the birth of a minor in preplanned  
94 | adoptions; revising language of a consent to adoption;  
95 | providing that a home study provided by the adoption  
96 | entity shall be deemed to be sufficient except in  
97 | certain circumstances; providing for a hearing if an  
98 | adoption entity moves to intervene in a dependency  
99 | case; revising language concerning seeking to revoke  
100 | consent to an adoption of a child older than 6 months  
101 | of age; providing that if the consent of one parent is  
102 | set aside or revoked, any other consents executed by  
103 | the other parent or a third party whose consent is  
104 | required for the adoption of the child may not be used  
105 | by the parent who consent was revoked or set aside to  
106 | terminate or diminish the rights of the other parent  
107 | or third party; amending s. 63.085, F.S.; revising  
108 | language of an adoption disclosure statement;  
109 | requiring that a copy of a waiver by prospective  
110 | adoptive parents of receipt of certain records must be  
111 | filed with the court; amending s. 63.087, F.S.;;  
112 | specifying that a failure to personally appear at a

113 proceeding to terminate parental rights constitutes  
114 grounds for termination; amending s. 63.088, F.S.;  
115 providing that in a termination of parental rights  
116 proceeding if a required inquiry that identifies a  
117 father who has been adjudicated by a court as the  
118 father of the minor child before the date a petition  
119 for termination of parental rights is filed the  
120 inquiry must terminate at that point; amending s.  
121 63.089, F.S.; specifying that it is a failure to  
122 personally appear that provides grounds for  
123 termination of parental rights in certain  
124 circumstances; revising provisions relating to  
125 dismissal of petitions to terminate parental rights;  
126 providing that contact between a parent seeking relief  
127 from a judgment terminating parental rights and a  
128 child may be awarded only in certain circumstances;  
129 providing for placement of a child in the event that a  
130 court grants relief from a judgment terminating  
131 parental rights and no new pleading is filed to  
132 terminate parental rights; amending s. 63.092, F.S.;  
133 requiring that a signed copy of the home study must be  
134 provided to the intended adoptive parents who were the  
135 subject of the study; amending s. 63.097, F.S.;  
136 providing guidelines for a court considering a  
137 reasonable attorney fee associated with adoption  
138 services; amending s. 63.152, F.S.; authorizing an  
139 adoption entity to transmit a certified statement of  
140 the entry of a judgment of adoption to the state

141 registrar of vital statistics; amending s. 63.162,  
142 F.S.; authorizing a birth parent to petition that  
143 court to appoint an intermediary or a licensed child-  
144 placing agency to contact an adult adoptee and advise  
145 both of the availability of the adoption registry and  
146 that the birth parent wishes to establish contact;  
147 amending s. 63.167, F.S.; requiring that the state  
148 adoption center provide contact information for all  
149 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;

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), (3), (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 (3) "Adoption entity" means the department, an agency, a  
 214 child-caring agency registered under s. 409.176, an  
 215 intermediary, a Florida-licensed child-placing agency, or a  
 216 child-placing agency licensed in another state which is  
 217 qualified by the department to place children in the State of  
 218 Florida.

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



225 relationship to the child has been legally terminated or an  
 226 alleged or prospective parent.

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

230 (19) "Unmarried biological father" means the child's  
 231 biological father who is not married to the child's mother at  
 232 the time of conception or on the date of the birth of the child  
 233 and who, before the filing of a petition to terminate parental  
 234 rights, has not been adjudicated by a court of competent  
 235 jurisdiction to be the legal father of the child or has not  
 236 filed ~~executed~~ an affidavit pursuant to s. 382.013(2)(c).

237 Section 3. Section 63.037, Florida Statutes, is amended to  
 238 read:

239 63.037 Proceedings applicable to cases resulting from a  
 240 termination of parental rights under chapter 39.—A case in which  
 241 a minor becomes available for adoption after the parental rights  
 242 of each parent have been terminated by a judgment entered  
 243 pursuant to chapter 39 shall be governed by s. 39.812 and this  
 244 chapter. Adoption proceedings initiated under chapter 39 are  
 245 exempt from the following provisions of this chapter:

246 requirement for search of the Florida Putative Father Registry  
 247 provided in s. 63.054(7), if a search was previously completed  
 248 and documentation of the search is contained in the case file;  
 249 disclosure requirements for the adoption entity provided in s.  
 250 63.085(1); general provisions governing termination of parental  
 251 rights pending adoption provided in s. 63.087; notice and  
 252 service provisions governing termination of parental rights

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253 pending adoption provided in s. 63.088; and procedures for  
 254 terminating parental rights pending adoption provided in s.  
 255 63.089.

256 Section 4. Subsections (2) through (4) of section 63.039,  
 257 Florida Statutes, are renumbered as subsections (3) through (5),  
 258 respectively, and a new subsection (2) is added to that section  
 259 to read:

260 63.039 Duty of adoption entity to prospective adoptive  
 261 parents; sanctions.—

262 (2) With the exception of an adoption by a relative or  
 263 stepparent, all adoptions of minor children require the use of  
 264 an adoption entity that will assume the responsibilities  
 265 provided in this section.

266 Section 5. Paragraph (c) of subsection (2) of section  
 267 63.042, Florida Statutes, is amended to read:

268 63.042 Who may be adopted; who may adopt.—

269 (2) The following persons may adopt:

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

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

275 2. The failure of his or her ~~the other~~ spouse to join in  
 276 the petition or to consent to the adoption is excused by the  
 277 court for good cause shown or in the best interests ~~interest~~ of  
 278 the child.

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

281 63.0423 Procedures with respect to surrendered infants.—

282 (1) Upon entry of final judgment terminating parental  
 283 rights, an adoption entity ~~A licensed child-placing agency~~ that  
 284 takes physical custody of an infant surrendered at a hospital,  
 285 emergency medical services station, or fire station pursuant to  
 286 s. 383.50 assumes ~~shall assume~~ responsibility for the all  
 287 ~~medical costs~~ and ~~all~~ other costs associated with the emergency  
 288 services and care of the surrendered infant from the time the  
 289 adoption entity ~~licensed child-placing agency~~ takes physical  
 290 custody of the surrendered infant.

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

308 (3) The adoption entity ~~licensed child-placing agency~~ that

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309 takes physical custody of the surrendered infant shall, within  
310 24 hours thereafter, request assistance from law enforcement  
311 officials to investigate and determine, through the Missing  
312 Children Information Clearinghouse, the National Center for  
313 Missing and Exploited Children, and any other national and state  
314 resources, whether the surrendered infant is a missing child.

315 (4) The parent who surrenders the infant in accordance  
316 with s. 383.50 is presumed to have consented to termination of  
317 parental rights, and express consent is not required. Except  
318 when there is actual or suspected child abuse or neglect, the  
319 adoption entity may ~~licensed child-placing agency shall~~ not  
320 attempt to pursue, search for, or notify that parent as provided  
321 in s. 63.088 and chapter 49. For purposes of s. 383.50 and this  
322 section, an infant who tests positive for illegal drugs,  
323 narcotic prescription drugs, alcohol, or other substances, but  
324 shows no other signs of child abuse or neglect, shall be placed  
325 in the custody of an adoption entity. If the department is  
326 contacted regarding an infant properly surrendered under this  
327 section and s. 383.50, the department shall provide instruction  
328 to contact an adoption entity and may not take custody of the  
329 infant unless reasonable efforts to contact an adoption entity  
330 to accept the infant have not been successful.

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

336 (a) The court may order scientific testing to determine

337 maternity or paternity at the expense of the parent claiming  
338 parental rights.

339 (b) The court shall appoint a guardian ad litem for the  
340 surrendered infant and order whatever investigation, home  
341 evaluation, and psychological evaluation are necessary to  
342 determine what is in the best interests ~~interest~~ of the  
343 surrendered infant.

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

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

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

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

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365 terminating parental rights.

366 (b) No later than 30 days after the filing of a motion  
367 under this subsection, the court shall conduct a preliminary  
368 hearing to determine what contact, if any, will be permitted  
369 between a ~~birth~~ parent and the child pending resolution of the  
370 motion. Such contact may be allowed only if it is requested by a  
371 parent who has appeared at the hearing and the court determines  
372 that it is in the best interests ~~interest~~ of the child. If the  
373 court orders contact between a ~~birth~~ parent and the child, the  
374 order must be issued in writing as expeditiously as possible and  
375 must state with specificity any provisions regarding contact  
376 with persons other than those with whom the child resides.

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

391 (d) Within 45 days after the preliminary hearing, the  
392 court shall conduct a final hearing on the motion to set aside

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393 the judgment and shall enter its written order as expeditiously  
 394 as possible thereafter.

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

397 63.0425 Grandparent's right to notice.—

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

403 Section 8. Section 63.0427, Florida Statutes, is amended  
 404 to read:

405 63.0427 Agreements for ~~Adopted minor's right to~~ continued  
 406 communication or contact between adopted child and ~~with~~  
 407 siblings, parents, and other relatives.—

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

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

420 (b) Recommendations of the department, the foster parents

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421 if other than the adoptive parents, and the guardian ad litem.

422 (c) Statements of the prospective adoptive parents.

423 (d) Any other information deemed relevant and material by  
424 the court.

425

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

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



449       (3) Prospective adoptive parents may enter into an  
450 agreement for contact between the child to be adopted and the  
451 birth parent, other relative, or previous foster parent of the  
452 child to be adopted. Such contact may include visits, written  
453 correspondence, telephone contact, exchange of photographs, or  
454 other similar types of contact. The agreement is enforceable by  
455 the court only if:

456       (a) The agreement was in writing and was submitted to the  
457 court.

458       (b) The adoptive parents have agreed to the terms of the  
459 contact agreement.

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

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

464       (4) All parties must acknowledge that a dispute regarding  
465 the contact agreement does not affect the validity or finality  
466 of the adoption and that a breach of the agreement may not be  
467 grounds to set aside the adoption or otherwise impact the  
468 validity or finality of the adoption in any way.

469       (5) An adoptive parent may terminate the contact between  
470 the child and the birth parent, other relative, or foster parent  
471 if the adoptive parent reasonably believes that the contact is  
472 detrimental to the best interests of the child.

473       (6) In order to terminate the agreement for contact, the  
474 adoptive parent must file a notice of intent to terminate the  
475 contact agreement with the court that initially approved the  
476 contact agreement, and provide a copy of the notice to the

477 adoption entity that placed the child, if any, and to the birth  
 478 parent, other relative, or foster parent of the child who is a  
 479 party to the agreement, outlining the reasons for termination of  
 480 the agreement.

481 (7) If appropriate under the circumstances of the case,  
 482 the court may order the parties to participate in mediation to  
 483 attempt to resolve the issues with the contact agreement. The  
 484 mediation shall be conducted pursuant to s. 61.183. The  
 485 petitioner shall be responsible for payment for the services of  
 486 the mediator.

487 (8) The court may modify the terms of the agreement in  
 488 order to serve the best interests of the child, but may not  
 489 increase the amount or type of contact unless the adoptive  
 490 parents agree to the increase in contact or change in the type  
 491 of contact.

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

496 Section 9. Subsections (1), (2), (3), and (6) of section  
 497 63.052, Florida Statutes, are amended to read:

498 63.052 Guardians designated; proof of commitment.—

499 (1) For minors who have been placed for adoption with ~~and~~  
 500 ~~permanently committed to~~ an adoption entity, other than an  
 501 intermediary, such adoption entity shall be the guardian of the  
 502 person of the minor and has the responsibility and authority to  
 503 provide for the needs and welfare of the minor.

504 (2) For minors who have been voluntarily surrendered to an

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

528 (3) If a minor is surrendered to an adoption entity for  
 529 subsequent adoption and a suitable prospective adoptive home is  
 530 not available pursuant to s. 63.092 at the time the minor is  
 531 surrendered to the adoption entity, the minor must be placed in  
 532 a licensed foster care home, ~~or~~ with a person or family that has

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533 received a favorable preliminary home study pursuant to  
534 subsection (2), or with a relative until ~~such~~ a suitable  
535 prospective adoptive home is available.

536 (6) Unless otherwise authorized by law or ordered by the  
537 court, the department is not responsible for expenses incurred  
538 by other adoption entities participating in a placement of a  
539 minor.

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

542 63.053 Rights and responsibilities of an unmarried  
543 biological father; legislative findings.—

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

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

557 Section 11. Subsections (1), (2), (4), and (13) of section  
558 63.054, Florida Statutes, are amended to read:

559 63.054 Actions required by an unmarried biological father  
560 to establish parental rights; Florida Putative Father Registry.—

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561 (1) In order to preserve the right to notice and consent  
562 to an adoption under this chapter, an unmarried biological  
563 father must, as the "registrant," file a notarized claim of  
564 paternity form with the Florida Putative Father Registry  
565 maintained by the Office of Vital Statistics of the Department  
566 of Health which includes confirmation of his willingness and  
567 intent to support the child for whom paternity is claimed in  
568 accordance with state law. The claim of paternity may be filed  
569 at any time before the child's birth, but may not be filed after  
570 the date a petition is filed for termination of parental rights.  
571 In each proceeding for termination of parental rights, the  
572 petitioner must submit to the Office of Vital Statistics a copy  
573 of the petition for termination of parental rights or a document  
574 executed by the clerk of the court showing the style of the  
575 case, the names of the persons whose rights are sought to be  
576 terminated, and the date and time of the filing of the petition.  
577 The Office of Vital Statistics may not record a claim of  
578 paternity after the date a petition for termination of parental  
579 rights is filed. The failure of an unmarried biological father  
580 to file a claim of paternity with the registry before the date a  
581 petition for termination of parental rights is filed also bars  
582 him from filing a paternity claim under chapter 742.

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

586 1. The mother identifies him to the adoption entity as a  
587 potential biological father by the date she executes a consent  
588 for adoption; and

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

593           (b) If an unmarried biological father falls within the  
594 exception provided by paragraph (a), the petitioner shall also  
595 submit to the Office of Vital Statistics a copy of the notice of  
596 intended adoption plan and proof of service of the notice on the  
597 potential biological father.

598           (c) An unmarried biological father who falls within the  
599 exception provided by paragraph (a) may not file a claim of  
600 paternity with the registry or a paternity claim under chapter  
601 742 after the 30-day mandatory response date to the notice of  
602 intended adoption plan has expired. The Office of Vital  
603 Statistics may not record a claim of paternity 30 days after  
604 service of the notice of intended adoption plan.

605           (2) By filing a claim of paternity form with the Office of  
606 Vital Statistics, the registrant expressly consents to submit to  
607 and pay for DNA testing upon the request of any party, the  
608 registrant, or the adoption entity with respect to the child  
609 referenced in the claim of paternity.

610           (4) Upon initial registration, or at any time thereafter,  
611 the registrant may designate a physical ~~an~~ address other than  
612 his residential address for sending any communication regarding  
613 his registration. Similarly, upon initial registration, or at  
614 any time thereafter, the registrant may designate, in writing,  
615 an agent or representative to receive any communication on his  
616 behalf and receive service of process. The agent or

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617 representative must file an acceptance of the designation, in  
618 writing, in order to receive notice or service of process. The  
619 failure of the designated representative or agent of the  
620 registrant to deliver or otherwise notify the registrant of  
621 receipt of correspondence from the Florida Putative Father  
622 Registry is at the registrant's own risk and may ~~shall~~ not serve  
623 as a valid defense based upon lack of notice.

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

630 Section 12. Paragraph (b) of subsection (1), subsections  
631 (2), (3), and (4), and paragraph (a) of subsection (8) of  
632 section 63.062, Florida Statutes, are amended to read:

633 63.062 Persons required to consent to adoption; affidavit  
634 of nonpaternity; waiver of venue.—

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

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

- 641 1. The minor was conceived or born while the father was  
642 married to the mother;
- 643 2. The minor is his child by adoption;
- 644 3. The minor has been adjudicated by the court to be his

645 child before ~~by~~ the date a petition ~~is filed~~ for termination of  
 646 parental rights is filed;

647 4. He has filed an affidavit of paternity pursuant to s.  
 648 382.013(2) (c) or he is listed on the child's birth certificate  
 649 before ~~by~~ the date a petition ~~is filed~~ for termination of  
 650 parental rights is filed; or

651 5. In the case of an unmarried biological father, he has  
 652 acknowledged in writing, signed in the presence of a competent  
 653 witness, that he is the father of the minor, has filed such  
 654 acknowledgment with the Office of Vital Statistics of the  
 655 Department of Health within the required timeframes, and has  
 656 complied with the requirements of subsection (2).

657  
 658 The status of the father shall be determined at the time of the  
 659 filing of the petition to terminate parental rights and may not  
 660 be modified, except as otherwise provided in s. 63.0423(9) (a),  
 661 for purposes of his obligations and rights under this chapter by  
 662 acts occurring after the filing of the petition to terminate  
 663 parental rights.

664 (2) In accordance with subsection (1), the consent of an  
 665 unmarried biological father shall be necessary only if the  
 666 unmarried biological father has complied with the requirements  
 667 of this subsection.

668 (a)1. With regard to a child who is placed with adoptive  
 669 parents more than 6 months after the child's birth, an unmarried  
 670 biological father must have developed a substantial relationship  
 671 with the child, taken some measure of responsibility for the  
 672 child and the child's future, and demonstrated a full commitment



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673 to the responsibilities of parenthood by providing reasonable  
674 and regular financial support to the child in accordance with  
675 the unmarried biological father's ability, if not prevented from  
676 doing so by the person or authorized agency having lawful  
677 custody of the child, and either:

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

682 b. Maintained regular communication with the child or with  
683 the person or agency having the care or custody of the child,  
684 when physically or financially unable to visit the child or when  
685 not prevented from doing so by the birth mother or person or  
686 authorized agency having lawful custody of the child.

687 ~~2. The mere fact that an unmarried biological father~~  
688 ~~expresses a desire to fulfill his responsibilities towards his~~  
689 ~~child which is unsupported by acts evidencing this intent does~~  
690 ~~not preclude a finding by the court that the unmarried~~  
691 ~~biological father failed to comply with the requirements of this~~  
692 ~~subsection.~~

693 ~~2.3.~~ An unmarried biological father who openly lived with  
694 the child for at least 6 months within the 1-year period  
695 following the birth of the child and immediately preceding  
696 placement of the child with adoptive parents and who openly held  
697 himself out to be the father of the child during that period  
698 shall be deemed to have developed a substantial relationship  
699 with the child and to have otherwise met the requirements of  
700 this paragraph.

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

707 1. Filed a notarized claim of paternity form with the  
708 Florida Putative Father Registry within the Office of Vital  
709 Statistics of the Department of Health, which form shall be  
710 maintained in the confidential registry established for that  
711 purpose and shall be considered filed when the notice is entered  
712 in the registry of notices from unmarried biological fathers.

713 2. Upon service of a notice of an intended adoption plan  
714 or a petition for termination of parental rights pending  
715 adoption, executed and filed an affidavit in that proceeding  
716 stating that he is personally fully able and willing to take  
717 responsibility for the child, setting forth his plans for care  
718 of the child, and agreeing to a court order of child support and  
719 a contribution to the payment of living and medical expenses  
720 incurred for the mother's pregnancy and the child's birth in  
721 accordance with his ability to pay.

722 3. If he had knowledge of the pregnancy, paid a fair and  
723 reasonable amount of the living and medical expenses incurred in  
724 connection with the mother's pregnancy and the child's birth, in  
725 accordance with his financial ability and when not prevented  
726 from doing so by the birth mother or person or authorized agency  
727 having lawful custody of the child. The responsibility of the  
728 unmarried biological father to provide financial assistance to

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729 the birth mother during her pregnancy and to the child after  
730 birth is not abated because support is being provided to the  
731 birth mother or child by the adoption entity, a prospective  
732 adoptive parent, or a third party, nor does it serve as a basis  
733 to excuse the birth father's failure to provide support.

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

738 (d)(e) The petitioner shall file with the court a  
739 certificate from the Office of Vital Statistics stating that a  
740 diligent search has been made of the Florida Putative Father  
741 Registry of notices from unmarried biological fathers described  
742 in subparagraph (b)1. and that no filing has been found  
743 pertaining to the father of the child in question or, if a  
744 filing is found, stating the name of the putative father and the  
745 time and date of filing. That certificate shall be filed with  
746 the court prior to the entry of a final judgment of termination  
747 of parental rights.

748 (e)(d) An unmarried biological father who does not comply  
749 with each of the conditions provided in this subsection is  
750 deemed to have waived and surrendered any rights in relation to  
751 the child, including the right to notice of any judicial  
752 proceeding in connection with the adoption of the child, and his  
753 consent to the adoption of the child is not required.

754 (3) Pursuant to chapter 48, an adoption entity shall serve  
755 a notice of intended adoption plan upon any known and locatable  
756 unmarried biological father who is identified to the adoption

757 | entity by the mother by the date she signs her consent for  
 758 | adoption if the child is 6 months of age or less at the time the  
 759 | consent is executed ~~or who is identified by a diligent search of~~  
 760 | ~~the Florida Putative Father Registry, or upon an entity whose~~  
 761 | ~~consent is required~~. Service of the notice of intended adoption  
 762 | plan is not required ~~mandatory~~ when the unmarried biological  
 763 | father signs a consent for adoption or an affidavit of  
 764 | nonpaternity or when the child is more than 6 months of age at  
 765 | the time of the execution of the consent by the mother. The  
 766 | notice may be served at any time before the child's birth or  
 767 | before placing the child in the adoptive home. The recipient of  
 768 | the notice may waive service of process by executing a waiver  
 769 | and acknowledging receipt of the plan. The notice of intended  
 770 | adoption plan must specifically state that if the unmarried  
 771 | biological father desires to contest the adoption plan he must,  
 772 | within 30 days after service, file with the court a verified  
 773 | response that contains a pledge of commitment to the child in  
 774 | substantial compliance with subparagraph (2)(b)2. and a claim of  
 775 | paternity form with the Office of Vital Statistics, and must  
 776 | provide the adoption entity with a copy of the verified response  
 777 | filed with the court and the claim of paternity form filed with  
 778 | the Office of Vital Statistics. The notice must also include  
 779 | instructions for submitting a claim of paternity form to the  
 780 | Office of Vital Statistics and the address to which the claim  
 781 | must be sent. If the party served with the notice of intended  
 782 | adoption plan is an entity whose consent is required, the notice  
 783 | must specifically state that the entity must file, within 30  
 784 | days after service, a verified response setting forth a legal

785 basis for contesting the intended adoption plan, specifically  
 786 addressing the best interests ~~interest~~ of the child.

787 (a) If the unmarried biological father or entity whose  
 788 consent is required fails to timely and properly file a verified  
 789 response with the court and, in the case of an unmarried  
 790 biological father, a claim of paternity form with the Office of  
 791 Vital Statistics, the court shall enter a default judgment  
 792 against the ~~any~~ unmarried biological father or entity and the  
 793 consent of that unmarried biological father or entity shall no  
 794 longer be required under this chapter and shall be deemed to  
 795 have waived any claim of rights to the child. To avoid an entry  
 796 of a default judgment, within 30 days after receipt of service  
 797 of the notice of intended adoption plan:

798 1. The unmarried biological father must:

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

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

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

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

809 (b) If the mother identifies a potential unmarried  
 810 biological father within the timeframes required by the statute,  
 811 whose location is unknown, the adoption entity shall conduct a  
 812 diligent search pursuant to s. 63.088. If, upon completion of a

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813 diligent search, the potential unmarried biological father's  
814 location remains unknown and a search of the Florida Putative  
815 Father Registry fails to reveal a match, the adoption entity  
816 shall request in the petition for termination of parental rights  
817 pending adoption that the court declare the diligent search to  
818 be in compliance with s. 63.088, that the adoption entity has no  
819 further obligation to provide notice to the potential unmarried  
820 biological father, and that the potential unmarried biological  
821 father's consent to the adoption is not required.

822 (4) Any person whose consent is required under paragraph  
823 (1)(b), or any other man, may execute an irrevocable affidavit  
824 of nonpaternity in lieu of a consent under this section and by  
825 doing so waives notice to all court proceedings after the date  
826 of execution. An affidavit of nonpaternity must be executed as  
827 provided in s. 63.082. The affidavit of nonpaternity may be  
828 executed prior to the birth of the child. The person executing  
829 the affidavit must receive disclosure under s. 63.085 prior to  
830 signing the affidavit. For purposes of this chapter, an  
831 affidavit of nonpaternity is sufficient if it contains a  
832 specific denial of parental obligations and does not need to  
833 deny the existence of a biological relationship.

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

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

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

840 63.063 Responsibility of parents for actions; fraud or

841 misrepresentation; contesting termination of parental rights and  
 842 adoption.—

843 (2) Any person injured by a fraudulent representation or  
 844 action in connection with an adoption may pursue civil or  
 845 criminal penalties as provided by law. A fraudulent  
 846 representation is not a defense to compliance with the  
 847 requirements of this chapter and is not a basis for dismissing a  
 848 petition for termination of parental rights or a petition for  
 849 adoption, for vacating an adoption decree, or for granting  
 850 custody to the offended party. Custody and adoption  
 851 determinations must be based on the best interests ~~interest~~ of  
 852 the child in accordance with s. 61.13.

853 Section 14. Paragraph (d) of subsection (1), paragraphs  
 854 (c) and (d) of subsection (3), paragraphs (a), (d), and (e) of  
 855 subsection (4), and subsections (6) and (7) of section 63.082,  
 856 Florida Statutes, are amended to read:

857 63.082 Execution of consent to adoption or affidavit of  
 858 nonpaternity; family social and medical history; revocation  
 859 ~~withdrawal~~ of consent.—

860 (1)

861 (d) The notice and consent provisions of this chapter as  
 862 they relate to the father ~~birth~~ of a child ~~or to legal fathers~~  
 863 do not apply in cases in which the child is conceived as a  
 864 result of a violation of the criminal laws of this or another  
 865 state or country, including, but not limited to, sexual battery,  
 866 unlawful sexual activity with certain minors under s. 794.05,  
 867 lewd acts perpetrated upon a minor, or incest. A criminal  
 868 conviction is not required for the court to find that the child

869 was conceived as a result of a violation of the criminal laws of  
870 this state or another state or country.

871 (3)

872 (c) If any person who is required to consent is  
873 unavailable because the person cannot be located, an the  
874 ~~petition to terminate parental rights pending adoption must be~~  
875 ~~accompanied by the~~ affidavit of diligent search required under  
876 s. 63.088 shall be filed.

877 (d) If any person who is required to consent is  
878 unavailable because the person is deceased, the petition to  
879 terminate parental rights pending adoption must be accompanied  
880 by a certified copy of the death certificate. In an adoption of  
881 a stepchild or a relative, the certified copy of the death  
882 certificate of the person whose consent is required may ~~must~~ be  
883 attached to the petition for adoption if a separate petition for  
884 termination of parental rights is not being filed.

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

889 (d) The consent to adoption or the affidavit of  
890 nonpaternity must be signed in the presence of two witnesses and  
891 be acknowledged before a notary public who is not signing as one  
892 of the witnesses. The notary public must legibly note on the  
893 consent or the affidavit the date and time of execution. The  
894 witnesses' names must be typed or printed underneath their  
895 signatures. The witnesses' home or business addresses must be  
896 included. The person who signs the consent or the affidavit has



897 | the right to have at least one of the witnesses be an individual  
 898 | who does not have an employment, professional, or personal  
 899 | relationship with the adoption entity or the prospective  
 900 | adoptive parents. The adoption entity must give reasonable  
 901 | advance notice to the person signing the consent or affidavit of  
 902 | the right to select a witness of his or her own choosing. The  
 903 | person who signs the consent or affidavit must acknowledge in  
 904 | writing on the consent or affidavit that such notice was given  
 905 | and indicate the witness, if any, who was selected by the person  
 906 | signing the consent or affidavit. The adoption entity must  
 907 | include its name, address, and telephone number on the consent  
 908 | to adoption or affidavit of nonpaternity.

909 | (e) A consent to adoption being executed by the birth  
 910 | parent must be in at least 12-point boldfaced type and shall  
 911 | contain the following recitation of rights ~~in substantially the~~  
 912 | ~~following form:~~

913 | CONSENT TO ADOPTION

914 |  
 915 | YOU HAVE THE RIGHT TO SELECT AT LEAST ONE PERSON WHO DOES NOT  
 916 | HAVE AN EMPLOYMENT, PROFESSIONAL, OR PERSONAL RELATIONSHIP WITH  
 917 | THE ADOPTION ENTITY OR THE PROSPECTIVE ADOPTIVE PARENTS TO BE  
 918 | PRESENT WHEN THIS AFFIDAVIT IS EXECUTED AND TO SIGN IT AS A  
 919 | WITNESS. YOU MUST ACKNOWLEDGE ON THIS FORM THAT YOU WERE  
 920 | NOTIFIED OF THIS RIGHT AND YOU MUST INDICATE THE WITNESS OR  
 921 | WITNESSES YOU SELECTED, IF ANY.

922 |  
 923 | YOU DO NOT HAVE TO SIGN THIS CONSENT FORM. YOU MAY DO ANY OF THE  
 924 | FOLLOWING INSTEAD OF SIGNING THIS CONSENT OR BEFORE SIGNING THIS

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925 CONSENT:

926

927 1. CONSULT WITH AN ATTORNEY;

928 2. HOLD, CARE FOR, AND FEED THE CHILD UNLESS OTHERWISE  
929 LEGALLY PROHIBITED;

930 3. PLACE THE CHILD IN FOSTER CARE OR WITH ANY FRIEND OR  
931 FAMILY MEMBER YOU CHOOSE WHO IS WILLING TO CARE FOR THE  
932 CHILD;

933 4. TAKE THE CHILD HOME UNLESS OTHERWISE LEGALLY  
934 PROHIBITED; AND

935 5. FIND OUT ABOUT THE COMMUNITY RESOURCES THAT ARE  
936 AVAILABLE TO YOU IF YOU DO NOT GO THROUGH WITH THE  
937 ADOPTION.

938

939 IF YOU DO SIGN THIS CONSENT, YOU ARE GIVING UP ALL RIGHTS TO  
940 YOUR CHILD. YOUR CONSENT IS VALID, BINDING, AND IRREVOCABLE  
941 EXCEPT UNDER SPECIFIC LEGAL CIRCUMSTANCES. IF YOU ARE GIVING UP  
942 YOUR RIGHTS TO A NEWBORN CHILD WHO IS TO BE IMMEDIATELY PLACED  
943 FOR ADOPTION UPON THE CHILD'S RELEASE FROM A LICENSED HOSPITAL  
944 OR BIRTH CENTER FOLLOWING BIRTH, A WAITING PERIOD WILL BE  
945 IMPOSED UPON THE BIRTH MOTHER BEFORE SHE MAY SIGN THE CONSENT  
946 FOR ADOPTION. A BIRTH MOTHER MUST WAIT 48 HOURS FROM THE TIME OF  
947 BIRTH, OR UNTIL THE DAY THE BIRTH MOTHER HAS BEEN NOTIFIED IN  
948 WRITING, EITHER ON HER PATIENT CHART OR IN RELEASE PAPERS, THAT  
949 SHE IS FIT TO BE RELEASED FROM A LICENSED HOSPITAL OR BIRTH  
950 CENTER, WHICHEVER IS SOONER, BEFORE THE CONSENT FOR ADOPTION MAY  
951 BE EXECUTED. ANY MAN MAY EXECUTE A CONSENT AT ANY TIME AFTER THE  
952 BIRTH OF THE CHILD. ONCE YOU HAVE SIGNED THE CONSENT, IT IS

953 VALID, BINDING, AND IRREVOCABLE AND CANNOT BE INVALIDATED  
 954 ~~WITHDRAWN~~ UNLESS A COURT FINDS THAT IT WAS OBTAINED BY FRAUD OR  
 955 DURESS.

956  
 957 IF YOU BELIEVE THAT YOUR CONSENT WAS OBTAINED BY FRAUD OR DURESS  
 958 AND YOU WISH TO INVALIDATE ~~REVOKE~~ THAT CONSENT, YOU MUST:

- 959
- 960 1. NOTIFY THE ADOPTION ENTITY, BY WRITING A LETTER, THAT
  - 961 YOU WISH TO WITHDRAW YOUR CONSENT; AND
  - 962 2. PROVE IN COURT THAT THE CONSENT WAS OBTAINED BY FRAUD
  - 963 OR DURESS.

964  
 965 This statement of rights is not required for the adoption of a  
 966 relative, an adult, a stepchild, or a child older than 6 months  
 967 of age. A consent form for the adoption of a child older than 6  
 968 months of age at the time of the execution of consent must  
 969 contain a statement outlining the revocation rights provided in  
 970 paragraph (c).

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

976 (b) Upon execution of the consent of the parent, the  
 977 adoption entity shall be permitted to ~~may~~ intervene in the  
 978 dependency case as a party in interest and must provide the  
 979 court that acquired ~~having~~ jurisdiction over the minor, pursuant  
 980 to the shelter or dependency petition filed by the department, a

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981 copy of the preliminary home study of the prospective adoptive  
982 parents and any other evidence of the suitability of the  
983 placement. The preliminary home study must be maintained with  
984 strictest confidentiality within the dependency court file and  
985 the department's file. A preliminary home study must be provided  
986 to the court in all cases in which an adoption entity has  
987 intervened pursuant to this section. Unless the court has  
988 concerns regarding the qualifications of the home study  
989 provider, or concerns that the home study may not be adequate to  
990 determine the best interests of the child, the home study  
991 provided by the adoption entity shall be deemed to be sufficient  
992 and no additional home study needs to be performed by the  
993 department.

994 (c) If an adoption entity files a motion to intervene in  
995 the dependency case in accordance with this chapter, the  
996 dependency court shall promptly grant a hearing to determine  
997 whether the adoption entity has filed the required documents to  
998 be permitted to intervene and whether a change of placement of  
999 the child is appropriate.

1000 (d)(e) Upon a determination by the court that the  
1001 prospective adoptive parents are properly qualified to adopt the  
1002 minor child and that the adoption appears to be in the best  
1003 interests ~~interest~~ of the minor child, the court shall  
1004 immediately order the transfer of custody of the minor child to  
1005 the prospective adoptive parents, under the supervision of the  
1006 adoption entity. The adoption entity shall thereafter provide  
1007 monthly supervision reports to the department until finalization  
1008 of the adoption.

1009        (e)~~(d)~~ In determining whether the best interests ~~interest~~  
 1010 of the child are ~~is~~ served by transferring the custody of the  
 1011 minor child to the prospective adoptive parent selected by the  
 1012 parent, the court shall consider the rights of the parent to  
 1013 determine an appropriate placement for the child, the permanency  
 1014 offered, the child's bonding with any potential adoptive home  
 1015 that the child has been residing in, and the importance of  
 1016 maintaining sibling relationships, if possible.

1017        (7) If a person is seeking to revoke ~~withdraw~~ consent for  
 1018 a child older than 6 months of age ~~who has been placed with~~  
 1019 ~~prospective adoptive parents:~~

1020        (a) The person seeking to revoke ~~withdraw~~ consent must, in  
 1021 accordance with paragraph (4)(c), notify the adoption entity in  
 1022 writing by certified mail, return receipt requested, within 3  
 1023 business days after execution of the consent. As used in this  
 1024 subsection, the term "business day" means any day on which the  
 1025 United States Postal Service accepts certified mail for  
 1026 delivery.

1027        (b) Upon receiving timely written notice from a person  
 1028 whose consent to adoption is required of that person's desire to  
 1029 revoke ~~withdraw~~ consent, the adoption entity must contact the  
 1030 prospective adoptive parent to arrange a time certain for the  
 1031 adoption entity to regain physical custody of the minor, unless,  
 1032 upon a motion for emergency hearing by the adoption entity, the  
 1033 court determines in written findings that placement of the minor  
 1034 with the person who had legal or physical custody of the child  
 1035 immediately before the child was placed for adoption may  
 1036 endanger the minor or that the person who desires to revoke

1037 ~~withdraw~~ consent is not required to consent to the adoption, has  
 1038 been determined to have abandoned the child, or is otherwise  
 1039 subject to a determination that the person's consent is waived  
 1040 under this chapter.

1041 (c) If the court finds that the placement may endanger the  
 1042 minor, the court shall enter an order continuing the placement  
 1043 of the minor with the prospective adoptive parents pending  
 1044 further proceedings if they desire continued placement. If the  
 1045 prospective adoptive parents do not desire continued placement,  
 1046 the order must include, but need not be limited to, a  
 1047 determination of whether temporary placement in foster care,  
 1048 with the person who had legal or physical custody of the child  
 1049 immediately before placing the child for adoption, or with a  
 1050 relative is in the best interests ~~interest~~ of the child and  
 1051 whether an investigation by the department is recommended.

1052 (d) If the person revoking ~~withdrawing~~ consent claims to  
 1053 be the father of the minor but has not been established to be  
 1054 the father by marriage, court order, or scientific testing, the  
 1055 court may order scientific paternity testing and reserve ruling  
 1056 on removal of the minor until the results of such testing have  
 1057 been filed with the court.

1058 (e) The adoption entity must return the minor within 3  
 1059 business days after timely and proper notification of the  
 1060 revocation ~~withdrawal~~ of consent or after the court determines  
 1061 that revocation ~~withdrawal~~ is timely and in accordance with the  
 1062 requirements of this chapter ~~valid and binding~~ upon  
 1063 consideration of an emergency motion, as filed pursuant to  
 1064 paragraph (b), to the physical custody of the person revoking

1065 ~~withdrawing~~ consent or the person directed by the court. If the  
 1066 person seeking to revoke ~~withdraw~~ consent claims to be the  
 1067 father of the minor but has not been established to be the  
 1068 father by marriage, court order, or scientific testing, the  
 1069 adoption entity may return the minor to the care and custody of  
 1070 the mother, if she desires such placement and she is not  
 1071 otherwise prohibited by law from having custody of the child.

1072 (f) Following the revocation period ~~for withdrawal of~~  
 1073 ~~consent~~ described in paragraph (a), ~~or the placement of the~~  
 1074 ~~child with the prospective adoptive parents, whichever occurs~~  
 1075 ~~later~~, consent may be set aside ~~withdrawn~~ only when the court  
 1076 finds that the consent was obtained by fraud or duress.

1077 (g) An affidavit of nonpaternity may be set aside  
 1078 ~~withdrawn~~ only if the court finds that the affidavit was  
 1079 obtained by fraud or duress.

1080 (h) If the consent of one parent is set aside or revoked  
 1081 in accordance with this chapter, any other consents executed by  
 1082 the other parent or a third party whose consent is required for  
 1083 the adoption of the child may not be used by the parent who  
 1084 consent was revoked or set aside to terminate or diminish the  
 1085 rights of the other parent or third party whose consent was  
 1086 required for the adoption of the child.

1087 Section 15. Subsection (1) and paragraph (a) of subsection  
 1088 (2) of section 63.085, Florida Statutes, are amended, and  
 1089 paragraph (c) is added to subsection (2) of that section, to  
 1090 read:

1091 63.085 Disclosure by adoption entity.—

1092 (1) DISCLOSURE REQUIRED TO PARENTS AND PROSPECTIVE

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1093 ADOPTIVE PARENTS.—Within 14 days after a person seeking to adopt  
 1094 a minor or a person seeking to place a minor for adoption  
 1095 contacts an adoption entity in person or provides the adoption  
 1096 entity with a mailing address, the entity must provide a written  
 1097 disclosure statement to that person if the entity agrees or  
 1098 continues to work with the person. The adoption entity shall  
 1099 also provide the written disclosure to the parent who did not  
 1100 initiate contact with the adoption entity within 14 days after  
 1101 that parent is identified and located. For purposes of providing  
 1102 the written disclosure, a person is considered to be seeking to  
 1103 place a minor for adoption if that person has sought information  
 1104 or advice from the adoption entity regarding the option of  
 1105 adoptive placement. The written disclosure statement must be in  
 1106 substantially the following form:

ADOPTION DISCLOSURE

1109 THE STATE OF FLORIDA REQUIRES THAT THIS FORM BE PROVIDED TO ALL  
 1110 PERSONS CONSIDERING ADOPTING A MINOR OR SEEKING TO PLACE A MINOR  
 1111 FOR ADOPTION, TO ADVISE THEM OF THE FOLLOWING FACTS REGARDING  
 1112 ADOPTION UNDER FLORIDA LAW:

1114 1. The name, address, and telephone number of the adoption  
 1115 entity providing this disclosure is:

1116 Name:

1117 Address:

1118 Telephone Number:

1119 2. The adoption entity does not provide legal  
 1120 representation or advice to parents or anyone signing a consent



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1121 for adoption or affidavit of nonpaternity, and parents have the  
1122 right to consult with an attorney of their own choosing to  
1123 advise them.

1124 3. With the exception of an adoption by a stepparent or  
1125 relative, a child cannot be placed into a prospective adoptive  
1126 home unless the prospective adoptive parents have received a  
1127 favorable preliminary home study, including criminal and child  
1128 abuse clearances.

1129 4. A valid consent for adoption may not be signed by the  
1130 birth mother until 48 hours after the birth of the child, or the  
1131 day the birth mother is notified, in writing, that she is fit  
1132 for discharge from the licensed hospital or birth center. Any  
1133 man may sign a valid consent for adoption at any time after the  
1134 birth of the child.

1135 5. A consent for adoption signed before the child attains  
1136 the age of 6 months is binding and irrevocable from the moment  
1137 it is signed unless it can be proven in court that the consent  
1138 was obtained by fraud or duress. A consent for adoption signed  
1139 after the child attains the age of 6 months is valid from the  
1140 moment it is signed; however, it may be revoked up to 3 business  
1141 days after it was signed.

1142 6. A consent for adoption is not valid if the signature of  
1143 the person who signed the consent was obtained by fraud or  
1144 duress.

1145 7. An unmarried biological father must act immediately in  
1146 order to protect his parental rights. Section 63.062, Florida  
1147 Statutes, prescribes that any father seeking to establish his  
1148 right to consent to the adoption of his child must file a claim

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1149 of paternity with the Florida Putative Father Registry  
1150 maintained by the Office of Vital Statistics of the Department  
1151 of Health by the date a petition to terminate parental rights is  
1152 filed with the court, or within 30 days after receiving service  
1153 of a Notice of Intended Adoption Plan. If he receives a Notice  
1154 of Intended Adoption Plan, he must file a claim of paternity  
1155 with the Florida Putative Father Registry, file a parenting plan  
1156 with the court, and provide financial support to the mother or  
1157 child within 30 days following service. An unmarried biological  
1158 father's failure to timely respond to a Notice of Intended  
1159 Adoption Plan constitutes an irrevocable legal waiver of any and  
1160 all rights that the father may have to the child. A claim of  
1161 paternity registration form for the Florida Putative Father  
1162 Registry may be obtained from any local office of the Department  
1163 of Health, Office of Vital Statistics, the Department of  
1164 Children and Families, the Internet websites for these agencies,  
1165 and the offices of the clerks of the Florida circuit courts. The  
1166 claim of paternity form must be submitted to the Office of Vital  
1167 Statistics, Attention: Adoption Unit, P.O. Box 210,  
1168 Jacksonville, FL 32231.

1169 8. There are alternatives to adoption, including foster  
1170 care, relative care, and parenting the child. There may be  
1171 services and sources of financial assistance in the community  
1172 available to parents if they choose to parent the child.

1173 9. A parent has the right to have a witness of his or her  
1174 choice, who is unconnected with the adoption entity or the  
1175 adoptive parents, to be present and witness the signing of the  
1176 consent or affidavit of nonpaternity.

1177           10. A parent 14 years of age or younger must have a  
 1178 parent, legal guardian, or court-appointed guardian ad litem to  
 1179 assist and advise the parent as to the adoption plan and to  
 1180 witness consent.

1181           11. A parent has a right to receive supportive counseling  
 1182 from a counselor, social worker, physician, clergy, or attorney.

1183           12. The payment of living or medical expenses by the  
 1184 prospective adoptive parents before the birth of the child does  
 1185 not, in any way, obligate the parent to sign the consent for  
 1186 adoption.

1187

1188           (2) DISCLOSURE TO ADOPTIVE PARENTS.—

1189           (a) At the time that an adoption entity is responsible for  
 1190 selecting prospective adoptive parents for a born or unborn  
 1191 child whose parents are seeking to place the child for adoption  
 1192 or whose rights were terminated pursuant to chapter 39, the  
 1193 adoption entity must provide the prospective adoptive parents  
 1194 with information concerning the background of the child to the  
 1195 extent such information is disclosed to the adoption entity by  
 1196 the parents, legal custodian, or the department. This subsection  
 1197 applies only if the adoption entity identifies the prospective  
 1198 adoptive parents and supervises the ~~physical~~ placement of the  
 1199 child in the prospective adoptive parents' home. If any  
 1200 information cannot be disclosed because the records custodian  
 1201 failed or refused to produce the background information, the  
 1202 adoption entity has a duty to provide the information if it  
 1203 becomes available. An individual or entity contacted by an  
 1204 adoption entity to obtain the background information must

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1205 release the requested information to the adoption entity without  
1206 the necessity of a subpoena or a court order. In all cases, the  
1207 prospective adoptive parents must receive all available  
1208 information by the date of the final hearing on the petition for  
1209 adoption. The information to be disclosed includes:

1210 1. A family social and medical history form completed  
1211 pursuant to s. 63.162(6).

1212 2. The biological mother's medical records documenting her  
1213 prenatal care and the birth and delivery of the child.

1214 3. A complete set of the child's medical records  
1215 documenting all medical treatment and care since the child's  
1216 birth and before placement.

1217 4. All mental health, psychological, and psychiatric  
1218 records, reports, and evaluations concerning the child before  
1219 placement.

1220 5. The child's educational records, including all records  
1221 concerning any special education needs of the child before  
1222 placement.

1223 6. Records documenting all incidents that required the  
1224 department to provide services to the child, including all  
1225 orders of adjudication of dependency or termination of parental  
1226 rights issued pursuant to chapter 39, any case plans drafted to  
1227 address the child's needs, all protective services  
1228 investigations identifying the child as a victim, and all  
1229 guardian ad litem reports filed with the court concerning the  
1230 child.

1231 7. Written information concerning the availability of  
1232 adoption subsidies for the child, if applicable.

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1233           (c) If the prospective adoptive parents waive the receipt  
 1234 of any of the records described in paragraph (a), a copy of the  
 1235 written notification of the waiver to the adoption entity shall  
 1236 be filed with the court.

1237           Section 16. Subsection (6) of section 63.087, Florida  
 1238 Statutes, is amended to read:

1239           63.087 Proceeding to terminate parental rights pending  
 1240 adoption; general provisions.—

1241           (6) ANSWER AND APPEARANCE REQUIRED.—An answer to the  
 1242 petition or any pleading requiring an answer must be filed in  
 1243 accordance with the Florida Family Law Rules of Procedure.  
 1244 Failure to file a written response to the petition constitutes  
 1245 grounds upon which the court may terminate parental rights.  
 1246 Failure to personally appear at the hearing constitutes grounds  
 1247 upon which the court may terminate parental rights. Any person  
 1248 present at the hearing to terminate parental rights pending  
 1249 adoption whose consent to adoption is required under s. 63.062  
 1250 must:

1251           (a) Be advised by the court that he or she has a right to  
 1252 ask that the hearing be reset for a later date so that the  
 1253 person may consult with an attorney; and

1254           (b) Be given an opportunity to admit or deny the  
 1255 allegations in the petition.

1256           Section 17. Subsection (4) of section 63.088, Florida  
 1257 Statutes, is amended to read:

1258           63.088 Proceeding to terminate parental rights pending  
 1259 adoption; notice and service; diligent search.—

1260           (4) REQUIRED INQUIRY.—In proceedings initiated under s.

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1261 63.087, the court shall conduct an inquiry of the person who is  
 1262 placing the minor for adoption and of any relative or person  
 1263 having legal custody of the minor who is present at the hearing  
 1264 and likely to have the following information regarding the  
 1265 identity of:

1266 (a) Any man to whom the mother of the minor was married at  
 1267 any time when conception of the minor may have occurred or at  
 1268 the time of the birth of the minor;

1269 (b) Any man who has filed an affidavit of paternity  
 1270 pursuant to s. 382.013(2)(c) before the date that a petition for  
 1271 termination of parental rights is filed with the court;

1272 (c) Any man who has adopted the minor;

1273 (d) Any man who has been adjudicated by a court as the  
 1274 father of the minor child before the date a petition for  
 1275 termination of parental rights is filed with the court; and

1276 (e) Any man whom the mother identified to the adoption  
 1277 entity as a potential biological father before the date she  
 1278 signed the consent for adoption.

1279  
 1280 The information sought under this subsection may be provided to  
 1281 the court in the form of a sworn affidavit by a person having  
 1282 personal knowledge of the facts, addressing each inquiry  
 1283 enumerated in this subsection, except that, if the inquiry  
 1284 identifies a father under paragraph (a), paragraph (b), ~~or~~  
 1285 paragraph (c), or paragraph (d), the inquiry may not continue  
 1286 further. The inquiry required under this subsection may be  
 1287 conducted before the birth of the minor.

1288 Section 18. Paragraph (d) of subsection (3), paragraph (b)

1289 of subsection (4), and subsections (5) and (7) of section  
 1290 63.089, Florida Statutes, are amended to read:

1291 63.089 Proceeding to terminate parental rights pending  
 1292 adoption; hearing; grounds; dismissal of petition; judgment.—

1293 (3) GROUNDS FOR TERMINATING PARENTAL RIGHTS PENDING  
 1294 ADOPTION.—The court may enter a judgment terminating parental  
 1295 rights pending adoption if the court determines by clear and  
 1296 convincing evidence, supported by written findings of fact, that  
 1297 each person whose consent to adoption is required under s.  
 1298 63.062:

1299 (d) Has been properly served notice of the proceeding in  
 1300 accordance with the requirements of this chapter and has failed  
 1301 to file a written answer or personally appear at the evidentiary  
 1302 hearing resulting in the judgment terminating parental rights  
 1303 pending adoption;

1304 (4) FINDING OF ABANDONMENT.—A finding of abandonment  
 1305 resulting in a termination of parental rights must be based upon  
 1306 clear and convincing evidence that a parent or person having  
 1307 legal custody has abandoned the child in accordance with the  
 1308 definition contained in s. 63.032. A finding of abandonment may  
 1309 also be based upon emotional abuse or a refusal to provide  
 1310 reasonable financial support, when able, to a birth mother  
 1311 during her pregnancy.

1312 (b) The child has been abandoned when the parent of a  
 1313 child is incarcerated on or after October 1, 2001, in a federal,  
 1314 state, or county correctional institution and:

1315 1. The period of time for which the parent has been or is  
 1316 expected to be incarcerated will constitute a significant

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1317 | portion of the child's minority. In determining whether the  
1318 | period of time is significant, the court shall consider the  
1319 | child's age and the child's need for a permanent and stable  
1320 | home. The period of time begins on the date that the parent  
1321 | enters into incarceration;

1322 |         2. The incarcerated parent has been determined by a court  
1323 | of competent jurisdiction to be a violent career criminal as  
1324 | defined in s. 775.084, a habitual violent felony offender as  
1325 | defined in s. 775.084, convicted of child abuse as defined in s.  
1326 | 827.03, or a sexual predator as defined in s. 775.21; has been  
1327 | convicted of first degree or second degree murder in violation  
1328 | of s. 782.04 or a sexual battery that constitutes a capital,  
1329 | life, or first degree felony violation of s. 794.011; or has  
1330 | been convicted of a substantially similar offense in another  
1331 | jurisdiction. As used in this section, the term "substantially  
1332 | similar offense" means any offense that is substantially similar  
1333 | in elements and penalties to one of those listed in this  
1334 | subparagraph, and that is in violation of a law of any other  
1335 | jurisdiction, whether that of another state, the District of  
1336 | Columbia, the United States or any possession or territory  
1337 | thereof, or any foreign jurisdiction; or

1338 |         3. The court determines by clear and convincing evidence  
1339 | that continuing the parental relationship with the incarcerated  
1340 | parent would be harmful to the child and, for this reason,  
1341 | termination of the parental rights of the incarcerated parent is  
1342 | in the best interests ~~interest~~ of the child.

1343 |         (5) DISMISSAL OF PETITION.—If the court does not find by  
1344 | clear and convincing evidence that parental rights of a parent



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1345 should be terminated pending adoption, the court must dismiss  
1346 the petition and that parent's parental rights that were the  
1347 subject of such petition shall remain in full force under the  
1348 law. The order must include written findings in support of the  
1349 dismissal, including findings as to the criteria in subsection  
1350 (4) if rejecting a claim of abandonment.

1351 (a) Parental rights may not be terminated based upon a  
1352 consent that the court finds has been timely revoked ~~withdrawn~~  
1353 under s. 63.082 or a consent to adoption or affidavit of  
1354 nonpaternity that the court finds was obtained by fraud or  
1355 duress.

1356 (b) The court must enter an order based upon written  
1357 findings providing for the placement of the minor, but the court  
1358 may not proceed to determine custody between competing eligible  
1359 parties. The placement of the child should revert to the parent  
1360 or guardian who had physical custody of the child at the time of  
1361 the placement for adoption unless the court determines upon  
1362 clear and convincing evidence that this placement is not in the  
1363 best interests of the child or is not an available option for  
1364 the child. The court may not change the placement of a child who  
1365 has established a bonded relationship with the current caregiver  
1366 without providing for a reasonable transition plan consistent  
1367 with the best interests of the child. The court may direct the  
1368 parties to participate in a reunification or unification plan  
1369 with a qualified professional to assist the child in the  
1370 transition. The court may order scientific testing to determine  
1371 the paternity of the minor only if the court has determined that  
1372 the consent of the alleged father would be required, unless all

1373 parties agree that such testing is in the best interests of the  
 1374 child. The court may not order scientific testing to determine  
 1375 paternity of an unmarried biological father if the child has a  
 1376 father as described in s. 63.088(4)(a)-(d) whose rights have not  
 1377 been previously terminated at any time during which the court  
 1378 ~~has jurisdiction over the minor.~~ Further proceedings, if any,  
 1379 regarding the minor must be brought in a separate custody action  
 1380 under chapter 61, a dependency action under chapter 39, or a  
 1381 paternity action under chapter 742.

1382 (7) RELIEF FROM JUDGMENT TERMINATING PARENTAL RIGHTS.—

1383 (a) A motion for relief from a judgment terminating  
 1384 parental rights must be filed with the court originally entering  
 1385 the judgment. The motion must be filed within a reasonable time,  
 1386 but not later than 1 year after the entry of the judgment. An  
 1387 unmarried biological father does not have standing to seek  
 1388 relief from a judgment terminating parental rights if the mother  
 1389 did not identify him to the adoption entity before the date she  
 1390 signed a consent for adoption or if he was not located because  
 1391 the mother failed or refused to provide sufficient information  
 1392 to locate him.

1393 (b) No later than 30 days after the filing of a motion  
 1394 under this subsection, the court must conduct a preliminary  
 1395 hearing to determine what contact, if any, shall be permitted  
 1396 between a parent and the child pending resolution of the motion.  
 1397 Such contact shall be considered only if it is requested by a  
 1398 parent who has appeared at the hearing and may not be awarded  
 1399 unless the parent previously established a bonded relationship  
 1400 with the child and the parent has pled a legitimate legal basis

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1401 and established a prima facia case for setting aside the  
1402 judgment terminating parental rights. If the court orders  
1403 contact between a parent and child, the order must be issued in  
1404 writing as expeditiously as possible and must state with  
1405 specificity any provisions regarding contact with persons other  
1406 than those with whom the child resides.

1407 (c) At the preliminary hearing, the court, upon the motion  
1408 of any party or upon its own motion, may order scientific  
1409 testing to determine the paternity of the minor if the person  
1410 seeking to set aside the judgment is alleging to be the child's  
1411 father and that fact has not previously been determined by  
1412 legitimacy or scientific testing. The court may order visitation  
1413 with a person for whom scientific testing for paternity has been  
1414 ordered and who has previously established a bonded relationship  
1415 with the child.

1416 (d) Unless otherwise agreed between the parties or for  
1417 good cause shown, the court shall conduct a final hearing on the  
1418 motion for relief from judgment within 45 days after the filing  
1419 and enter its written order as expeditiously as possible  
1420 thereafter.

1421 (e) If the court grants relief from the judgment  
1422 terminating parental rights and no new pleading is filed to  
1423 terminate parental rights, the placement of the child should  
1424 revert to the parent or guardian who had physical custody of the  
1425 child at the time of the original placement for adoption unless  
1426 the court determines upon clear and convincing evidence that  
1427 this placement is not in the best interests of the child or is  
1428 not an available option for the child. The court may not change

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1429 the placement of a child who has established a bonded  
1430 relationship with the current caregiver without providing for a  
1431 reasonable transition plan consistent with the best interests of  
1432 the child. The court may direct the parties to participate in a  
1433 reunification or unification plan with a qualified professional  
1434 to assist the child in the transition. The court may not direct  
1435 the placement of a child with a person other than the adoptive  
1436 parents without first obtaining a favorable home study of that  
1437 person and any other persons residing in the proposed home and  
1438 shall take whatever additional steps are necessary and  
1439 appropriate for the physical and emotional protection of the  
1440 child.

1441 Section 19. Subsection (3) of section 63.092, Florida  
1442 Statutes, is amended to read:

1443 63.092 Report to the court of intended placement by an  
1444 adoption entity; at-risk placement; preliminary study.—

1445 (3) PRELIMINARY HOME STUDY.—Before placing the minor in  
1446 the intended adoptive home, a preliminary home study must be  
1447 performed by a licensed child-placing agency, a child-caring  
1448 agency registered under s. 409.176, a licensed professional, or  
1449 agency described in s. 61.20(2), unless the adoptee is an adult  
1450 or the petitioner is a stepparent or a relative. If the adoptee  
1451 is an adult or the petitioner is a stepparent or a relative, a  
1452 preliminary home study may be required by the court for good  
1453 cause shown. The department is required to perform the  
1454 preliminary home study only if there is no licensed child-  
1455 placing agency, child-caring agency registered under s. 409.176,  
1456 licensed professional, or agency described in s. 61.20(2), in

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1457 the county where the prospective adoptive parents reside. The  
1458 preliminary home study must be made to determine the suitability  
1459 of the intended adoptive parents and may be completed prior to  
1460 identification of a prospective adoptive minor. A favorable  
1461 preliminary home study is valid for 1 year after the date of its  
1462 completion. Upon its completion, a signed copy of the home study  
1463 must be provided to the intended adoptive parents who were the  
1464 subject of the home study. A minor may not be placed in an  
1465 intended adoptive home before a favorable preliminary home study  
1466 is completed unless the adoptive home is also a licensed foster  
1467 home under s. 409.175. The preliminary home study must include,  
1468 at a minimum:

- 1469 (a) An interview with the intended adoptive parents;  
1470 (b) Records checks of the department's central abuse  
1471 registry and criminal records correspondence checks under s.  
1472 39.0138 through the Department of Law Enforcement on the  
1473 intended adoptive parents;  
1474 (c) An assessment of the physical environment of the home;  
1475 (d) A determination of the financial security of the  
1476 intended adoptive parents;  
1477 (e) Documentation of counseling and education of the  
1478 intended adoptive parents on adoptive parenting;  
1479 (f) Documentation that information on adoption and the  
1480 adoption process has been provided to the intended adoptive  
1481 parents;  
1482 (g) Documentation that information on support services  
1483 available in the community has been provided to the intended  
1484 adoptive parents; and

1485 (h) A copy of each signed acknowledgment of receipt of  
 1486 disclosure required by s. 63.085.

1487  
 1488 If the preliminary home study is favorable, a minor may be  
 1489 placed in the home pending entry of the judgment of adoption. A  
 1490 minor may not be placed in the home if the preliminary home  
 1491 study is unfavorable. If the preliminary home study is  
 1492 unfavorable, the adoption entity may, within 20 days after  
 1493 receipt of a copy of the written recommendation, petition the  
 1494 court to determine the suitability of the intended adoptive  
 1495 home. A determination as to suitability under this subsection  
 1496 does not act as a presumption of suitability at the final  
 1497 hearing. In determining the suitability of the intended adoptive  
 1498 home, the court must consider the totality of the circumstances  
 1499 in the home. A ~~NE~~ minor may not be placed in a home in which  
 1500 there resides any person determined by the court to be a sexual  
 1501 predator as defined in s. 775.21 or to have been convicted of an  
 1502 offense listed in s. 63.089(4)(b)2.

1503 Section 20. Subsection (7) is added to section 63.097,  
 1504 Florida Statutes, to read:

1505 63.097 Fees.—

1506 (7) In determining reasonable attorney fees, courts shall  
 1507 use the following criteria:

1508 (a) The time and labor required, the novelty and  
 1509 difficulty of the question involved, and the skill requisite to  
 1510 perform the legal service properly.

1511 (b) The likelihood, if apparent to the client, that the  
 1512 acceptance of the particular employment will preclude other

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1513 employment by the attorney.

1514 (c) The fee customarily charged in the locality for  
 1515 similar legal services.

1516 (d) The amount involved in the subject matter of the  
 1517 representation, the responsibility involved in the  
 1518 representation, and the results obtained.

1519 (e) The time limitations imposed by the client or by the  
 1520 circumstances and, as between attorney and client, any  
 1521 additional or special time demands or requests of the attorney  
 1522 by the client.

1523 (f) The nature and length of the professional relationship  
 1524 with the client.

1525 (g) The experience, reputation, diligence, and ability of  
 1526 the attorney or attorneys performing the service and the skill,  
 1527 expertise, or efficiency of effort reflected in the actual  
 1528 providing of such services.

1529 (h) Whether the fee is fixed or contingent.

1530 Section 21. Section 63.152, Florida Statutes, is amended  
 1531 to read:

1532 63.152 Application for new birth record.—Within 30 days  
 1533 after entry of a judgment of adoption, the clerk of the court or  
 1534 the adoption entity shall transmit a certified statement of the  
 1535 entry to the state registrar of vital statistics on a form  
 1536 provided by the registrar. A new birth record containing the  
 1537 necessary information supplied by the certificate shall be  
 1538 issued by the registrar on application of the adopting parents  
 1539 or the adopted person.

1540 Section 22. Subsection (7) of section 63.162, Florida

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1541 Statutes, is amended to read:

1542 63.162 Hearings and records in adoption proceedings;  
1543 confidential nature.—

1544 (7) The court may, upon petition of an adult adoptee or  
1545 birth parent, for good cause shown, appoint an intermediary or a  
1546 licensed child-placing agency to contact a birth parent or adult  
1547 adoptee, as applicable, who has not registered with the adoption  
1548 registry pursuant to s. 63.165 and advise both ~~them~~ of the  
1549 availability of the intermediary or agency and that the birth  
1550 parent or adult adoptee, as applicable, wishes to establish  
1551 contact ~~same~~.

1552 Section 23. Paragraph (c) of subsection (2) of section  
1553 63.167, Florida Statutes, is amended to read:

1554 63.167 State adoption information center.—

1555 (2) The functions of the state adoption information center  
1556 shall include:

1557 (c) Operating a toll-free telephone number to provide  
1558 information and referral services. The state adoption  
1559 information center shall provide contact information for all  
1560 adoption entities in the caller's county or, if no adoption  
1561 entities are located in the caller's county, the number of the  
1562 nearest adoption entity when contacted for a referral to make an  
1563 adoption plan and shall rotate the order in which the names of  
1564 adoption entities are provided to callers.

1565 Section 24. Paragraph (g) of subsection (1) and  
1566 subsections (2) and (8) of section 63.212, Florida Statutes, are  
1567 amended to read:

1568 63.212 Prohibited acts; penalties for violation.—



1569 (1) It is unlawful for any person:

1570 (g) Except an adoption entity, to advertise or offer to  
 1571 the public, in any way, by any medium whatever that a minor is  
 1572 available for adoption or that a minor is sought for adoption;  
 1573 and, further, it is unlawful for any person to publish or  
 1574 broadcast any such advertisement or assist an unlicensed person  
 1575 or entity in publishing or broadcasting any such advertisement  
 1576 without including a Florida license number of the agency or  
 1577 attorney placing the advertisement.

1578 1. Only a person who is an attorney licensed to practice  
 1579 law in this state or an adoption entity licensed under the laws  
 1580 of this state may place a paid advertisement or paid listing of  
 1581 the person's telephone number, on the person's own behalf, in a  
 1582 telephone directory that:

1583 a. A child is offered or wanted for adoption; or  
 1584 b. The person is able to place, locate, or receive a child  
 1585 for adoption.

1586 2. A person who publishes a telephone directory that is  
 1587 distributed in this state:

1588 a. Shall include, at the beginning of any classified  
 1589 heading for adoption and adoption services, a statement that  
 1590 informs directory users that only attorneys licensed to practice  
 1591 law in this state and licensed adoption entities may legally  
 1592 provide adoption services under state law.

1593 b. May publish an advertisement described in subparagraph  
 1594 1. in the telephone directory only if the advertisement contains  
 1595 the following:

1596 (I) For an attorney licensed to practice law in this

1597 state, the person's Florida Bar number.

1598 (II) For a child placing agency licensed under the laws of  
 1599 this state, the number on the person's adoption entity license.

1600 (2) Any person who is a birth mother, or a woman who holds  
 1601 herself out to be a birth mother, who is interested in making an  
 1602 adoption plan and who knowingly or intentionally benefits from  
 1603 the payment of adoption-related expenses in connection with that  
 1604 adoption plan commits adoption deception if:

1605 (a) The person knows or should have known that the person  
 1606 is not pregnant at the time the sums were requested or received;

1607 (b) The person accepts living expenses assistance from a  
 1608 prospective adoptive parent or adoption entity without  
 1609 disclosing that she is receiving living expenses assistance from  
 1610 another prospective adoptive parent or adoption entity at the  
 1611 same time in an effort to adopt the same child; or

1612 (c) The person knowingly makes false representations to  
 1613 induce the payment of living expenses and does not intend to  
 1614 make an adoptive placement. ~~It is unlawful for:~~

1615 ~~(a) Any person or adoption entity under this chapter to:~~

1616 ~~1. Knowingly provide false information; or~~

1617 ~~2. Knowingly withhold material information.~~

1618 ~~(b) A parent, with the intent to defraud, to accept~~  
 1619 ~~benefits related to the same pregnancy from more than one~~  
 1620 ~~adoption entity without disclosing that fact to each entity.~~

1621  
 1622 Any person who willfully commits adoption deception ~~violates any~~  
 1623 ~~provision of this subsection~~ commits a misdemeanor of the second  
 1624 degree, punishable as provided in s. 775.082 or s. 775.083, if

1625 the sums received by the birth mother or woman holding herself  
 1626 out to be a birth mother do not exceed \$300, and a felony of the  
 1627 third degree, punishable as provided in s. 775.082, s. 775.083,  
 1628 or s. 775.084, if the sums received by the birth mother or woman  
 1629 holding herself out to be a birth mother exceed \$300. In  
 1630 addition, the person is liable for damages caused by such acts  
 1631 or omissions, including reasonable attorney ~~attorney's~~ fees and  
 1632 costs incurred by the adoption entity or the prospective  
 1633 adoptive parent. Damages may be awarded through restitution in  
 1634 any related criminal prosecution or by filing a separate civil  
 1635 action.

1636 (8) Unless otherwise indicated, a person who willfully and  
 1637 with criminal intent violates any provision of this section,  
 1638 excluding paragraph (1)(g), commits a felony of the third  
 1639 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 1640 775.084. A person who willfully and with criminal intent  
 1641 violates paragraph (1)(g) commits a misdemeanor of the second  
 1642 degree, punishable as provided in s. 775.083; and each day of  
 1643 continuing violation shall be considered a separate offense. In  
 1644 addition, any person who knowingly publishes or assists with the  
 1645 publication of any advertisement or other publication which  
 1646 violates the requirements of paragraph (1)(g) commits a  
 1647 misdemeanor of the second degree, punishable as provided in s.  
 1648 775.083, and may be required to pay a fine of up to \$150 per day  
 1649 for each day of continuing violation.

1650 Section 25. Paragraph (b) of subsection (1), paragraphs  
 1651 (a) and (e) of subsection (2), and paragraphs (b), (h), and (i)  
 1652 of subsection (6) of section 63.213, Florida Statutes, are

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1653 amended to read:

1654 63.213 Preplanned adoption agreement.—

1655 (1) Individuals may enter into a preplanned adoption  
 1656 arrangement as specified in this section, but such arrangement  
 1657 may not in any way:

1658 (b) Constitute consent of a mother to place her biological  
 1659 child for adoption until 48 hours after the ~~following~~ birth of  
 1660 the child and unless the court making the custody determination  
 1661 or approving the adoption determines that the mother was aware  
 1662 of her right to rescind within the 48-hour period after the  
 1663 ~~following~~ birth of the child but chose not to rescind such  
 1664 consent. The volunteer mother's right to rescind her consent in  
 1665 a preplanned adoption applies only when the child is genetically  
 1666 related to her.

1667 (2) A preplanned adoption agreement must include, but need  
 1668 not be limited to, the following terms:

1669 (a) That the volunteer mother agrees to become pregnant by  
 1670 the fertility technique specified in the agreement, to bear the  
 1671 child, and to terminate any parental rights and responsibilities  
 1672 to the child she might have through a written consent executed  
 1673 at the same time as the preplanned adoption agreement, subject  
 1674 to a right of rescission by the volunteer mother any time within  
 1675 48 hours after the birth of the child, if the volunteer mother  
 1676 is genetically related to the child.

1677 (e) That the intended father and intended mother  
 1678 acknowledge that they may not receive custody or the parental  
 1679 rights under the agreement if the volunteer mother terminates  
 1680 the agreement or if the volunteer mother rescinds her consent to

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1681 place her child for adoption within 48 hours after the birth of  
 1682 the child, if the volunteer mother is genetically related to the  
 1683 child.

1684 (6) As used in this section, the term:

1685 (b) "Child" means the child or children conceived by means  
 1686 of a fertility technique ~~an insemination~~ that is part of a  
 1687 preplanned adoption arrangement.

1688 (h) "Preplanned adoption arrangement" means the  
 1689 arrangement through which the parties enter into an agreement  
 1690 for the volunteer mother to bear the child, for payment by the  
 1691 intended father and intended mother of the expenses allowed by  
 1692 this section, for the intended father and intended mother to  
 1693 assert full parental rights and responsibilities to the child if  
 1694 consent to adoption is not rescinded after birth by a ~~the~~  
 1695 volunteer mother who is genetically related to the child, and  
 1696 for the volunteer mother to terminate, subject to any ~~a~~ right of  
 1697 rescission, all her parental rights and responsibilities to the  
 1698 child in favor of the intended father and intended mother.

1699 (i) "Volunteer mother" means a female at least 18 years of  
 1700 age who voluntarily agrees, subject to a right of rescission if  
 1701 it is her biological child, that if she should become pregnant  
 1702 pursuant to a preplanned adoption arrangement, she will  
 1703 terminate her parental rights and responsibilities to the child  
 1704 in favor of the intended father and intended mother.

1705 Section 26. Section 63.222, Florida Statutes, is amended  
 1706 to read:

1707 63.222 Effect on prior adoption proceedings.—Any adoption  
 1708 made before July 1, 2012, ~~is the effective date of this act~~

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1709 ~~shall be~~ valid, and any proceedings pending on that the  
1710 effective date and any subsequent amendments thereto ~~of this act~~  
1711 are not affected thereby unless the amendment is designated as a  
1712 remedial provision.

1713 Section 27. Section 63.2325, Florida Statutes, is amended  
1714 to read:

1715 63.2325 Conditions for invalidation ~~revocation~~ of a  
1716 consent to adoption or affidavit of nonpaternity.—  
1717 Notwithstanding the requirements of this chapter, a failure to  
1718 meet any of those requirements does not constitute grounds for  
1719 invalidation ~~revocation~~ of a consent to adoption or revocation  
1720 ~~withdrawal~~ of an affidavit of nonpaternity unless the extent and  
1721 circumstances of such a failure result in a material failure of  
1722 fundamental fairness in the administration of due process, or  
1723 the failure constitutes or contributes to fraud or duress in  
1724 obtaining a consent to adoption or affidavit of nonpaternity.

1725 Section 28. This act shall take effect July 1, 2012.