

1                   A bill to be entitled  
2       An act relating to adoption; amending s. 39.802, F.S.;  
3       requiring the Department of Children and Family  
4       Services to inform the parents of a child of the  
5       availability of private placement of the child with an  
6       adoption entity in certain circumstances; amending s.  
7       63.022, F.S.; revising legislative intent to delete  
8       reference to reporting requirements for placements of  
9       minors and exceptions; amending s. 63.032, F.S.;  
10      revising definitions; amending s. 63.037, F.S.;  
11      exempting adoption proceedings initiated under chapter  
12      39, F.S., from a requirement for a search of the  
13      Florida Putative Father Registry; amending s. 63.039,  
14      F.S.; providing that all adoptions of minor children  
15      require the use of an adoption entity that will assume  
16      the responsibilities provided in specified provisions;  
17      providing an exception; amending s. 63.0423, F.S.;  
18      revising procedures with respect to surrendered  
19      infants; providing that an infant who tests positive  
20      for illegal drugs, narcotic prescription drugs,  
21      alcohol, or other substances, but shows no other signs  
22      of child abuse or neglect, shall be placed in the  
23      custody of a licensed child-placing agency; providing  
24      that a specified reporting requirement is not  
25      superseded; providing that when the Department of  
26      Children and Family Services is contacted regarding a  
27      surrendered infant who does not appear to have been  
28      the victim of actual or suspected child abuse or

29 neglect, it shall provide instruction to contact a  
30 licensed child-placing agency and may not take custody  
31 of the infant; providing an exception; revising  
32 provisions relating to scientific testing to determine  
33 the paternity or maternity of a minor; amending s.  
34 63.0427, F.S.; prohibiting a court from increasing  
35 contact between an adopted child and siblings, birth  
36 parents, or other relatives without the consent of the  
37 adoptive parent or parents; amending s. 63.052, F.S.;  
38 deleting a requirement that a minor be permanently  
39 committed to an adoption entity in order for the  
40 entity to be guardian of the person of the minor;  
41 limiting the circumstances in which an intermediary  
42 may remove a child; providing that an intermediary  
43 does not become responsible for a minor child's  
44 medical bills that were incurred before taking  
45 physical custody of the child; providing additional  
46 placement options for a minor surrendered to an  
47 adoption entity for subsequent adoption when a  
48 suitable prospective adoptive home is not available;  
49 amending s. 63.053, F.S.; requiring that an unmarried  
50 biological father strictly comply with specified  
51 provisions in order to protect his interests; amending  
52 s. 63.054, F.S.; authorizing submission of an  
53 alternative document to the Office of Vital Statistics  
54 by the petitioner in each proceeding for termination  
55 of parental rights; providing that by filing a claim  
56 of paternity form the registrant expressly consents to

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

85 a result of a violation of criminal law; requiring an  
86 affidavit of diligent search to be filed whenever a  
87 person who is required to consent is unavailable  
88 because the person cannot be located; providing that  
89 in an adoption of a stepchild or a relative, a  
90 certified copy of the death certificate of the person  
91 whose consent is required may be attached to the  
92 petition for adoption if a separate petition for  
93 termination of parental rights is not being filed;  
94 authorizing the execution of an affidavit of  
95 nonpaternity before the birth of a minor in preplanned  
96 adoptions; revising language of a consent to adoption;  
97 providing that a home study provided by the adoption  
98 entity shall be deemed to be sufficient except in  
99 certain circumstances; providing for a hearing if an  
100 adoption entity moves to intervene in a dependency  
101 case; requiring the court to provide information to  
102 prospective adoptive parents regarding parent training  
103 classes in the community upon determining the child  
104 dependent; requiring the department to file an  
105 acknowledgement of receipt of information; requiring  
106 the adoption entity to provide updates to the court at  
107 specified intervals; requiring the court to advise a  
108 biological parent who is a party to a dependency  
109 proceeding of the right to participate in a private  
110 adoption; revising language concerning seeking to  
111 revoke consent to an adoption of a child older than 6  
112 months of age; providing that if the consent of one

113 parent is set aside or revoked, any other consents  
114 executed by the other parent or a third party whose  
115 consent is required for the adoption of the child may  
116 not be used by the parent who consent was revoked or  
117 set aside to terminate or diminish the rights of the  
118 other parent or third party; amending s. 63.085, F.S.;  
119 revising language of an adoption disclosure statement;  
120 requiring that a copy of a waiver by prospective  
121 adoptive parents of receipt of certain records must be  
122 filed with the court; amending s. 63.087, F.S.;  
123 specifying that a failure to personally appear at a  
124 proceeding to terminate parental rights constitutes  
125 grounds for termination; amending s. 63.088, F.S.;  
126 providing that in a termination of parental rights  
127 proceeding if a required inquiry that identifies a  
128 father who has been adjudicated by a court as the  
129 father of the minor child before the date a petition  
130 for termination of parental rights is filed the  
131 inquiry must terminate at that point; amending s.  
132 63.089, F.S.; specifying that it is a failure to  
133 personally appear that provides grounds for  
134 termination of parental rights in certain  
135 circumstances; providing additional grounds upon which  
136 a finding of abandonment may be made; revising  
137 provisions relating to dismissal of petitions to  
138 terminate parental rights; providing that contact  
139 between a parent seeking relief from a judgment  
140 terminating parental rights and a child may be awarded

141 only in certain circumstances; providing for placement  
142 of a child in the event that a court grants relief  
143 from a judgment terminating parental rights and no new  
144 pleading is filed to terminate parental rights;  
145 amending s. 63.092, F.S.; requiring that a signed copy  
146 of the home study must be provided to the intended  
147 adoptive parents who were the subject of the study;  
148 amending s. 63.152, F.S.; authorizing an adoption  
149 entity to transmit a certified statement of the entry  
150 of a judgment of adoption to the state registrar of  
151 vital statistics; amending s. 63.162, F.S.;

152 authorizing a birth parent to petition that court to  
153 appoint an intermediary or a licensed child-placing  
154 agency to contact an adult adoptee and advise both of  
155 the availability of the adoption registry and that the  
156 birth parent wishes to establish contact; amending s.  
157 63.167, F.S.; requiring that the state adoption center  
158 provide contact information for all adoption entities  
159 in a caller's county or, if no adoption entities are  
160 located in the caller's county, the number of the  
161 nearest adoption entity when contacted for a referral  
162 to make an adoption plan; amending s. 63.202, F.S.;

163 revising terminology in provisions relating to  
164 licensing by the department; amending s. 63.212, F.S.;

165 restricting who may place a paid advertisement or paid  
166 listing of the person's telephone number offering  
167 certain adoption services; requiring of publishers of  
168 telephone directories to include certain statements at

169 the beginning of any classified heading for adoption  
170 and adoption services; providing requirements for such  
171 advertisements; providing criminal penalties for  
172 violations; prohibiting the offense of adoption  
173 deception by a person who is a birth mother or a woman  
174 who holds herself out to be a birth mother; providing  
175 criminal penalties; providing liability by violators  
176 for certain damages; amending s. 63.213, F.S.;  
177 providing that a preplanned adoption arrangement does  
178 not constitute consent of a mother to place her  
179 biological child for adoption until 48 hours following  
180 birth; providing that a volunteer mother's right to  
181 rescind her consent in a preplanned adoption applies  
182 only when the child is genetically related to her;  
183 revising the definitions of the terms "child,"  
184 "preplanned adoption arrangement," and "volunteer  
185 mother"; amending s. 63.222, F.S.; providing that  
186 provisions designated as remedial may apply to any  
187 proceedings pending on the effective date of the  
188 provisions; amending s. 63.2325, F.S.; revising  
189 terminology relating to revocation of consent to  
190 adoption; providing an effective date.

191

192 Be It Enacted by the Legislature of the State of Florida:

193

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

196 39.802 Petition for termination of parental rights;

197 filing; elements.—

198 (4) A petition for termination of parental rights filed  
 199 under this chapter must contain facts supporting the following  
 200 allegations:

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

203 (b) That the parents of the child were informed of their  
 204 right to counsel at all hearings that they attended and that a  
 205 dispositional order adjudicating the child dependent was entered  
 206 in any prior dependency proceeding relied upon in offering a  
 207 parent a case plan as described in s. 39.806.

208 (c) That the manifest best interests of the child, in  
 209 accordance with s. 39.810, would be served by the granting of  
 210 the petition.

211 (d) That the parents of the child will be informed of the  
 212 availability of private placement of the child with an adoption  
 213 entity, as defined in s. 63.032.

214 Section 2. Paragraphs (e) through (m) of subsection (4) of  
 215 section 63.022, Florida Statutes, are redesignated as paragraphs  
 216 (d) through (l), respectively, and subsection (2) and present  
 217 paragraph (d) of subsection (4) of that section are amended to  
 218 read:

219 63.022 Legislative intent.—

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



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

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

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

232 63.032 Definitions.—As used in this chapter, the term:

233 (1) "Abandoned" means a situation in which the parent or  
 234 person having legal custody of a child, while being able, makes  
 235 little or no provision for the child's support ~~or and~~ makes  
 236 little or no effort to communicate with the child, which  
 237 situation is sufficient to evince an intent to reject parental  
 238 responsibilities. If, in the opinion of the court, the efforts  
 239 of such parent or person having legal custody of the child to  
 240 support and communicate with the child are only marginal efforts  
 241 that do not evince a settled purpose to assume all parental  
 242 duties, the court may declare the child to be abandoned. In  
 243 making this decision, the court may consider the conduct of a  
 244 father towards the child's mother during her pregnancy.

245 (3) "Adoption entity" means the department, ~~an agency,~~ a  
 246 child-caring agency registered under s. 409.176, an  
 247 intermediary, a Florida child-placing agency licensed under s.  
 248 63.202, or a child-placing agency licensed in another state  
 249 which is licensed ~~qualified~~ by the department to place children  
 250 in the State of Florida.

251 (12) "Parent" means a woman who gives birth to a child and  
 252 who is not a gestational surrogate as defined in s. 742.13 or a

253 man whose consent to the adoption of the child would be required  
 254 under s. 63.062(1). If a child has been legally adopted, the  
 255 term "parent" means the adoptive mother or father of the child.  
 256 The term does not include an individual whose parental  
 257 relationship to the child has been legally terminated or an  
 258 alleged or prospective parent.

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

262 (19) "Unmarried biological father" means the child's  
 263 biological father who is not married to the child's mother at  
 264 the time of conception or on the date of the birth of the child  
 265 and who, before the filing of a petition to terminate parental  
 266 rights, has not been adjudicated by a court of competent  
 267 jurisdiction to be the legal father of the child or has not  
 268 filed ~~executed~~ an affidavit pursuant to s. 382.013(2)(c).

269 Section 4. Section 63.037, Florida Statutes, is amended to  
 270 read:

271 63.037 Proceedings applicable to cases resulting from a  
 272 termination of parental rights under chapter 39.—A case in which  
 273 a minor becomes available for adoption after the parental rights  
 274 of each parent have been terminated by a judgment entered  
 275 pursuant to chapter 39 shall be governed by s. 39.812 and this  
 276 chapter. Adoption proceedings initiated under chapter 39 are  
 277 exempt from the following provisions of this chapter:  
 278 requirement for search of the Florida Putative Father Registry  
 279 provided in s. 63.054(7), if a search was previously completed  
 280 and documentation of the search is contained in the case file;

281 disclosure requirements for the adoption entity provided in s.  
 282 63.085(1); general provisions governing termination of parental  
 283 rights pending adoption provided in s. 63.087; notice and  
 284 service provisions governing termination of parental rights  
 285 pending adoption provided in s. 63.088; and procedures for  
 286 terminating parental rights pending adoption provided in s.  
 287 63.089.

288 Section 5. Subsections (2) through (4) of section 63.039,  
 289 Florida Statutes, are renumbered as subsections (3) through (5),  
 290 respectively, and a new subsection (2) is added to that section  
 291 to read:

292 63.039 Duty of adoption entity to prospective adoptive  
 293 parents; sanctions.—

294 (2) With the exception of an adoption by a relative or  
 295 stepparent, all adoptions of minor children require the use of  
 296 an adoption entity that will assume the responsibilities  
 297 provided in this section.

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

300 63.0423 Procedures with respect to surrendered infants.—

301 (1) Upon entry of final judgment terminating parental  
 302 rights, a licensed child-placing agency that takes physical  
 303 custody of an infant surrendered at a hospital, emergency  
 304 medical services station, or fire station pursuant to s. 383.50  
 305 assumes ~~shall assume~~ responsibility for the all medical costs  
 306 and ~~all~~ other costs associated with the emergency services and  
 307 care of the surrendered infant from the time the licensed child-  
 308 placing agency takes physical custody of the surrendered infant.

309           (2) The licensed child-placing agency shall immediately  
310 seek an order from the circuit court for emergency custody of  
311 the surrendered infant. The emergency custody order shall remain  
312 in effect until the court orders preliminary approval of  
313 placement of the surrendered infant in the prospective home, at  
314 which time the prospective adoptive parents become guardians  
315 pending termination of parental rights and finalization of  
316 adoption or until the court orders otherwise. The guardianship  
317 of the prospective adoptive parents shall remain subject to the  
318 right of the licensed child-placing agency to remove the  
319 surrendered infant from the placement during the pendency of the  
320 proceedings if such removal is deemed by the licensed child-  
321 placing agency to be in the best interests ~~interest~~ of the  
322 child. The licensed child-placing agency may immediately seek to  
323 place the surrendered infant in a prospective adoptive home.

324           (4) The parent who surrenders the infant in accordance  
325 with s. 383.50 is presumed to have consented to termination of  
326 parental rights, and express consent is not required. Except  
327 when there is actual or suspected child abuse or neglect, the  
328 licensed child-placing agency shall not attempt to pursue,  
329 search for, or notify that parent as provided in s. 63.088 and  
330 chapter 49. For purposes of s. 383.50 and this section, an  
331 infant who tests positive for illegal drugs, narcotic  
332 prescription drugs, alcohol, or other substances, but shows no  
333 other signs of child abuse or neglect, shall be placed in the  
334 custody of a licensed child-placing agency. Such a placement  
335 does not eliminate the reporting requirement under s. 383.50(7).  
336 When the department is contacted regarding an infant properly

337 surrendered under this section and s. 383.50, the department  
 338 shall provide instruction to contact a licensed child-placing  
 339 agency and may not take custody of the infant unless reasonable  
 340 efforts to contact a licensed child-placing agency to accept the  
 341 infant have not been successful.

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

347 (a) The court may order scientific testing to determine  
 348 maternity or paternity at the expense of the parent claiming  
 349 parental rights.

350 (b) The court shall appoint a guardian ad litem for the  
 351 surrendered infant and order whatever investigation, home  
 352 evaluation, and psychological evaluation are necessary to  
 353 determine what is in the best interests ~~interest~~ of the  
 354 surrendered infant.

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

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

361 (8) Within 7 business days after recording the judgment,  
 362 the clerk of the court shall mail a copy of the judgment to the  
 363 department, the petitioner, and any person ~~the persons~~ whose  
 364 consent was ~~were~~ required, if known. The clerk shall execute a

365 certificate of each mailing.

366 (9) (a) A judgment terminating parental rights pending  
367 adoption is voidable, and any later judgment of adoption of that  
368 minor is voidable, if, upon the motion of a ~~birth~~ parent, the  
369 court finds that a person knowingly gave false information that  
370 prevented the ~~birth~~ parent from timely making known his or her  
371 desire to assume parental responsibilities toward the minor or  
372 from exercising his or her parental rights. A motion under this  
373 subsection must be filed with the court originally entering the  
374 judgment. The motion must be filed within a reasonable time but  
375 not later than 1 year after the entry of the judgment  
376 terminating parental rights.

377 (b) No later than 30 days after the filing of a motion  
378 under this subsection, the court shall conduct a preliminary  
379 hearing to determine what contact, if any, will be permitted  
380 between a ~~birth~~ parent and the child pending resolution of the  
381 motion. Such contact may be allowed only if it is requested by a  
382 parent who has appeared at the hearing and the court determines  
383 that it is in the best interests ~~interest~~ of the child. If the  
384 court orders contact between a ~~birth~~ parent and the child, the  
385 order must be issued in writing as expeditiously as possible and  
386 must state with specificity any provisions regarding contact  
387 with persons other than those with whom the child resides.

388 ~~At the preliminary hearing, The court, upon the motion~~  
389 ~~of any party or upon its own motion, may not order scientific~~  
390 ~~testing to determine the paternity or maternity of the minor~~  
391 ~~until such time as the court determines that a previously~~  
392 ~~entered judgment terminating the parental rights of that parent~~

393 is voidable pursuant to paragraph (a), unless all parties agree  
394 that such testing is in the best interests of the child ~~if the~~  
395 ~~person seeking to set aside the judgment is alleging to be the~~  
396 ~~child's birth parent but has not previously been determined by~~  
397 ~~legal proceedings or scientific testing to be the birth parent.~~  
398 Upon the filing of test results establishing that person's  
399 maternity or paternity of the surrendered infant, the court may  
400 order visitation only if it appears to be as it deems  
401 ~~appropriate and~~ in the best interests ~~interest~~ of the child.

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

406 Section 7. Section 63.0427, Florida Statutes, is amended  
407 to read:

408 63.0427 Agreements for Adopted minor's right to continued  
409 communication or contact between adopted child and ~~with~~  
410 siblings, parents, and other relatives.—

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

421 making such determination:

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

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

425 (c) Statements of the prospective adoptive parents.

426 (d) Any other information deemed relevant and material by  
427 the court.

428

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

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



449 parent or parents. As part of the review process, the court may  
450 order the parties to engage in mediation. The department shall  
451 not be required to be a party to such review.

452 Section 8. Subsections (1), (2), (3), and (6) of section  
453 63.052, Florida Statutes, are amended to read:

454 63.052 Guardians designated; proof of commitment.—

455 (1) For minors who have been placed for adoption with ~~and~~  
456 ~~permanently committed to~~ an adoption entity, other than an  
457 intermediary, such adoption entity shall be the guardian of the  
458 person of the minor and has the responsibility and authority to  
459 provide for the needs and welfare of the minor.

460 (2) For minors who have been voluntarily surrendered to an  
461 intermediary through an execution of a consent to adoption, the  
462 intermediary shall be responsible for the minor until the time a  
463 court orders preliminary approval of placement of the minor in  
464 the prospective adoptive home, after which time the prospective  
465 adoptive parents shall become guardians pending finalization of  
466 adoption, subject to the intermediary's right and responsibility  
467 to remove the child from the prospective adoptive home if the  
468 removal is deemed by the intermediary to be in the best  
469 interests ~~interest~~ of the child. The intermediary may not remove  
470 the child without a court order unless the child is in danger of  
471 imminent harm. The intermediary does not become responsible for  
472 the minor child's medical bills that were incurred before taking  
473 physical custody of the child after the execution of adoption  
474 consents. Prior to the court's entry of an order granting  
475 preliminary approval of the placement, the intermediary shall  
476 have the responsibility and authority to provide for the needs

477 and welfare of the minor. A ~~No~~ minor may not ~~shall~~ be placed in  
 478 a prospective adoptive home until that home has received a  
 479 favorable preliminary home study, as provided in s. 63.092,  
 480 completed and approved within 1 year before such placement in  
 481 the prospective home. The provisions of s. 627.6578 shall remain  
 482 in effect notwithstanding the guardianship provisions in this  
 483 section.

484 (3) If a minor is surrendered to an adoption entity for  
 485 subsequent adoption and a suitable prospective adoptive home is  
 486 not available pursuant to s. 63.092 at the time the minor is  
 487 surrendered to the adoption entity, the minor must be placed in  
 488 a licensed foster care home, or with a person or family that has  
 489 received a favorable preliminary home study pursuant to  
 490 subsection (2), or with a relative until such a suitable  
 491 prospective adoptive home is available.

492 (6) Unless otherwise authorized by law or ordered by the  
 493 court, the department is not responsible for expenses incurred  
 494 by other adoption entities participating in a placement of a  
 495 minor.

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

498 63.053 Rights and responsibilities of an unmarried  
 499 biological father; legislative findings.—

500 (2) The Legislature finds that the interests of the state,  
 501 the mother, the child, and the adoptive parents described in  
 502 this chapter outweigh the interest of an unmarried biological  
 503 father who does not take action in a timely manner to establish  
 504 and demonstrate a relationship with his child in accordance with

505 the requirements of this chapter. An unmarried biological father  
506 has the primary responsibility to protect his rights and is  
507 presumed to know that his child may be adopted without his  
508 consent unless he strictly complies with ~~the provisions of~~ this  
509 chapter and demonstrates a prompt and full commitment to his  
510 parental responsibilities.

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

513 Section 10. Subsections (1), (2), (4), and (13) of section  
514 63.054, Florida Statutes, are amended to read:

515 63.054 Actions required by an unmarried biological father  
516 to establish parental rights; Florida Putative Father Registry.—

517 (1) In order to preserve the right to notice and consent  
518 to an adoption under this chapter, an unmarried biological  
519 father must, as the "registrant," file a notarized claim of  
520 paternity form with the Florida Putative Father Registry  
521 maintained by the Office of Vital Statistics of the Department  
522 of Health which includes confirmation of his willingness and  
523 intent to support the child for whom paternity is claimed in  
524 accordance with state law. The claim of paternity may be filed  
525 at any time before the child's birth, but may not be filed after  
526 the date a petition is filed for termination of parental rights.  
527 In each proceeding for termination of parental rights, the  
528 petitioner must submit to the Office of Vital Statistics a copy  
529 of the petition for termination of parental rights or a document  
530 executed by the clerk of the court showing the style of the  
531 case, the names of the persons whose rights are sought to be  
532 terminated, and the date and time of the filing of the petition.

533 The Office of Vital Statistics may not record a claim of  
534 paternity after the date a petition for termination of parental  
535 rights is filed. The failure of an unmarried biological father  
536 to file a claim of paternity with the registry before the date a  
537 petition for termination of parental rights is filed also bars  
538 him from filing a paternity claim under chapter 742.

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

542 1. The mother identifies him to the adoption entity as a  
543 potential biological father by the date she executes a consent  
544 for adoption; and

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

549 (b) If an unmarried biological father falls within the  
550 exception provided by paragraph (a), the petitioner shall also  
551 submit to the Office of Vital Statistics a copy of the notice of  
552 intended adoption plan and proof of service of the notice on the  
553 potential biological father.

554 (c) An unmarried biological father who falls within the  
555 exception provided by paragraph (a) may not file a claim of  
556 paternity with the registry or a paternity claim under chapter  
557 742 after the 30-day mandatory response date to the notice of  
558 intended adoption plan has expired. The Office of Vital  
559 Statistics may not record a claim of paternity 30 days after  
560 service of the notice of intended adoption plan.

561 (2) By filing a claim of paternity form with the Office of  
562 Vital Statistics, the registrant expressly consents to submit to  
563 and pay for DNA testing upon the request of any party, the  
564 registrant, or the adoption entity with respect to the child  
565 referenced in the claim of paternity.

566 (4) Upon initial registration, or at any time thereafter,  
567 the registrant may designate a physical ~~an~~ address other than  
568 his residential address for sending any communication regarding  
569 his registration. Similarly, upon initial registration, or at  
570 any time thereafter, the registrant may designate, in writing,  
571 an agent or representative to receive any communication on his  
572 behalf and receive service of process. The agent or  
573 representative must file an acceptance of the designation, in  
574 writing, in order to receive notice or service of process. The  
575 failure of the designated representative or agent of the  
576 registrant to deliver or otherwise notify the registrant of  
577 receipt of correspondence from the Florida Putative Father  
578 Registry is at the registrant's own risk and may ~~shall~~ not serve  
579 as a valid defense based upon lack of notice.

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

586 Section 11. Paragraph (b) of subsection (1), subsections  
587 (2), (3), and (4), and paragraph (a) of subsection (8) of  
588 section 63.062, Florida Statutes, are amended to read:

589           63.062 Persons required to consent to adoption; affidavit  
590 of nonpaternity; waiver of venue.—

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

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

597           1. The minor was conceived or born while the father was  
598 married to the mother;

599           2. The minor is his child by adoption;

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

603           4. He has filed an affidavit of paternity pursuant to s.  
604 382.013(2) (c) or he is listed on the child's birth certificate  
605 before ~~by~~ the date a petition ~~is filed~~ for termination of  
606 parental rights is filed; or

607           5. In the case of an unmarried biological father, he has  
608 acknowledged in writing, signed in the presence of a competent  
609 witness, that he is the father of the minor, has filed such  
610 acknowledgment with the Office of Vital Statistics of the  
611 Department of Health within the required timeframes, and has  
612 complied with the requirements of subsection (2).

613  
614 The status of the father shall be determined at the time of the  
615 filing of the petition to terminate parental rights and may not  
616 be modified, except as otherwise provided in s. 63.0423(9) (a),

617 for purposes of his obligations and rights under this chapter by  
618 acts occurring after the filing of the petition to terminate  
619 parental rights.

620 (2) In accordance with subsection (1), the consent of an  
621 unmarried biological father shall be necessary only if the  
622 unmarried biological father has complied with the requirements  
623 of this subsection.

624 (a)1. With regard to a child who is placed with adoptive  
625 parents more than 6 months after the child's birth, an unmarried  
626 biological father must have developed a substantial relationship  
627 with the child, taken some measure of responsibility for the  
628 child and the child's future, and demonstrated a full commitment  
629 to the responsibilities of parenthood by providing reasonable  
630 and regular financial support to the child in accordance with  
631 the unmarried biological father's ability, if not prevented from  
632 doing so by the person or authorized agency having lawful  
633 custody of the child, and either:

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

638 b. Maintained regular communication with the child or with  
639 the person or agency having the care or custody of the child,  
640 when physically or financially unable to visit the child or when  
641 not prevented from doing so by the birth mother or person or  
642 authorized agency having lawful custody of the child.

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

645 ~~child which is unsupported by acts evidencing this intent does~~  
646 ~~not preclude a finding by the court that the unmarried~~  
647 ~~biological father failed to comply with the requirements of this~~  
648 ~~subsection.~~

649 2.3. An unmarried biological father who openly lived with  
650 the child for at least 6 months within the 1-year period  
651 following the birth of the child and immediately preceding  
652 placement of the child with adoptive parents and who openly held  
653 himself out to be the father of the child during that period  
654 shall be deemed to have developed a substantial relationship  
655 with the child and to have otherwise met the requirements of  
656 this paragraph.

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

663 1. Filed a notarized claim of paternity form with the  
664 Florida Putative Father Registry within the Office of Vital  
665 Statistics of the Department of Health, which form shall be  
666 maintained in the confidential registry established for that  
667 purpose and shall be considered filed when the notice is entered  
668 in the registry of notices from unmarried biological fathers.

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



673 responsibility for the child, setting forth his plans for care  
674 of the child, and agreeing to a court order of child support and  
675 a contribution to the payment of living and medical expenses  
676 incurred for the mother's pregnancy and the child's birth in  
677 accordance with his ability to pay.

678 3. If he had knowledge of the pregnancy, paid a fair and  
679 reasonable amount of the living and medical expenses incurred in  
680 connection with the mother's pregnancy and the child's birth, in  
681 accordance with his financial ability and when not prevented  
682 from doing so by the birth mother or person or authorized agency  
683 having lawful custody of the child. The responsibility of the  
684 unmarried biological father to provide financial assistance to  
685 the birth mother during her pregnancy and to the child after  
686 birth is not abated because support is being provided to the  
687 birth mother or child by the adoption entity, a prospective  
688 adoptive parent, or a third party, nor does it serve as a basis  
689 to excuse the birth father's failure to provide support.

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

694 (d)-(e) The petitioner shall file with the court a  
695 certificate from the Office of Vital Statistics stating that a  
696 diligent search has been made of the Florida Putative Father  
697 Registry of notices from unmarried biological fathers described  
698 in subparagraph (b)1. and that no filing has been found  
699 pertaining to the father of the child in question or, if a  
700 filing is found, stating the name of the putative father and the

701 time and date of filing. That certificate shall be filed with  
 702 the court prior to the entry of a final judgment of termination  
 703 of parental rights.

704 (e)~~(d)~~ An unmarried biological father who does not comply  
 705 with each of the conditions provided in this subsection is  
 706 deemed to have waived and surrendered any rights in relation to  
 707 the child, including the right to notice of any judicial  
 708 proceeding in connection with the adoption of the child, and his  
 709 consent to the adoption of the child is not required.

710 (3) Pursuant to chapter 48, an adoption entity shall serve  
 711 a notice of intended adoption plan upon any known and locatable  
 712 unmarried biological father who is identified to the adoption  
 713 entity by the mother by the date she signs her consent for  
 714 adoption if the child is 6 months of age or less at the time the  
 715 consent is executed ~~or who is identified by a diligent search of~~  
 716 ~~the Florida Putative Father Registry, or upon an entity whose~~  
 717 ~~consent is required~~. Service of the notice of intended adoption  
 718 plan is not required ~~mandatory~~ when the unmarried biological  
 719 father signs a consent for adoption or an affidavit of  
 720 nonpaternity or when the child is more than 6 months of age at  
 721 the time of the execution of the consent by the mother. The  
 722 notice may be served at any time before the child's birth or  
 723 before placing the child in the adoptive home. The recipient of  
 724 the notice may waive service of process by executing a waiver  
 725 and acknowledging receipt of the plan. The notice of intended  
 726 adoption plan must specifically state that if the unmarried  
 727 biological father desires to contest the adoption plan he must,  
 728 within 30 days after service, file with the court a verified

729 response that contains a pledge of commitment to the child in  
730 substantial compliance with subparagraph (2)(b)2. and a claim of  
731 paternity form with the Office of Vital Statistics, and must  
732 provide the adoption entity with a copy of the verified response  
733 filed with the court and the claim of paternity form filed with  
734 the Office of Vital Statistics. The notice must also include  
735 instructions for submitting a claim of paternity form to the  
736 Office of Vital Statistics and the address to which the claim  
737 must be sent. If the party served with the notice of intended  
738 adoption plan is an entity whose consent is required, the notice  
739 must specifically state that the entity must file, within 30  
740 days after service, a verified response setting forth a legal  
741 basis for contesting the intended adoption plan, specifically  
742 addressing the best interests ~~interest~~ of the child.

743 (a) If the unmarried biological father or entity whose  
744 consent is required fails to timely and properly file a verified  
745 response with the court and, in the case of an unmarried  
746 biological father, a claim of paternity form with the Office of  
747 Vital Statistics, the court shall enter a default judgment  
748 against the ~~any~~ unmarried biological father or entity and the  
749 consent of that unmarried biological father or entity shall no  
750 longer be required under this chapter and shall be deemed to  
751 have waived any claim of rights to the child. To avoid an entry  
752 of a default judgment, within 30 days after receipt of service  
753 of the notice of intended adoption plan:

754 1. The unmarried biological father must:

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

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

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

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

765           (b) If the mother identifies a potential unmarried  
 766 biological father within the timeframes required by the statute,  
 767 whose location is unknown, the adoption entity shall conduct a  
 768 diligent search pursuant to s. 63.088. If, upon completion of a  
 769 diligent search, the potential unmarried biological father's  
 770 location remains unknown and a search of the Florida Putative  
 771 Father Registry fails to reveal a match, the adoption entity  
 772 shall request in the petition for termination of parental rights  
 773 pending adoption that the court declare the diligent search to  
 774 be in compliance with s. 63.088, that the adoption entity has no  
 775 further obligation to provide notice to the potential unmarried  
 776 biological father, and that the potential unmarried biological  
 777 father's consent to the adoption is not required.

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

785 the affidavit must receive disclosure under s. 63.085 prior to  
 786 signing the affidavit. For purposes of this chapter, an  
 787 affidavit of nonpaternity is sufficient if it contains a  
 788 specific denial of parental obligations and does not need to  
 789 deny the existence of a biological relationship.

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

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

796 63.063 Responsibility of parents for actions; fraud or  
 797 misrepresentation; contesting termination of parental rights and  
 798 adoption.—

799 (2) Any person injured by a fraudulent representation or  
 800 action in connection with an adoption may pursue civil or  
 801 criminal penalties as provided by law. A fraudulent  
 802 representation is not a defense to compliance with the  
 803 requirements of this chapter and is not a basis for dismissing a  
 804 petition for termination of parental rights or a petition for  
 805 adoption, for vacating an adoption decree, or for granting  
 806 custody to the offended party. Custody and adoption  
 807 determinations must be based on the best interests ~~interest~~ of  
 808 the child in accordance with s. 61.13.

809 Section 13. Paragraph (d) of subsection (1), paragraphs  
 810 (c) and (d) of subsection (3), paragraphs (a), (d), and (e) of  
 811 subsection (4), and subsections (6) and (7) of section 63.082,  
 812 Florida Statutes, are amended to read:

813           63.082 Execution of consent to adoption or affidavit of  
 814 nonpaternity; family social and medical history; revocation  
 815 ~~withdrawal~~ of consent.-

816           (1)

817           (d) The notice and consent provisions of this chapter as  
 818 they relate to the father ~~birth~~ of a child ~~or to legal fathers~~  
 819 do not apply in cases in which the child is conceived as a  
 820 result of a violation of the criminal laws of this or another  
 821 state or country, including, but not limited to, sexual battery,  
 822 unlawful sexual activity with certain minors under s. 794.05,  
 823 lewd acts perpetrated upon a minor, or incest. Notice shall be  
 824 provided to the father of a child alleged to have been conceived  
 825 as a result of a violation of the criminal laws of this or  
 826 another state or country, if no criminal charges have been  
 827 filed. A criminal conviction is not required for the court to  
 828 find that the child was conceived as a result of a violation of  
 829 the criminal laws of this state or another state or country.

830           (3)

831           (c) If any person who is required to consent is  
 832 unavailable because the person cannot be located, an ~~the~~  
 833 ~~petition to terminate parental rights pending adoption must be~~  
 834 ~~accompanied by the~~ affidavit of diligent search required under  
 835 s. 63.088 shall be filed.

836           (d) If any person who is required to consent is  
 837 unavailable because the person is deceased, the petition to  
 838 terminate parental rights pending adoption must be accompanied  
 839 by a certified copy of the death certificate. In an adoption of  
 840 a stepchild or a relative, the certified copy of the death

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

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

848 (d) The consent to adoption or the affidavit of  
849 nonpaternity must be signed in the presence of two witnesses and  
850 be acknowledged before a notary public who is not signing as one  
851 of the witnesses. The notary public must legibly note on the  
852 consent or the affidavit the date and time of execution. The  
853 witnesses' names must be typed or printed underneath their  
854 signatures. The witnesses' home or business addresses must be  
855 included. The person who signs the consent or the affidavit has  
856 the right to have at least one of the witnesses be an individual  
857 who does not have an employment, professional, or personal  
858 relationship with the adoption entity or the prospective  
859 adoptive parents. The adoption entity must give reasonable  
860 advance notice to the person signing the consent or affidavit of  
861 the right to select a witness of his or her own choosing. The  
862 person who signs the consent or affidavit must acknowledge in  
863 writing on the consent or affidavit that such notice was given  
864 and indicate the witness, if any, who was selected by the person  
865 signing the consent or affidavit. The adoption entity must  
866 include its name, address, and telephone number on the consent  
867 to adoption or affidavit of nonpaternity.

868 (e) A consent to adoption being executed by the birth

869 parent must be in at least 12-point boldfaced type and shall  
 870 contain the following recitation of rights ~~in substantially the~~  
 871 ~~following form:~~

872 CONSENT TO ADOPTION

873  
 874 YOU HAVE THE RIGHT TO SELECT AT LEAST ONE PERSON WHO DOES NOT  
 875 HAVE AN EMPLOYMENT, PROFESSIONAL, OR PERSONAL RELATIONSHIP WITH  
 876 THE ADOPTION ENTITY OR THE PROSPECTIVE ADOPTIVE PARENTS TO BE  
 877 PRESENT WHEN THIS AFFIDAVIT IS EXECUTED AND TO SIGN IT AS A  
 878 WITNESS. YOU MUST ACKNOWLEDGE ON THIS FORM THAT YOU WERE  
 879 NOTIFIED OF THIS RIGHT AND YOU MUST INDICATE THE WITNESS OR  
 880 WITNESSES YOU SELECTED, IF ANY.

881  
 882 YOU DO NOT HAVE TO SIGN THIS CONSENT FORM. YOU MAY DO ANY OF THE  
 883 FOLLOWING INSTEAD OF SIGNING THIS CONSENT OR BEFORE SIGNING THIS  
 884 CONSENT:

- 885
- 886 1. CONSULT WITH AN ATTORNEY;
  - 887 2. HOLD, CARE FOR, AND FEED THE CHILD UNLESS OTHERWISE  
 888 LEGALLY PROHIBITED;
  - 889 3. PLACE THE CHILD IN FOSTER CARE OR WITH ANY FRIEND OR  
 890 FAMILY MEMBER YOU CHOOSE WHO IS WILLING TO CARE FOR THE  
 891 CHILD;
  - 892 4. TAKE THE CHILD HOME UNLESS OTHERWISE LEGALLY  
 893 PROHIBITED; AND
  - 894 5. FIND OUT ABOUT THE COMMUNITY RESOURCES THAT ARE  
 895 AVAILABLE TO YOU IF YOU DO NOT GO THROUGH WITH THE  
 896 ADOPTION.



897  
 898 IF YOU DO SIGN THIS CONSENT, YOU ARE GIVING UP ALL RIGHTS TO  
 899 YOUR CHILD. YOUR CONSENT IS VALID, BINDING, AND IRREVOCABLE  
 900 EXCEPT UNDER SPECIFIC LEGAL CIRCUMSTANCES. IF YOU ARE GIVING UP  
 901 YOUR RIGHTS TO A NEWBORN CHILD WHO IS TO BE IMMEDIATELY PLACED  
 902 FOR ADOPTION UPON THE CHILD'S RELEASE FROM A LICENSED HOSPITAL  
 903 OR BIRTH CENTER FOLLOWING BIRTH, A WAITING PERIOD WILL BE  
 904 IMPOSED UPON THE BIRTH MOTHER BEFORE SHE MAY SIGN THE CONSENT  
 905 FOR ADOPTION. A BIRTH MOTHER MUST WAIT 48 HOURS FROM THE TIME OF  
 906 BIRTH, OR UNTIL THE DAY THE BIRTH MOTHER HAS BEEN NOTIFIED IN  
 907 WRITING, EITHER ON HER PATIENT CHART OR IN RELEASE PAPERS, THAT  
 908 SHE IS FIT TO BE RELEASED FROM A LICENSED HOSPITAL OR BIRTH  
 909 CENTER, WHICHEVER IS SOONER, BEFORE THE CONSENT FOR ADOPTION MAY  
 910 BE EXECUTED. ANY MAN MAY EXECUTE A CONSENT AT ANY TIME AFTER THE  
 911 BIRTH OF THE CHILD. ONCE YOU HAVE SIGNED THE CONSENT, IT IS  
 912 VALID, BINDING, AND IRREVOCABLE AND CANNOT BE INVALIDATED  
 913 ~~WITHDRAWN~~ UNLESS A COURT FINDS THAT IT WAS OBTAINED BY FRAUD OR  
 914 DURESS.

915  
 916 IF YOU BELIEVE THAT YOUR CONSENT WAS OBTAINED BY FRAUD OR DURESS  
 917 AND YOU WISH TO INVALIDATE ~~REVOKE~~ THAT CONSENT, YOU MUST:

- 918  
 919 1. NOTIFY THE ADOPTION ENTITY, BY WRITING A LETTER, THAT  
 920 YOU WISH TO WITHDRAW YOUR CONSENT; AND  
 921 2. PROVE IN COURT THAT THE CONSENT WAS OBTAINED BY FRAUD  
 922 OR DURESS.

923  
 924 This statement of rights is not required for the adoption of a

925 relative, an adult, a stepchild, or a child older than 6 months  
926 of age. A consent form for the adoption of a child older than 6  
927 months of age at the time of the execution of consent must  
928 contain a statement outlining the revocation rights provided in  
929 paragraph (c).

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

935 (b) Upon execution of the consent of the parent, the  
936 adoption entity shall be permitted to ~~may~~ intervene in the  
937 dependency case as a party in interest and must provide the  
938 court that acquired ~~having~~ jurisdiction over the minor, pursuant  
939 to the shelter or dependency petition filed by the department, a  
940 copy of the preliminary home study of the prospective adoptive  
941 parents and any other evidence of the suitability of the  
942 placement. The preliminary home study must be maintained with  
943 strictest confidentiality within the dependency court file and  
944 the department's file. A preliminary home study must be provided  
945 to the court in all cases in which an adoption entity has  
946 intervened pursuant to this section. Unless the court has  
947 concerns regarding the qualifications of the home study  
948 provider, or concerns that the home study may not be adequate to  
949 determine the best interests of the child, the home study  
950 provided by the adoption entity shall be deemed to be sufficient  
951 and no additional home study needs to be performed by the  
952 department.

953        (c) If an adoption entity files a motion to intervene in  
954 the dependency case in accordance with this chapter, the  
955 dependency court shall promptly grant a hearing to determine  
956 whether the adoption entity has filed the required documents to  
957 be permitted to intervene and whether a change of placement of  
958 the child is appropriate.

959        (d)~~(e)~~ Upon a determination by the court that the  
960 prospective adoptive parents are properly qualified to adopt the  
961 minor child and that the adoption appears to be in the best  
962 interests ~~interest~~ of the minor child, the court shall  
963 immediately order the transfer of custody of the minor child to  
964 the prospective adoptive parents, under the supervision of the  
965 adoption entity. The adoption entity shall thereafter provide  
966 monthly supervision reports to the department until finalization  
967 of the adoption. If the child has been determined to be  
968 dependent by the court, the department shall provide information  
969 to the prospective adoptive parents at the time they receive  
970 placement of the dependent child regarding approved parent  
971 training classes available within the community. The department  
972 shall file with the court an acknowledgement of the parent's  
973 receipt of the information regarding approved parent training  
974 classes available within the community.

975        (e)~~(d)~~ In determining whether the best interests ~~interest~~  
976 of the child are ~~is~~ served by transferring the custody of the  
977 minor child to the prospective adoptive parent selected by the  
978 parent, the court shall consider the rights of the parent to  
979 determine an appropriate placement for the child, the permanency  
980 offered, the child's bonding with any potential adoptive home

981 that the child has been residing in, and the importance of  
 982 maintaining sibling relationships, if possible.

983 (f) The adoption entity shall be responsible for keeping  
 984 the dependency court informed of the status of the adoption  
 985 proceedings at least every 90 days from the date of the order  
 986 changing placement of the child until the date of finalization  
 987 of the adoption.

988 (g) In all dependency proceedings, after it is determined  
 989 that reunification is not a viable alternative and prior to the  
 990 filing of a petition for termination of parental rights, the  
 991 court shall advise the biological parent who is a party to the  
 992 case of the right to participate in a private adoption plan.

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

996 (a) The person seeking to revoke ~~withdraw~~ consent must, in  
 997 accordance with paragraph (4) (c), notify the adoption entity in  
 998 writing by certified mail, return receipt requested, within 3  
 999 business days after execution of the consent. As used in this  
 1000 subsection, the term "business day" means any day on which the  
 1001 United States Postal Service accepts certified mail for  
 1002 delivery.

1003 (b) Upon receiving timely written notice from a person  
 1004 whose consent to adoption is required of that person's desire to  
 1005 revoke ~~withdraw~~ consent, the adoption entity must contact the  
 1006 prospective adoptive parent to arrange a time certain for the  
 1007 adoption entity to regain physical custody of the minor, unless,  
 1008 upon a motion for emergency hearing by the adoption entity, the

1009 | court determines in written findings that placement of the minor  
 1010 | with the person who had legal or physical custody of the child  
 1011 | immediately before the child was placed for adoption may  
 1012 | endanger the minor or that the person who desires to revoke  
 1013 | ~~withdraw~~ consent is not required to consent to the adoption, has  
 1014 | been determined to have abandoned the child, or is otherwise  
 1015 | subject to a determination that the person's consent is waived  
 1016 | under this chapter.

1017 |         (c) If the court finds that the placement may endanger the  
 1018 | minor, the court shall enter an order continuing the placement  
 1019 | of the minor with the prospective adoptive parents pending  
 1020 | further proceedings if they desire continued placement. If the  
 1021 | prospective adoptive parents do not desire continued placement,  
 1022 | the order must include, but need not be limited to, a  
 1023 | determination of whether temporary placement in foster care,  
 1024 | with the person who had legal or physical custody of the child  
 1025 | immediately before placing the child for adoption, or with a  
 1026 | relative is in the best interests ~~interest~~ of the child and  
 1027 | whether an investigation by the department is recommended.

1028 |         (d) If the person revoking ~~withdrawing~~ consent claims to  
 1029 | be the father of the minor but has not been established to be  
 1030 | the father by marriage, court order, or scientific testing, the  
 1031 | court may order scientific paternity testing and reserve ruling  
 1032 | on removal of the minor until the results of such testing have  
 1033 | been filed with the court.

1034 |         (e) The adoption entity must return the minor within 3  
 1035 | business days after timely and proper notification of the  
 1036 | revocation ~~withdrawal~~ of consent or after the court determines

1037 that revocation ~~withdrawal~~ is timely and in accordance with the  
 1038 requirements of this chapter ~~valid and binding~~ upon  
 1039 consideration of an emergency motion, as filed pursuant to  
 1040 paragraph (b), to the physical custody of the person revoking  
 1041 ~~withdrawing~~ consent or the person directed by the court. If the  
 1042 person seeking to revoke ~~withdraw~~ consent claims to be the  
 1043 father of the minor but has not been established to be the  
 1044 father by marriage, court order, or scientific testing, the  
 1045 adoption entity may return the minor to the care and custody of  
 1046 the mother, if she desires such placement and she is not  
 1047 otherwise prohibited by law from having custody of the child.

1048 (f) Following the revocation period ~~for withdrawal of~~  
 1049 ~~consent~~ described in paragraph (a), ~~or the placement of the~~  
 1050 ~~child with the prospective adoptive parents, whichever occurs~~  
 1051 ~~later~~, consent may be set aside ~~withdrawn~~ only when the court  
 1052 finds that the consent was obtained by fraud or duress.

1053 (g) An affidavit of nonpaternity may be set aside  
 1054 ~~withdrawn~~ only if the court finds that the affidavit was  
 1055 obtained by fraud or duress.

1056 (h) If the consent of one parent is set aside or revoked  
 1057 in accordance with this chapter, any other consents executed by  
 1058 the other parent or a third party whose consent is required for  
 1059 the adoption of the child may not be used by the parent who  
 1060 consent was revoked or set aside to terminate or diminish the  
 1061 rights of the other parent or third party whose consent was  
 1062 required for the adoption of the child.

1063 Section 14. Subsection (1) and paragraph (a) of subsection  
 1064 (2) of section 63.085, Florida Statutes, are amended, and

1065 paragraph (c) is added to subsection (2) of that section, to  
 1066 read:

1067 63.085 Disclosure by adoption entity.—

1068 (1) DISCLOSURE REQUIRED TO PARENTS AND PROSPECTIVE  
 1069 ADOPTIVE PARENTS.—Within 14 days after a person seeking to adopt  
 1070 a minor or a person seeking to place a minor for adoption  
 1071 contacts an adoption entity in person or provides the adoption  
 1072 entity with a mailing address, the entity must provide a written  
 1073 disclosure statement to that person if the entity agrees or  
 1074 continues to work with the person. The adoption entity shall  
 1075 also provide the written disclosure to the parent who did not  
 1076 initiate contact with the adoption entity within 14 days after  
 1077 that parent is identified and located. For purposes of providing  
 1078 the written disclosure, a person is considered to be seeking to  
 1079 place a minor for adoption if that person has sought information  
 1080 or advice from the adoption entity regarding the option of  
 1081 adoptive placement. The written disclosure statement must be in  
 1082 substantially the following form:

1083  
 1084 ADOPTION DISCLOSURE

1085 THE STATE OF FLORIDA REQUIRES THAT THIS FORM BE PROVIDED TO ALL  
 1086 PERSONS CONSIDERING ADOPTING A MINOR OR SEEKING TO PLACE A MINOR  
 1087 FOR ADOPTION, TO ADVISE THEM OF THE FOLLOWING FACTS REGARDING  
 1088 ADOPTION UNDER FLORIDA LAW:

1089  
 1090 1. The name, address, and telephone number of the adoption  
 1091 entity providing this disclosure is:

1092 Name:

1093 Address:

1094 Telephone Number:

1095 2. The adoption entity does not provide legal  
1096 representation or advice to parents or anyone signing a consent  
1097 for adoption or affidavit of nonpaternity, and parents have the  
1098 right to consult with an attorney of their own choosing to  
1099 advise them.

1100 3. With the exception of an adoption by a stepparent or  
1101 relative, a child cannot be placed into a prospective adoptive  
1102 home unless the prospective adoptive parents have received a  
1103 favorable preliminary home study, including criminal and child  
1104 abuse clearances.

1105 4. A valid consent for adoption may not be signed by the  
1106 birth mother until 48 hours after the birth of the child, or the  
1107 day the birth mother is notified, in writing, that she is fit  
1108 for discharge from the licensed hospital or birth center. Any  
1109 man may sign a valid consent for adoption at any time after the  
1110 birth of the child.

1111 5. A consent for adoption signed before the child attains  
1112 the age of 6 months is binding and irrevocable from the moment  
1113 it is signed unless it can be proven in court that the consent  
1114 was obtained by fraud or duress. A consent for adoption signed  
1115 after the child attains the age of 6 months is valid from the  
1116 moment it is signed; however, it may be revoked up to 3 business  
1117 days after it was signed.

1118 6. A consent for adoption is not valid if the signature of  
1119 the person who signed the consent was obtained by fraud or  
1120 duress.



1121           7. An unmarried biological father must act immediately in  
1122 order to protect his parental rights. Section 63.062, Florida  
1123 Statutes, prescribes that any father seeking to establish his  
1124 right to consent to the adoption of his child must file a claim  
1125 of paternity with the Florida Putative Father Registry  
1126 maintained by the Office of Vital Statistics of the Department  
1127 of Health by the date a petition to terminate parental rights is  
1128 filed with the court, or within 30 days after receiving service  
1129 of a Notice of Intended Adoption Plan. If he receives a Notice  
1130 of Intended Adoption Plan, he must file a claim of paternity  
1131 with the Florida Putative Father Registry, file a parenting plan  
1132 with the court, and provide financial support to the mother or  
1133 child within 30 days following service. An unmarried biological  
1134 father's failure to timely respond to a Notice of Intended  
1135 Adoption Plan constitutes an irrevocable legal waiver of any and  
1136 all rights that the father may have to the child. A claim of  
1137 paternity registration form for the Florida Putative Father  
1138 Registry may be obtained from any local office of the Department  
1139 of Health, Office of Vital Statistics, the Department of  
1140 Children and Families, the Internet websites for these agencies,  
1141 and the offices of the clerks of the Florida circuit courts. The  
1142 claim of paternity form must be submitted to the Office of Vital  
1143 Statistics, Attention: Adoption Unit, P.O. Box 210,  
1144 Jacksonville, FL 32231.

1145           8. There are alternatives to adoption, including foster  
1146 care, relative care, and parenting the child. There may be  
1147 services and sources of financial assistance in the community  
1148 available to parents if they choose to parent the child.

1149 9. A parent has the right to have a witness of his or her  
 1150 choice, who is unconnected with the adoption entity or the  
 1151 adoptive parents, to be present and witness the signing of the  
 1152 consent or affidavit of nonpaternity.

1153 10. A parent 14 years of age or younger must have a  
 1154 parent, legal guardian, or court-appointed guardian ad litem to  
 1155 assist and advise the parent as to the adoption plan and to  
 1156 witness consent.

1157 11. A parent has a right to receive supportive counseling  
 1158 from a counselor, social worker, physician, clergy, or attorney.

1159 12. The payment of living or medical expenses by the  
 1160 prospective adoptive parents before the birth of the child does  
 1161 not, in any way, obligate the parent to sign the consent for  
 1162 adoption.

1163 (2) DISCLOSURE TO ADOPTIVE PARENTS.—

1164 (a) At the time that an adoption entity is responsible for  
 1165 selecting prospective adoptive parents for a born or unborn  
 1166 child whose parents are seeking to place the child for adoption  
 1167 or whose rights were terminated pursuant to chapter 39, the  
 1168 adoption entity must provide the prospective adoptive parents  
 1169 with information concerning the background of the child to the  
 1170 extent such information is disclosed to the adoption entity by  
 1171 the parents, legal custodian, or the department. This subsection  
 1172 applies only if the adoption entity identifies the prospective  
 1173 adoptive parents and supervises the ~~physical~~ placement of the  
 1174 child in the prospective adoptive parents' home. If any  
 1175 information cannot be disclosed because the records custodian  
 1176 failed or refused to produce the background information, the

1177 adoption entity has a duty to provide the information if it  
1178 becomes available. An individual or entity contacted by an  
1179 adoption entity to obtain the background information must  
1180 release the requested information to the adoption entity without  
1181 the necessity of a subpoena or a court order. In all cases, the  
1182 prospective adoptive parents must receive all available  
1183 information by the date of the final hearing on the petition for  
1184 adoption. The information to be disclosed includes:

- 1185 1. A family social and medical history form completed  
1186 pursuant to s. 63.162(6).
- 1187 2. The biological mother's medical records documenting her  
1188 prenatal care and the birth and delivery of the child.
- 1189 3. A complete set of the child's medical records  
1190 documenting all medical treatment and care since the child's  
1191 birth and before placement.
- 1192 4. All mental health, psychological, and psychiatric  
1193 records, reports, and evaluations concerning the child before  
1194 placement.
- 1195 5. The child's educational records, including all records  
1196 concerning any special education needs of the child before  
1197 placement.
- 1198 6. Records documenting all incidents that required the  
1199 department to provide services to the child, including all  
1200 orders of adjudication of dependency or termination of parental  
1201 rights issued pursuant to chapter 39, any case plans drafted to  
1202 address the child's needs, all protective services  
1203 investigations identifying the child as a victim, and all  
1204 guardian ad litem reports filed with the court concerning the

1205 child.

1206 7. Written information concerning the availability of  
1207 adoption subsidies for the child, if applicable.

1208 (c) If the prospective adoptive parents waive the receipt  
1209 of any of the records described in paragraph (a), a copy of the  
1210 written notification of the waiver to the adoption entity shall  
1211 be filed with the court.

1212 Section 15. Subsection (6) of section 63.087, Florida  
1213 Statutes, is amended to read:

1214 63.087 Proceeding to terminate parental rights pending  
1215 adoption; general provisions.—

1216 (6) ANSWER AND APPEARANCE REQUIRED.—An answer to the  
1217 petition or any pleading requiring an answer must be filed in  
1218 accordance with the Florida Family Law Rules of Procedure.  
1219 Failure to file a written response to the petition constitutes  
1220 grounds upon which the court may terminate parental rights.  
1221 Failure to personally appear at the hearing constitutes grounds  
1222 upon which the court may terminate parental rights. Any person  
1223 present at the hearing to terminate parental rights pending  
1224 adoption whose consent to adoption is required under s. 63.062  
1225 must:

1226 (a) Be advised by the court that he or she has a right to  
1227 ask that the hearing be reset for a later date so that the  
1228 person may consult with an attorney; and

1229 (b) Be given an opportunity to admit or deny the  
1230 allegations in the petition.

1231 Section 16. Subsection (4) of section 63.088, Florida  
1232 Statutes, is amended to read:

1233 63.088 Proceeding to terminate parental rights pending  
1234 adoption; notice and service; diligent search.—

1235 (4) REQUIRED INQUIRY.—In proceedings initiated under s.  
1236 63.087, the court shall conduct an inquiry of the person who is  
1237 placing the minor for adoption and of any relative or person  
1238 having legal custody of the minor who is present at the hearing  
1239 and likely to have the following information regarding the  
1240 identity of:

1241 (a) Any man to whom the mother of the minor was married at  
1242 any time when conception of the minor may have occurred or at  
1243 the time of the birth of the minor;

1244 (b) Any man who has filed an affidavit of paternity  
1245 pursuant to s. 382.013(2)(c) before the date that a petition for  
1246 termination of parental rights is filed with the court;

1247 (c) Any man who has adopted the minor;

1248 (d) Any man who has been adjudicated by a court as the  
1249 father of the minor child before the date a petition for  
1250 termination of parental rights is filed with the court; and

1251 (e) Any man whom the mother identified to the adoption  
1252 entity as a potential biological father before the date she  
1253 signed the consent for adoption.

1254  
1255 The information sought under this subsection may be provided to  
1256 the court in the form of a sworn affidavit by a person having  
1257 personal knowledge of the facts, addressing each inquiry  
1258 enumerated in this subsection, except that, if the inquiry  
1259 identifies a father under paragraph (a), paragraph (b), ~~or~~  
1260 paragraph (c), or paragraph (d), the inquiry may not continue

1261 further. The inquiry required under this subsection may be  
 1262 conducted before the birth of the minor.

1263 Section 17. Paragraph (d) of subsection (3) and  
 1264 subsections (4), (5), and (7) of section 63.089, Florida  
 1265 Statutes, are amended to read:

1266 63.089 Proceeding to terminate parental rights pending  
 1267 adoption; hearing; grounds; dismissal of petition; judgment.—

1268 (3) GROUNDS FOR TERMINATING PARENTAL RIGHTS PENDING  
 1269 ADOPTION.—The court may enter a judgment terminating parental  
 1270 rights pending adoption if the court determines by clear and  
 1271 convincing evidence, supported by written findings of fact, that  
 1272 each person whose consent to adoption is required under s.  
 1273 63.062:

1274 (d) Has been properly served notice of the proceeding in  
 1275 accordance with the requirements of this chapter and has failed  
 1276 to file a written answer or personally appear at the evidentiary  
 1277 hearing resulting in the judgment terminating parental rights  
 1278 pending adoption;

1279 (4) FINDING OF ABANDONMENT.—A finding of abandonment  
 1280 resulting in a termination of parental rights must be based upon  
 1281 clear and convincing evidence that a parent or person having  
 1282 legal custody has abandoned the child in accordance with the  
 1283 definition contained in s. 63.032. A finding of abandonment may  
 1284 also be based upon emotional abuse or a refusal to provide  
 1285 reasonable financial support, when able, to a birth mother  
 1286 during her pregnancy or on whether the person alleged to have  
 1287 abandoned the child, while being able, failed to establish  
 1288 contact with the child or accept responsibility for the child's

1289 welfare.

1290 (a) In making a determination of abandonment at a hearing  
 1291 for termination of parental rights under this chapter, the court  
 1292 shall consider, among other relevant factors not inconsistent  
 1293 with this section:

1294 1. Whether the actions alleged to constitute abandonment  
 1295 demonstrate a willful disregard for the safety or welfare of the  
 1296 child or the unborn child;

1297 2. Whether the person alleged to have abandoned the child,  
 1298 while being able, failed to provide financial support;

1299 3. Whether the person alleged to have abandoned the child,  
 1300 while being able, failed to pay for medical treatment; and

1301 4. Whether the amount of support provided or medical  
 1302 expenses paid was appropriate, taking into consideration the  
 1303 needs of the child and relative means and resources available to  
 1304 the person alleged to have abandoned the child.

1305 (b) The child has been abandoned when the parent of a  
 1306 child is incarcerated on or after October 1, 2001, in a federal,  
 1307 state, or county correctional institution and:

1308 1. The period of time for which the parent has been or is  
 1309 expected to be incarcerated will constitute a significant  
 1310 portion of the child's minority. In determining whether the  
 1311 period of time is significant, the court shall consider the  
 1312 child's age and the child's need for a permanent and stable  
 1313 home. The period of time begins on the date that the parent  
 1314 enters into incarceration;

1315 2. The incarcerated parent has been determined by a court  
 1316 of competent jurisdiction to be a violent career criminal as

1317 defined in s. 775.084, a habitual violent felony offender as  
1318 defined in s. 775.084, convicted of child abuse as defined in s.  
1319 827.03, or a sexual predator as defined in s. 775.21; has been  
1320 convicted of first degree or second degree murder in violation  
1321 of s. 782.04 or a sexual battery that constitutes a capital,  
1322 life, or first degree felony violation of s. 794.011; or has  
1323 been convicted of a substantially similar offense in another  
1324 jurisdiction. As used in this section, the term "substantially  
1325 similar offense" means any offense that is substantially similar  
1326 in elements and penalties to one of those listed in this  
1327 subparagraph, and that is in violation of a law of any other  
1328 jurisdiction, whether that of another state, the District of  
1329 Columbia, the United States or any possession or territory  
1330 thereof, or any foreign jurisdiction; or

1331 3. The court determines by clear and convincing evidence  
1332 that continuing the parental relationship with the incarcerated  
1333 parent would be harmful to the child and, for this reason,  
1334 termination of the parental rights of the incarcerated parent is  
1335 in the best interests ~~interest~~ of the child.

1336 (5) DISMISSAL OF PETITION.—If the court does not find by  
1337 clear and convincing evidence that parental rights of a parent  
1338 should be terminated pending adoption, the court must dismiss  
1339 the petition and that parent's parental rights that were the  
1340 subject of such petition shall remain in full force under the  
1341 law. The order must include written findings in support of the  
1342 dismissal, including findings as to the criteria in subsection  
1343 (4) if rejecting a claim of abandonment.

1344 (a) Parental rights may not be terminated based upon a



1345 consent that the court finds has been timely revoked ~~withdrawn~~  
1346 under s. 63.082 or a consent to adoption or affidavit of  
1347 nonpaternity that the court finds was obtained by fraud or  
1348 duress.

1349 (b) The court must enter an order based upon written  
1350 findings providing for the placement of the minor, but the court  
1351 may not proceed to determine custody between competing eligible  
1352 parties. The placement of the child should revert to the parent  
1353 or guardian who had physical custody of the child at the time of  
1354 the placement for adoption unless the court determines upon  
1355 clear and convincing evidence that this placement is not in the  
1356 best interests of the child or is not an available option for  
1357 the child. The court may not change the placement of a child who  
1358 has established a bonded relationship with the current caregiver  
1359 without providing for a reasonable transition plan consistent  
1360 with the best interests of the child. The court may direct the  
1361 parties to participate in a reunification or unification plan  
1362 with a qualified professional to assist the child in the  
1363 transition. The court may order scientific testing to determine  
1364 the paternity of the minor only if the court has determined that  
1365 the consent of the alleged father would be required, unless all  
1366 parties agree that such testing is in the best interests of the  
1367 child. The court may not order scientific testing to determine  
1368 paternity of an unmarried biological father if the child has a  
1369 father as described in s. 63.088(4)(a)-(d) whose rights have not  
1370 been previously terminated at any time during which the court  
1371 has jurisdiction over the minor. Further proceedings, if any,  
1372 regarding the minor must be brought in a separate custody action

1373 | under chapter 61, a dependency action under chapter 39, or a  
1374 | paternity action under chapter 742.

1375 | (7) RELIEF FROM JUDGMENT TERMINATING PARENTAL RIGHTS.—

1376 | (a) A motion for relief from a judgment terminating  
1377 | parental rights must be filed with the court originally entering  
1378 | the judgment. The motion must be filed within a reasonable time,  
1379 | but not later than 1 year after the entry of the judgment. An  
1380 | unmarried biological father does not have standing to seek  
1381 | relief from a judgment terminating parental rights if the mother  
1382 | did not identify him to the adoption entity before the date she  
1383 | signed a consent for adoption or if he was not located because  
1384 | the mother failed or refused to provide sufficient information  
1385 | to locate him.

1386 | (b) No later than 30 days after the filing of a motion  
1387 | under this subsection, the court must conduct a preliminary  
1388 | hearing to determine what contact, if any, shall be permitted  
1389 | between a parent and the child pending resolution of the motion.  
1390 | Such contact shall be considered only if it is requested by a  
1391 | parent who has appeared at the hearing and may not be awarded  
1392 | unless the parent previously established a bonded relationship  
1393 | with the child and the parent has pled a legitimate legal basis  
1394 | and established a prima facia case for setting aside the  
1395 | judgment terminating parental rights. If the court orders  
1396 | contact between a parent and child, the order must be issued in  
1397 | writing as expeditiously as possible and must state with  
1398 | specificity any provisions regarding contact with persons other  
1399 | than those with whom the child resides.

1400 | (c) At the preliminary hearing, the court, upon the motion

1401 of any party or upon its own motion, may order scientific  
1402 testing to determine the paternity of the minor if the person  
1403 seeking to set aside the judgment is alleging to be the child's  
1404 father and that fact has not previously been determined by  
1405 legitimacy or scientific testing. The court may order visitation  
1406 with a person for whom scientific testing for paternity has been  
1407 ordered and who has previously established a bonded relationship  
1408 with the child.

1409 (d) Unless otherwise agreed between the parties or for  
1410 good cause shown, the court shall conduct a final hearing on the  
1411 motion for relief from judgment within 45 days after the filing  
1412 and enter its written order as expeditiously as possible  
1413 thereafter.

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

1429 parents without first obtaining a favorable home study of that  
1430 person and any other persons residing in the proposed home and  
1431 shall take whatever additional steps are necessary and  
1432 appropriate for the physical and emotional protection of the  
1433 child.

1434 Section 18. Subsection (3) of section 63.092, Florida  
1435 Statutes, is amended to read:

1436 63.092 Report to the court of intended placement by an  
1437 adoption entity; at-risk placement; preliminary study.—

1438 (3) PRELIMINARY HOME STUDY.—Before placing the minor in  
1439 the intended adoptive home, a preliminary home study must be  
1440 performed by a licensed child-placing agency, a child-caring  
1441 agency registered under s. 409.176, a licensed professional, or  
1442 agency described in s. 61.20(2), unless the adoptee is an adult  
1443 or the petitioner is a stepparent or a relative. If the adoptee  
1444 is an adult or the petitioner is a stepparent or a relative, a  
1445 preliminary home study may be required by the court for good  
1446 cause shown. The department is required to perform the  
1447 preliminary home study only if there is no licensed child-  
1448 placing agency, child-caring agency registered under s. 409.176,  
1449 licensed professional, or agency described in s. 61.20(2), in  
1450 the county where the prospective adoptive parents reside. The  
1451 preliminary home study must be made to determine the suitability  
1452 of the intended adoptive parents and may be completed prior to  
1453 identification of a prospective adoptive minor. A favorable  
1454 preliminary home study is valid for 1 year after the date of its  
1455 completion. Upon its completion, a signed copy of the home study  
1456 must be provided to the intended adoptive parents who were the

1457 subject of the home study. A minor may not be placed in an  
1458 intended adoptive home before a favorable preliminary home study  
1459 is completed unless the adoptive home is also a licensed foster  
1460 home under s. 409.175. The preliminary home study must include,  
1461 at a minimum:

- 1462 (a) An interview with the intended adoptive parents;  
1463 (b) Records checks of the department's central abuse  
1464 registry and criminal records correspondence checks under s.  
1465 39.0138 through the Department of Law Enforcement on the  
1466 intended adoptive parents;  
1467 (c) An assessment of the physical environment of the home;  
1468 (d) A determination of the financial security of the  
1469 intended adoptive parents;  
1470 (e) Documentation of counseling and education of the  
1471 intended adoptive parents on adoptive parenting;  
1472 (f) Documentation that information on adoption and the  
1473 adoption process has been provided to the intended adoptive  
1474 parents;  
1475 (g) Documentation that information on support services  
1476 available in the community has been provided to the intended  
1477 adoptive parents; and  
1478 (h) A copy of each signed acknowledgment of receipt of  
1479 disclosure required by s. 63.085.

1480 If the preliminary home study is favorable, a minor may be  
1481 placed in the home pending entry of the judgment of adoption. A  
1482 minor may not be placed in the home if the preliminary home  
1483 study is unfavorable. If the preliminary home study is  
1484 unfavorable, the adoption entity may, within 20 days after

1485 receipt of a copy of the written recommendation, petition the  
 1486 court to determine the suitability of the intended adoptive  
 1487 home. A determination as to suitability under this subsection  
 1488 does not act as a presumption of suitability at the final  
 1489 hearing. In determining the suitability of the intended adoptive  
 1490 home, the court must consider the totality of the circumstances  
 1491 in the home. A ~~No~~ minor may not be placed in a home in which  
 1492 there resides any person determined by the court to be a sexual  
 1493 predator as defined in s. 775.21 or to have been convicted of an  
 1494 offense listed in s. 63.089(4)(b)2.

1495 Section 19. Section 63.152, Florida Statutes, is amended  
 1496 to read:

1497 63.152 Application for new birth record.—Within 30 days  
 1498 after entry of a judgment of adoption, the clerk of the court or  
 1499 the adoption entity shall transmit a certified statement of the  
 1500 entry to the state registrar of vital statistics on a form  
 1501 provided by the registrar. A new birth record containing the  
 1502 necessary information supplied by the certificate shall be  
 1503 issued by the registrar on application of the adopting parents  
 1504 or the adopted person.

1505 Section 20. Subsection (7) of section 63.162, Florida  
 1506 Statutes, is amended to read:

1507 63.162 Hearings and records in adoption proceedings;  
 1508 confidential nature.—

1509 (7) The court may, upon petition of an adult adoptee or  
 1510 birth parent, for good cause shown, appoint an intermediary or a  
 1511 licensed child-placing agency to contact a birth parent or adult  
 1512 adoptee, as applicable, who has not registered with the adoption

1513 registry pursuant to s. 63.165 and advise both ~~them~~ of the  
 1514 availability of the intermediary or agency and that the birth  
 1515 parent or adult adoptee, as applicable, wishes to establish  
 1516 contact ~~same~~.

1517 Section 21. Paragraph (c) of subsection (2) of section  
 1518 63.167, Florida Statutes, is amended to read:

1519 63.167 State adoption information center.—

1520 (2) The functions of the state adoption information center  
 1521 shall include:

1522 (c) Operating a toll-free telephone number to provide  
 1523 information and referral services. The state adoption  
 1524 information center shall provide contact information for all  
 1525 adoption entities in the caller's county or, if no adoption  
 1526 entities are located in the caller's county, the number of the  
 1527 nearest adoption entity when contacted for a referral to make an  
 1528 adoption plan and shall rotate the order in which the names of  
 1529 adoption entities are provided to callers.

1530 Section 22. Subsection (1) of section 63.202, Florida  
 1531 Statutes, is amended to read:

1532 63.202 Authority to license; adoption of rules.—

1533 (1) The Department of Children and Family Services is  
 1534 authorized and empowered to license child placement ~~welfare~~  
 1535 agencies that it determines to be qualified to place minors for  
 1536 adoption.

1537 Section 23. Paragraph (g) of subsection (1) and  
 1538 subsections (2) and (8) of section 63.212, Florida Statutes, are  
 1539 amended to read:

1540 63.212 Prohibited acts; penalties for violation.—

1541 (1) It is unlawful for any person:

1542 (g) Except an adoption entity, to advertise or offer to  
1543 the public, in any way, by any medium whatever that a minor is  
1544 available for adoption or that a minor is sought for adoption;  
1545 and, further, it is unlawful for any person to publish or  
1546 broadcast any such advertisement or assist an unlicensed person  
1547 or entity in publishing or broadcasting any such advertisement  
1548 without including a Florida license number of the agency or  
1549 attorney placing the advertisement.

1550 1. Only a person who is an attorney licensed to practice  
1551 law in this state or an adoption entity licensed under the laws  
1552 of this state may place a paid advertisement or paid listing of  
1553 the person's telephone number, on the person's own behalf, in a  
1554 telephone directory that:

1555 a. A child is offered or wanted for adoption; or  
1556 b. The person is able to place, locate, or receive a child  
1557 for adoption.

1558 2. A person who publishes a telephone directory that is  
1559 distributed in this state:

1560 a. Shall include, at the beginning of any classified  
1561 heading for adoption and adoption services, a statement that  
1562 informs directory users that only attorneys licensed to practice  
1563 law in this state and licensed adoption entities may legally  
1564 provide adoption services under state law.

1565 b. May publish an advertisement described in subparagraph  
1566 1. in the telephone directory only if the advertisement contains  
1567 the following:

1568 (I) For an attorney licensed to practice law in this



1569 state, the person's Florida Bar number.

1570 (II) For a child placing agency licensed under the laws of  
 1571 this state, the number on the person's adoption entity license.

1572 (2) Any person who is a birth mother, or a woman who holds  
 1573 herself out to be a birth mother, who is interested in making an  
 1574 adoption plan and who knowingly or intentionally benefits from  
 1575 the payment of adoption-related expenses in connection with that  
 1576 adoption plan commits adoption deception if:

1577 (a) The person knows or should have known that the person  
 1578 is not pregnant at the time the sums were requested or received;

1579 (b) The person accepts living expenses assistance from a  
 1580 prospective adoptive parent or adoption entity without  
 1581 disclosing that she is receiving living expenses assistance from  
 1582 another prospective adoptive parent or adoption entity at the  
 1583 same time in an effort to adopt the same child; or

1584 (c) The person knowingly makes false representations to  
 1585 induce the payment of living expenses and does not intend to  
 1586 make an adoptive placement. ~~It is unlawful for:~~

1587 ~~(a) Any person or adoption entity under this chapter to:~~  
 1588 ~~1. Knowingly provide false information; or~~  
 1589 ~~2. Knowingly withhold material information.~~

1590 ~~(b) A parent, with the intent to defraud, to accept~~  
 1591 ~~benefits related to the same pregnancy from more than one~~  
 1592 ~~adoption entity without disclosing that fact to each entity.~~

1593  
 1594 Any person who willfully commits adoption deception ~~violates any~~  
 1595 ~~provision of this subsection~~ commits a misdemeanor of the second  
 1596 degree, punishable as provided in s. 775.082 or s. 775.083, if

1597 the sums received by the birth mother or woman holding herself  
1598 out to be a birth mother do not exceed \$300, and a felony of the  
1599 third degree, punishable as provided in s. 775.082, s. 775.083,  
1600 or s. 775.084, if the sums received by the birth mother or woman  
1601 holding herself out to be a birth mother exceed \$300. In  
1602 addition, the person is liable for damages caused by such acts  
1603 or omissions, including reasonable attorney ~~attorney's~~ fees and  
1604 costs incurred by the adoption entity or the prospective  
1605 adoptive parent. Damages may be awarded through restitution in  
1606 any related criminal prosecution or by filing a separate civil  
1607 action.

1608 (8) Unless otherwise indicated, a person who willfully and  
1609 with criminal intent violates any provision of this section,  
1610 excluding paragraph (1)(g), commits a felony of the third  
1611 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
1612 775.084. A person who willfully and with criminal intent  
1613 violates paragraph (1)(g) commits a misdemeanor of the second  
1614 degree, punishable as provided in s. 775.083; and each day of  
1615 continuing violation shall be considered a separate offense. In  
1616 addition, any person who knowingly publishes or assists with the  
1617 publication of any advertisement or other publication which  
1618 violates the requirements of paragraph (1)(g) commits a  
1619 misdemeanor of the second degree, punishable as provided in s.  
1620 775.083, and may be required to pay a fine of up to \$150 per day  
1621 for each day of continuing violation.

1622 Section 24. Paragraph (b) of subsection (1), paragraphs  
1623 (a) and (e) of subsection (2), and paragraphs (b), (h), and (i)  
1624 of subsection (6) of section 63.213, Florida Statutes, are

1625 amended to read:

1626 63.213 Preplanned adoption agreement.—

1627 (1) Individuals may enter into a preplanned adoption  
 1628 arrangement as specified in this section, but such arrangement  
 1629 may not in any way:

1630 (b) Constitute consent of a mother to place her biological  
 1631 child for adoption until 48 hours after the ~~following~~ birth of  
 1632 the child and unless the court making the custody determination  
 1633 or approving the adoption determines that the mother was aware  
 1634 of her right to rescind within the 48-hour period after the  
 1635 ~~following~~ birth of the child but chose not to rescind such  
 1636 consent. The volunteer mother's right to rescind her consent in  
 1637 a preplanned adoption applies only when the child is genetically  
 1638 related to her.

1639 (2) A preplanned adoption agreement must include, but need  
 1640 not be limited to, the following terms:

1641 (a) That the volunteer mother agrees to become pregnant by  
 1642 the fertility technique specified in the agreement, to bear the  
 1643 child, and to terminate any parental rights and responsibilities  
 1644 to the child she might have through a written consent executed  
 1645 at the same time as the preplanned adoption agreement, subject  
 1646 to a right of rescission by the volunteer mother any time within  
 1647 48 hours after the birth of the child, if the volunteer mother  
 1648 is genetically related to the child.

1649 (e) That the intended father and intended mother  
 1650 acknowledge that they may not receive custody or the parental  
 1651 rights under the agreement if the volunteer mother terminates  
 1652 the agreement or if the volunteer mother rescinds her consent to

1653 place her child for adoption within 48 hours after the birth of  
1654 the child, if the volunteer mother is genetically related to the  
1655 child.

1656 (6) As used in this section, the term:

1657 (b) "Child" means the child or children conceived by means  
1658 of a fertility technique ~~an insemination~~ that is part of a  
1659 preplanned adoption arrangement.

1660 (h) "Preplanned adoption arrangement" means the  
1661 arrangement through which the parties enter into an agreement  
1662 for the volunteer mother to bear the child, for payment by the  
1663 intended father and intended mother of the expenses allowed by  
1664 this section, for the intended father and intended mother to  
1665 assert full parental rights and responsibilities to the child if  
1666 consent to adoption is not rescinded after birth by a the  
1667 volunteer mother who is genetically related to the child, and  
1668 for the volunteer mother to terminate, subject to any ~~a~~ right of  
1669 rescission, all her parental rights and responsibilities to the  
1670 child in favor of the intended father and intended mother.

1671 (i) "Volunteer mother" means a female at least 18 years of  
1672 age who voluntarily agrees, subject to a right of rescission if  
1673 it is her biological child, that if she should become pregnant  
1674 pursuant to a preplanned adoption arrangement, she will  
1675 terminate her parental rights and responsibilities to the child  
1676 in favor of the intended father and intended mother.

1677 Section 25. Section 63.222, Florida Statutes, is amended  
1678 to read:

1679 63.222 Effect on prior adoption proceedings.—Any adoption  
1680 made before July 1, 2012, ~~is the effective date of this act~~

1681 ~~shall be~~ valid, and any proceedings pending on that the  
1682 effective date and any subsequent amendments thereto ~~of this act~~  
1683 are not affected thereby unless the amendment is designated as a  
1684 remedial provision.

1685 Section 26. Section 63.2325, Florida Statutes, is amended  
1686 to read:

1687 63.2325 Conditions for invalidation ~~revocation~~ of a  
1688 consent to adoption or affidavit of nonpaternity.—  
1689 Notwithstanding the requirements of this chapter, a failure to  
1690 meet any of those requirements does not constitute grounds for  
1691 invalidation ~~revocation~~ of a consent to adoption or revocation  
1692 ~~withdrawal~~ of an affidavit of nonpaternity unless the extent and  
1693 circumstances of such a failure result in a material failure of  
1694 fundamental fairness in the administration of due process, or  
1695 the failure constitutes or contributes to fraud or duress in  
1696 obtaining a consent to adoption or affidavit of nonpaternity.

1697 Section 27. This act shall take effect July 1, 2012.