

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25 superseded; providing that when the Department of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.; requiring an
77 | affidavit of diligent search to be filed whenever a
78 | person who is required to consent is unavailable
79 | because the person cannot be located; providing that
80 | in an adoption of a stepchild or a relative, a
81 | certified copy of the death certificate of the person
82 | whose consent is required may be attached to the
83 | petition for adoption if a separate petition for
84 | termination of parental rights is not being filed;

85 | authorizing the execution of an affidavit of
86 | nonpaternity before the birth of a minor in preplanned
87 | adoptions; revising language of a consent to adoption;
88 | providing that a home study provided by the adoption
89 | entity shall be deemed to be sufficient except in
90 | certain circumstances; providing for a hearing if an
91 | adoption entity moves to intervene in a dependency
92 | case; requiring the court to provide information to
93 | prospective adoptive parents regarding parent training
94 | classes in the community upon determining the child
95 | dependent; requiring the department to file an
96 | acknowledgement of receipt of information; requiring
97 | the adoption entity to provide updates to the court at
98 | specified intervals; requiring the court to advise a
99 | biological parent who is a party to a dependency
100 | proceeding of the right to participate in a private
101 | adoption; revising language concerning seeking to
102 | revoke consent to an adoption of a child older than 6
103 | months of age; providing that if the consent of one
104 | parent is set aside or revoked, any other consents
105 | executed by the other parent or a third party whose
106 | consent is required for the adoption of the child may
107 | not be used by the parent who consent was revoked or
108 | set aside to terminate or diminish the rights of the
109 | other parent or third party; amending s. 63.085, F.S.;
110 | revising language of an adoption disclosure statement;
111 | requiring that a copy of a waiver by prospective
112 | adoptive parents of receipt of certain records must be

113 | filed with the court; amending s. 63.087, F.S.;

114 | specifying that a failure to personally appear at a

115 | proceeding to terminate parental rights constitutes

116 | grounds for termination; amending s. 63.088, F.S.;

117 | providing that in a termination of parental rights

118 | proceeding if a required inquiry that identifies a

119 | father who has been adjudicated by a court as the

120 | father of the minor child before the date a petition

121 | for termination of parental rights is filed the

122 | inquiry must terminate at that point; amending s.

123 | 63.089, F.S.; specifying that it is a failure to

124 | personally appear that provides grounds for

125 | termination of parental rights in certain

126 | circumstances; providing additional grounds upon which

127 | a finding of abandonment may be made; revising

128 | provisions relating to dismissal of petitions to

129 | terminate parental rights; providing that contact

130 | between a parent seeking relief from a judgment

131 | terminating parental rights and a child may be awarded

132 | only in certain circumstances; providing for placement

133 | of a child in the event that a court grants relief

134 | from a judgment terminating parental rights and no new

135 | pleading is filed to terminate parental rights;

136 | amending s. 63.092, F.S.; requiring that a signed copy

137 | of the home study must be provided to the intended

138 | adoptive parents who were the subject of the study;

139 | amending s. 63.152, F.S.; authorizing an adoption

140 | entity to transmit a certified statement of the entry

141 of a judgment of adoption to the state registrar of
142 vital statistics; amending s. 63.162, F.S.;

143 authorizing a birth parent to petition that court to
144 appoint an intermediary or a licensed child-placing
145 agency to contact an adult adoptee and advise both of
146 the availability of the adoption registry and that the
147 birth parent wishes to establish contact; amending s.
148 63.167, F.S.; requiring that the state adoption center
149 provide contact information for all adoption entities
150 in a caller's county or, if no adoption entities are
151 located in the caller's county, the number of the
152 nearest adoption entity when contacted for a referral
153 to make an adoption plan; amending s. 63.202, F.S.;

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

156 restricting who may place a paid advertisement or paid
157 listing of the person's telephone number offering
158 certain adoption services; requiring of publishers of
159 telephone directories to include certain statements at
160 the beginning of any classified heading for adoption
161 and adoption services; providing requirements for such
162 advertisements; providing criminal penalties for
163 violations; prohibiting the offense of adoption
164 deception by a person who is a birth mother or a woman
165 who holds herself out to be a birth mother; providing
166 criminal penalties; providing liability by violators
167 for certain damages; amending s. 63.213, F.S.;

168 providing that a preplanned adoption arrangement does

169 not constitute consent of a mother to place her
 170 biological child for adoption until 48 hours following
 171 birth; providing that a volunteer mother's right to
 172 rescind her consent in a preplanned adoption applies
 173 only when the child is genetically related to her;
 174 revising the definitions of the terms "child,"
 175 "preplanned adoption arrangement," and "volunteer
 176 mother"; amending s. 63.222, F.S.; providing that
 177 provisions designated as remedial may apply to any
 178 proceedings pending on the effective date of the
 179 provisions; amending s. 63.2325, F.S.; revising
 180 terminology relating to revocation of consent to
 181 adoption; providing an effective date.

182

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

184

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

187 39.802 Petition for termination of parental rights;
 188 filing; elements.—

189 (4) A petition for termination of parental rights filed
 190 under this chapter must contain facts supporting the following
 191 allegations:

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

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

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

199 (c) That the manifest best interests of the child, in
 200 accordance with s. 39.810, would be served by the granting of
 201 the petition.

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

205 Section 2. Paragraphs (e) through (m) of subsection (4) of
 206 section 63.022, Florida Statutes, are redesignated as paragraphs
 207 (d) through (l), respectively, and subsection (2) and present
 208 paragraph (d) of subsection (4) of that section are amended to
 209 read:

210 63.022 Legislative intent.—

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

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

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

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

223 63.032 Definitions.—As used in this chapter, the term:

224 (1) "Abandoned" means a situation in which the parent or

225 person having legal custody of a child, while being able, makes
 226 little or no provision for the child's support or ~~and~~ makes
 227 little or no effort to communicate with the child, which
 228 situation is sufficient to evince an intent to reject parental
 229 responsibilities. If, in the opinion of the court, the efforts
 230 of such parent or person having legal custody of the child to
 231 support and communicate with the child are only marginal efforts
 232 that do not evince a settled purpose to assume all parental
 233 duties, the court may declare the child to be abandoned. In
 234 making this decision, the court may consider the conduct of a
 235 father towards the child's mother during her pregnancy.

236 (3) "Adoption entity" means the department, ~~an agency,~~ a
 237 child-caring agency registered under s. 409.176, an
 238 intermediary, a Florida child-placing agency licensed under s.
 239 63.202, or a child-placing agency licensed in another state
 240 which is licensed ~~qualified~~ by the department to place children
 241 in the State of Florida.

242 (12) "Parent" means a woman who gives birth to a child and
 243 who is not a gestational surrogate as defined in s. 742.13 or a
 244 man whose consent to the adoption of the child would be required
 245 under s. 63.062(1). If a child has been legally adopted, the
 246 term "parent" means the adoptive mother or father of the child.
 247 The term does not include an individual whose parental
 248 relationship to the child has been legally terminated or an
 249 alleged or prospective parent.

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

253 (19) "Unmarried biological father" means the child's
254 biological father who is not married to the child's mother at
255 the time of conception or on the date of the birth of the child
256 and who, before the filing of a petition to terminate parental
257 rights, has not been adjudicated by a court of competent
258 jurisdiction to be the legal father of the child or has not
259 filed ~~executed~~ an affidavit pursuant to s. 382.013(2)(c).

260 Section 4. Section 63.037, Florida Statutes, is amended to
261 read:

262 63.037 Proceedings applicable to cases resulting from a
263 termination of parental rights under chapter 39.—A case in which
264 a minor becomes available for adoption after the parental rights
265 of each parent have been terminated by a judgment entered
266 pursuant to chapter 39 shall be governed by s. 39.812 and this
267 chapter. Adoption proceedings initiated under chapter 39 are
268 exempt from the following provisions of this chapter:
269 requirement for search of the Florida Putative Father Registry
270 provided in s. 63.054(7), if a search was previously completed
271 and documentation of the search is contained in the case file;
272 disclosure requirements for the adoption entity provided in s.
273 63.085(1); general provisions governing termination of parental
274 rights pending adoption provided in s. 63.087; notice and
275 service provisions governing termination of parental rights
276 pending adoption provided in s. 63.088; and procedures for
277 terminating parental rights pending adoption provided in s.
278 63.089.

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

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

283 63.039 Duty of adoption entity to prospective adoptive
 284 parents; sanctions.—

285 (2) With the exception of an adoption by a relative or
 286 stepparent, all adoptions of minor children require the use of
 287 an adoption entity that will assume the responsibilities
 288 provided in this section.

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

291 63.0423 Procedures with respect to surrendered infants.—

292 (1) Upon entry of final judgment terminating parental
 293 rights, a licensed child-placing agency that takes physical
 294 custody of an infant surrendered at a hospital, emergency
 295 medical services station, or fire station pursuant to s. 383.50
 296 assumes ~~shall assume~~ responsibility for the ~~all~~ medical costs
 297 and ~~all~~ other costs associated with the emergency services and
 298 care of the surrendered infant from the time the licensed child-
 299 placing agency takes physical custody of the surrendered infant.

300 (2) The licensed child-placing agency shall immediately
 301 seek an order from the circuit court for emergency custody of
 302 the surrendered infant. The emergency custody order shall remain
 303 in effect until the court orders preliminary approval of
 304 placement of the surrendered infant in the prospective home, at
 305 which time the prospective adoptive parents become guardians
 306 pending termination of parental rights and finalization of
 307 adoption or until the court orders otherwise. The guardianship
 308 of the prospective adoptive parents shall remain subject to the

309 right of the licensed child-placing agency to remove the
310 surrendered infant from the placement during the pendency of the
311 proceedings if such removal is deemed by the licensed child-
312 placing agency to be in the best interests ~~interest~~ of the
313 child. The licensed child-placing agency may immediately seek to
314 place the surrendered infant in a prospective adoptive home.

315 (4) The parent who surrenders the infant in accordance
316 with s. 383.50 is presumed to have consented to termination of
317 parental rights, and express consent is not required. Except
318 when there is actual or suspected child abuse or neglect, the
319 licensed child-placing agency shall not attempt to pursue,
320 search for, or notify that parent as provided in s. 63.088 and
321 chapter 49. For purposes of s. 383.50 and this section, an
322 infant who tests positive for illegal drugs, narcotic
323 prescription drugs, alcohol, or other substances, but shows no
324 other signs of child abuse or neglect, shall be placed in the
325 custody of a licensed child-placing agency. Such a placement
326 does not eliminate the reporting requirement under s. 383.50(7).
327 When the department is contacted regarding an infant properly
328 surrendered under this section and s. 383.50, the department
329 shall provide instruction to contact a licensed child-placing
330 agency and may not take custody of the infant unless reasonable
331 efforts to contact a licensed child-placing agency to accept the
332 infant have not been successful.

333 (7) If a claim of parental rights of a surrendered infant
334 is made before the judgment to terminate parental rights is
335 entered, the circuit court may hold the action for termination
336 of parental rights ~~pending subsequent adoption~~ in abeyance for a

337 period of time not to exceed 60 days.

338 (a) The court may order scientific testing to determine
 339 maternity or paternity at the expense of the parent claiming
 340 parental rights.

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

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

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

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

357 (9) (a) A judgment terminating parental rights pending
 358 adoption is voidable, and any later judgment of adoption of that
 359 minor is voidable, if, upon the motion of a ~~birth~~ parent, the
 360 court finds that a person knowingly gave false information that
 361 prevented the ~~birth~~ parent from timely making known his or her
 362 desire to assume parental responsibilities toward the minor or
 363 from exercising his or her parental rights. A motion under this
 364 subsection must be filed with the court originally entering the

365 judgment. The motion must be filed within a reasonable time but
366 not later than 1 year after the entry of the judgment
367 terminating parental rights.

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

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

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

397 Section 7. Section 63.0427, Florida Statutes, is amended
 398 to read:

399 63.0427 Agreements for ~~Adopted minor's right to~~ continued
 400 communication or contact between adopted child and ~~with~~
 401 siblings, parents, and other relatives.—

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

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

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

416 (c) Statements of the prospective adoptive parents.

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

419

420 If the court determines that the child's best interests will be

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

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

443 Section 8. Subsections (1), (2), (3), and (6) of section
444 63.052, Florida Statutes, are amended to read:

445 63.052 Guardians designated; proof of commitment.—

446 (1) For minors who have been placed for adoption with ~~and~~
447 ~~permanently committed to~~ an adoption entity, other than an
448 intermediary, such adoption entity shall be the guardian of the

449 person of the minor and has the responsibility and authority to
450 provide for the needs and welfare of the minor.

451 (2) For minors who have been voluntarily surrendered to an
452 intermediary through an execution of a consent to adoption, the
453 intermediary shall be responsible for the minor until the time a
454 court orders preliminary approval of placement of the minor in
455 the prospective adoptive home, after which time the prospective
456 adoptive parents shall become guardians pending finalization of
457 adoption, subject to the intermediary's right and responsibility
458 to remove the child from the prospective adoptive home if the
459 removal is deemed by the intermediary to be in the best
460 interests ~~interest~~ of the child. The intermediary may not remove
461 the child without a court order unless the child is in danger of
462 imminent harm. The intermediary does not become responsible for
463 the minor child's medical bills that were incurred before taking
464 physical custody of the child after the execution of adoption
465 consents. Prior to the court's entry of an order granting
466 preliminary approval of the placement, the intermediary shall
467 have the responsibility and authority to provide for the needs
468 and welfare of the minor. A ~~No~~ minor may not ~~shall~~ be placed in
469 a prospective adoptive home until that home has received a
470 favorable preliminary home study, as provided in s. 63.092,
471 completed and approved within 1 year before such placement in
472 the prospective home. The provisions of s. 627.6578 shall remain
473 in effect notwithstanding the guardianship provisions in this
474 section.

475 (3) If a minor is surrendered to an adoption entity for
476 subsequent adoption and a suitable prospective adoptive home is

477 not available pursuant to s. 63.092 at the time the minor is
 478 surrendered to the adoption entity, the minor must be placed in
 479 a licensed foster care home, ~~or~~ with a person or family that has
 480 received a favorable preliminary home study pursuant to
 481 subsection (2), or with a relative until ~~such~~ a suitable
 482 prospective adoptive home is available.

483 (6) Unless otherwise authorized by law or ordered by the
 484 court, the department is not responsible for expenses incurred
 485 by other adoption entities participating in a placement of a
 486 minor.

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

489 63.053 Rights and responsibilities of an unmarried
 490 biological father; legislative findings.—

491 (2) The Legislature finds that the interests of the state,
 492 the mother, the child, and the adoptive parents described in
 493 this chapter outweigh the interest of an unmarried biological
 494 father who does not take action in a timely manner to establish
 495 and demonstrate a relationship with his child in accordance with
 496 the requirements of this chapter. An unmarried biological father
 497 has the primary responsibility to protect his rights and is
 498 presumed to know that his child may be adopted without his
 499 consent unless he strictly complies with ~~the provisions of~~ this
 500 chapter and demonstrates a prompt and full commitment to his
 501 parental responsibilities.

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

504 Section 10. Subsections (1), (2), (4), and (13) of section

505 63.054, Florida Statutes, are amended to read:

506 63.054 Actions required by an unmarried biological father
507 to establish parental rights; Florida Putative Father Registry.—

508 (1) In order to preserve the right to notice and consent
509 to an adoption under this chapter, an unmarried biological
510 father must, as the "registrant," file a notarized claim of
511 paternity form with the Florida Putative Father Registry
512 maintained by the Office of Vital Statistics of the Department
513 of Health which includes confirmation of his willingness and
514 intent to support the child for whom paternity is claimed in
515 accordance with state law. The claim of paternity may be filed
516 at any time before the child's birth, but may not be filed after
517 the date a petition is filed for termination of parental rights.
518 In each proceeding for termination of parental rights, the
519 petitioner must submit to the Office of Vital Statistics a copy
520 of the petition for termination of parental rights or a document
521 executed by the clerk of the court showing the style of the
522 case, the names of the persons whose rights are sought to be
523 terminated, and the date and time of the filing of the petition.
524 The Office of Vital Statistics may not record a claim of
525 paternity after the date a petition for termination of parental
526 rights is filed. The failure of an unmarried biological father
527 to file a claim of paternity with the registry before the date a
528 petition for termination of parental rights is filed also bars
529 him from filing a paternity claim under chapter 742.

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

533 1. The mother identifies him to the adoption entity as a
534 potential biological father by the date she executes a consent
535 for adoption; and

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

540 (b) If an unmarried biological father falls within the
541 exception provided by paragraph (a), the petitioner shall also
542 submit to the Office of Vital Statistics a copy of the notice of
543 intended adoption plan and proof of service of the notice on the
544 potential biological father.

545 (c) An unmarried biological father who falls within the
546 exception provided by paragraph (a) may not file a claim of
547 paternity with the registry or a paternity claim under chapter
548 742 after the 30-day mandatory response date to the notice of
549 intended adoption plan has expired. The Office of Vital
550 Statistics may not record a claim of paternity 30 days after
551 service of the notice of intended adoption plan.

552 (2) By filing a claim of paternity form with the Office of
553 Vital Statistics, the registrant expressly consents to submit to
554 and pay for DNA testing upon the request of any party, the
555 registrant, or the adoption entity with respect to the child
556 referenced in the claim of paternity.

557 (4) Upon initial registration, or at any time thereafter,
558 the registrant may designate a physical ~~an~~ address other than
559 his residential address for sending any communication regarding
560 his registration. Similarly, upon initial registration, or at

561 any time thereafter, the registrant may designate, in writing,
 562 an agent or representative to receive any communication on his
 563 behalf and receive service of process. The agent or
 564 representative must file an acceptance of the designation, in
 565 writing, in order to receive notice or service of process. The
 566 failure of the designated representative or agent of the
 567 registrant to deliver or otherwise notify the registrant of
 568 receipt of correspondence from the Florida Putative Father
 569 Registry is at the registrant's own risk and may ~~shall~~ not serve
 570 as a valid defense based upon lack of notice.

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

577 Section 11. Paragraph (b) of subsection (1), subsections
 578 (2), (3), and (4), and paragraph (a) of subsection (8) of
 579 section 63.062, Florida Statutes, are amended to read:

580 63.062 Persons required to consent to adoption; affidavit
 581 of nonpaternity; waiver of venue.—

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

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

588 1. The minor was conceived or born while the father was

589 married to the mother;

590 2. The minor is his child by adoption;

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

594 4. He has filed an affidavit of paternity pursuant to s.
595 382.013(2)(c) or he is listed on the child's birth certificate
596 before ~~by~~ the date a petition ~~is filed~~ for termination of
597 parental rights is filed; or

598 5. In the case of an unmarried biological father, he has
599 acknowledged in writing, signed in the presence of a competent
600 witness, that he is the father of the minor, has filed such
601 acknowledgment with the Office of Vital Statistics of the
602 Department of Health within the required timeframes, and has
603 complied with the requirements of subsection (2).

604
605 The status of the father shall be determined at the time of the
606 filing of the petition to terminate parental rights and may not
607 be modified, except as otherwise provided in s. 63.0423(9)(a),
608 for purposes of his obligations and rights under this chapter by
609 acts occurring after the filing of the petition to terminate
610 parental rights.

611 (2) In accordance with subsection (1), the consent of an
612 unmarried biological father shall be necessary only if the
613 unmarried biological father has complied with the requirements
614 of this subsection.

615 (a)1. With regard to a child who is placed with adoptive
616 parents more than 6 months after the child's birth, an unmarried

617 biological father must have developed a substantial relationship
618 with the child, taken some measure of responsibility for the
619 child and the child's future, and demonstrated a full commitment
620 to the responsibilities of parenthood by providing reasonable
621 and regular financial support to the child in accordance with
622 the unmarried biological father's ability, if not prevented from
623 doing so by the person or authorized agency having lawful
624 custody of the child, and either:

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

629 b. Maintained regular communication with the child or with
630 the person or agency having the care or custody of the child,
631 when physically or financially unable to visit the child or when
632 not prevented from doing so by the birth mother or person or
633 authorized agency having lawful custody of the child.

634 ~~2. The mere fact that an unmarried biological father~~
635 ~~expresses a desire to fulfill his responsibilities towards his~~
636 ~~child which is unsupported by acts evidencing this intent does~~
637 ~~not preclude a finding by the court that the unmarried~~
638 ~~biological father failed to comply with the requirements of this~~
639 ~~subsection.~~

640 ~~2.3.~~ An unmarried biological father who openly lived with
641 the child for at least 6 months within the 1-year period
642 following the birth of the child and immediately preceding
643 placement of the child with adoptive parents and who openly held
644 himself out to be the father of the child during that period

645 shall be deemed to have developed a substantial relationship
646 with the child and to have otherwise met the requirements of
647 this paragraph.

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

654 1. Filed a notarized claim of paternity form with the
655 Florida Putative Father Registry within the Office of Vital
656 Statistics of the Department of Health, which form shall be
657 maintained in the confidential registry established for that
658 purpose and shall be considered filed when the notice is entered
659 in the registry of notices from unmarried biological fathers.

660 2. Upon service of a notice of an intended adoption plan
661 or a petition for termination of parental rights pending
662 adoption, executed and filed an affidavit in that proceeding
663 stating that he is personally fully able and willing to take
664 responsibility for the child, setting forth his plans for care
665 of the child, and agreeing to a court order of child support and
666 a contribution to the payment of living and medical expenses
667 incurred for the mother's pregnancy and the child's birth in
668 accordance with his ability to pay.

669 3. If he had knowledge of the pregnancy, paid a fair and
670 reasonable amount of the living and medical expenses incurred in
671 connection with the mother's pregnancy and the child's birth, in
672 accordance with his financial ability and when not prevented

673 from doing so by the birth mother or person or authorized agency
674 having lawful custody of the child. The responsibility of the
675 unmarried biological father to provide financial assistance to
676 the birth mother during her pregnancy and to the child after
677 birth is not abated because support is being provided to the
678 birth mother or child by the adoption entity, a prospective
679 adoptive parent, or a third party, nor does it serve as a basis
680 to excuse the birth father's failure to provide support.

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

685 (d)-(e) The petitioner shall file with the court a
686 certificate from the Office of Vital Statistics stating that a
687 diligent search has been made of the Florida Putative Father
688 Registry of notices from unmarried biological fathers described
689 in subparagraph (b)1. and that no filing has been found
690 pertaining to the father of the child in question or, if a
691 filing is found, stating the name of the putative father and the
692 time and date of filing. That certificate shall be filed with
693 the court prior to the entry of a final judgment of termination
694 of parental rights.

695 (e)-(d) An unmarried biological father who does not comply
696 with each of the conditions provided in this subsection is
697 deemed to have waived and surrendered any rights in relation to
698 the child, including the right to notice of any judicial
699 proceeding in connection with the adoption of the child, and his
700 consent to the adoption of the child is not required.

701 (3) Pursuant to chapter 48, an adoption entity shall serve
702 a notice of intended adoption plan upon any known and locatable
703 unmarried biological father who is identified to the adoption
704 entity by the mother by the date she signs her consent for
705 adoption if the child is 6 months of age or less at the time the
706 consent is executed ~~or who is identified by a diligent search of~~
707 ~~the Florida Putative Father Registry, or upon an entity whose~~
708 ~~consent is required~~. Service of the notice of intended adoption
709 plan is not required ~~mandatory~~ when the unmarried biological
710 father signs a consent for adoption or an affidavit of
711 nonpaternity or when the child is more than 6 months of age at
712 the time of the execution of the consent by the mother. The
713 notice may be served at any time before the child's birth or
714 before placing the child in the adoptive home. The recipient of
715 the notice may waive service of process by executing a waiver
716 and acknowledging receipt of the plan. The notice of intended
717 adoption plan must specifically state that if the unmarried
718 biological father desires to contest the adoption plan he must,
719 within 30 days after service, file with the court a verified
720 response that contains a pledge of commitment to the child in
721 substantial compliance with subparagraph (2)(b)2. and a claim of
722 paternity form with the Office of Vital Statistics, and must
723 provide the adoption entity with a copy of the verified response
724 filed with the court and the claim of paternity form filed with
725 the Office of Vital Statistics. The notice must also include
726 instructions for submitting a claim of paternity form to the
727 Office of Vital Statistics and the address to which the claim
728 must be sent. If the party served with the notice of intended

729 adoption plan is an entity whose consent is required, the notice
730 must specifically state that the entity must file, within 30
731 days after service, a verified response setting forth a legal
732 basis for contesting the intended adoption plan, specifically
733 addressing the best interests ~~interest~~ of the child.

734 (a) If the unmarried biological father or entity whose
735 consent is required fails to timely and properly file a verified
736 response with the court and, in the case of an unmarried
737 biological father, a claim of paternity form with the Office of
738 Vital Statistics, the court shall enter a default judgment
739 against the ~~any~~ unmarried biological father or entity and the
740 consent of that unmarried biological father or entity shall no
741 longer be required under this chapter and shall be deemed to
742 have waived any claim of rights to the child. To avoid an entry
743 of a default judgment, within 30 days after receipt of service
744 of the notice of intended adoption plan:

745 1. The unmarried biological father must:

- 746 a. File a claim of paternity with the Florida Putative
747 Father Registry maintained by the Office of Vital Statistics;
748 b. File a verified response with the court which contains
749 a pledge of commitment to the child in substantial compliance
750 with subparagraph (2) (b) 2.; and
751 c. Provide support for the birth mother and the child.

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

756 (b) If the mother identifies a potential unmarried

757 biological father within the timeframes required by the statute,
758 whose location is unknown, the adoption entity shall conduct a
759 diligent search pursuant to s. 63.088. If, upon completion of a
760 diligent search, the potential unmarried biological father's
761 location remains unknown and a search of the Florida Putative
762 Father Registry fails to reveal a match, the adoption entity
763 shall request in the petition for termination of parental rights
764 pending adoption that the court declare the diligent search to
765 be in compliance with s. 63.088, that the adoption entity has no
766 further obligation to provide notice to the potential unmarried
767 biological father, and that the potential unmarried biological
768 father's consent to the adoption is not required.

769 (4) Any person whose consent is required under paragraph
770 (1)(b), or any other man, may execute an irrevocable affidavit
771 of nonpaternity in lieu of a consent under this section and by
772 doing so waives notice to all court proceedings after the date
773 of execution. An affidavit of nonpaternity must be executed as
774 provided in s. 63.082. The affidavit of nonpaternity may be
775 executed prior to the birth of the child. The person executing
776 the affidavit must receive disclosure under s. 63.085 prior to
777 signing the affidavit. For purposes of this chapter, an
778 affidavit of nonpaternity is sufficient if it contains a
779 specific denial of parental obligations and does not need to
780 deny the existence of a biological relationship.

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

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

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

787 63.063 Responsibility of parents for actions; fraud or
 788 misrepresentation; contesting termination of parental rights and
 789 adoption.—

790 (2) Any person injured by a fraudulent representation or
 791 action in connection with an adoption may pursue civil or
 792 criminal penalties as provided by law. A fraudulent
 793 representation is not a defense to compliance with the
 794 requirements of this chapter and is not a basis for dismissing a
 795 petition for termination of parental rights or a petition for
 796 adoption, for vacating an adoption decree, or for granting
 797 custody to the offended party. Custody and adoption
 798 determinations must be based on the best interests ~~interest~~ of
 799 the child in accordance with s. 61.13.

800 Section 13. Paragraph (d) of subsection (1), paragraphs
 801 (c) and (d) of subsection (3), paragraphs (a), (d), and (e) of
 802 subsection (4), and subsections (6) and (7) of section 63.082,
 803 Florida Statutes, are amended to read:

804 63.082 Execution of consent to adoption or affidavit of
 805 nonpaternity; family social and medical history; revocation
 806 ~~withdrawal~~ of consent.—

807 (1)

808 (d) The notice and consent provisions of this chapter as
 809 they relate to the father ~~birth~~ of a child ~~or to legal fathers~~
 810 do not apply in cases in which the child is conceived as a
 811 result of a violation of the criminal laws of this or another
 812 state or country, including, but not limited to, sexual battery,

813 unlawful sexual activity with certain minors under s. 794.05,
814 lewd acts perpetrated upon a minor, or incest.

815 (3)

816 (c) If any person who is required to consent is
817 unavailable because the person cannot be located, an the
818 ~~petition to terminate parental rights pending adoption must be~~
819 ~~accompanied by the~~ affidavit of diligent search required under
820 s. 63.088 shall be filed.

821 (d) If any person who is required to consent is
822 unavailable because the person is deceased, the petition to
823 terminate parental rights pending adoption must be accompanied
824 by a certified copy of the death certificate. In an adoption of
825 a stepchild or a relative, the certified copy of the death
826 certificate of the person whose consent is required may ~~must~~ be
827 attached to the petition for adoption if a separate petition for
828 termination of parental rights is not being filed.

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

833 (d) The consent to adoption or the affidavit of
834 nonpaternity must be signed in the presence of two witnesses and
835 be acknowledged before a notary public who is not signing as one
836 of the witnesses. The notary public must legibly note on the
837 consent or the affidavit the date and time of execution. The
838 witnesses' names must be typed or printed underneath their
839 signatures. The witnesses' home or business addresses must be
840 included. The person who signs the consent or the affidavit has

841 the right to have at least one of the witnesses be an individual
 842 who does not have an employment, professional, or personal
 843 relationship with the adoption entity or the prospective
 844 adoptive parents. The adoption entity must give reasonable
 845 advance notice to the person signing the consent or affidavit of
 846 the right to select a witness of his or her own choosing. The
 847 person who signs the consent or affidavit must acknowledge in
 848 writing on the consent or affidavit that such notice was given
 849 and indicate the witness, if any, who was selected by the person
 850 signing the consent or affidavit. The adoption entity must
 851 include its name, address, and telephone number on the consent
 852 to adoption or affidavit of nonpaternity.

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

857 CONSENT TO ADOPTION

858
 859 YOU HAVE THE RIGHT TO SELECT AT LEAST ONE PERSON WHO DOES NOT
 860 HAVE AN EMPLOYMENT, PROFESSIONAL, OR PERSONAL RELATIONSHIP WITH
 861 THE ADOPTION ENTITY OR THE PROSPECTIVE ADOPTIVE PARENTS TO BE
 862 PRESENT WHEN THIS AFFIDAVIT IS EXECUTED AND TO SIGN IT AS A
 863 WITNESS. YOU MUST ACKNOWLEDGE ON THIS FORM THAT YOU WERE
 864 NOTIFIED OF THIS RIGHT AND YOU MUST INDICATE THE WITNESS OR
 865 WITNESSES YOU SELECTED, IF ANY.

866
 867 YOU DO NOT HAVE TO SIGN THIS CONSENT FORM. YOU MAY DO ANY OF THE
 868 FOLLOWING INSTEAD OF SIGNING THIS CONSENT OR BEFORE SIGNING THIS

869 CONSENT:

870

871 1. CONSULT WITH AN ATTORNEY;

872 2. HOLD, CARE FOR, AND FEED THE CHILD UNLESS OTHERWISE
873 LEGALLY PROHIBITED;

874 3. PLACE THE CHILD IN FOSTER CARE OR WITH ANY FRIEND OR
875 FAMILY MEMBER YOU CHOOSE WHO IS WILLING TO CARE FOR THE
876 CHILD;

877 4. TAKE THE CHILD HOME UNLESS OTHERWISE LEGALLY
878 PROHIBITED; AND

879 5. FIND OUT ABOUT THE COMMUNITY RESOURCES THAT ARE
880 AVAILABLE TO YOU IF YOU DO NOT GO THROUGH WITH THE
881 ADOPTION.

882

883 IF YOU DO SIGN THIS CONSENT, YOU ARE GIVING UP ALL RIGHTS TO
884 YOUR CHILD. YOUR CONSENT IS VALID, BINDING, AND IRREVOCABLE
885 EXCEPT UNDER SPECIFIC LEGAL CIRCUMSTANCES. IF YOU ARE GIVING UP
886 YOUR RIGHTS TO A NEWBORN CHILD WHO IS TO BE IMMEDIATELY PLACED
887 FOR ADOPTION UPON THE CHILD'S RELEASE FROM A LICENSED HOSPITAL
888 OR BIRTH CENTER FOLLOWING BIRTH, A WAITING PERIOD WILL BE
889 IMPOSED UPON THE BIRTH MOTHER BEFORE SHE MAY SIGN THE CONSENT
890 FOR ADOPTION. A BIRTH MOTHER MUST WAIT 48 HOURS FROM THE TIME OF
891 BIRTH, OR UNTIL THE DAY THE BIRTH MOTHER HAS BEEN NOTIFIED IN
892 WRITING, EITHER ON HER PATIENT CHART OR IN RELEASE PAPERS, THAT
893 SHE IS FIT TO BE RELEASED FROM A LICENSED HOSPITAL OR BIRTH
894 CENTER, WHICHEVER IS SOONER, BEFORE THE CONSENT FOR ADOPTION MAY
895 BE EXECUTED. ANY MAN MAY EXECUTE A CONSENT AT ANY TIME AFTER THE
896 BIRTH OF THE CHILD. ONCE YOU HAVE SIGNED THE CONSENT, IT IS

897 VALID, BINDING, AND IRREVOCABLE AND CANNOT BE INVALIDATED
 898 ~~WITHDRAWN~~ UNLESS A COURT FINDS THAT IT WAS OBTAINED BY FRAUD OR
 899 DURESS.

900
 901 IF YOU BELIEVE THAT YOUR CONSENT WAS OBTAINED BY FRAUD OR DURESS
 902 AND YOU WISH TO INVALIDATE ~~REVOKE~~ THAT CONSENT, YOU MUST:

- 903
- 904 1. NOTIFY THE ADOPTION ENTITY, BY WRITING A LETTER, THAT
 - 905 YOU WISH TO WITHDRAW YOUR CONSENT; AND
 - 906 2. PROVE IN COURT THAT THE CONSENT WAS OBTAINED BY FRAUD
 - 907 OR DURESS.

908
 909 This statement of rights is not required for the adoption of a
 910 relative, an adult, a stepchild, or a child older than 6 months
 911 of age. A consent form for the adoption of a child older than 6
 912 months of age at the time of the execution of consent must
 913 contain a statement outlining the revocation rights provided in
 914 paragraph (c).

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

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

925 copy of the preliminary home study of the prospective adoptive
926 parents and any other evidence of the suitability of the
927 placement. The preliminary home study must be maintained with
928 strictest confidentiality within the dependency court file and
929 the department's file. A preliminary home study must be provided
930 to the court in all cases in which an adoption entity has
931 intervened pursuant to this section. Unless the court has
932 concerns regarding the qualifications of the home study
933 provider, or concerns that the home study may not be adequate to
934 determine the best interests of the child, the home study
935 provided by the adoption entity shall be deemed to be sufficient
936 and no additional home study needs to be performed by the
937 department.

938 (c) If an adoption entity files a motion to intervene in
939 the dependency case in accordance with this chapter, the
940 dependency court shall promptly grant a hearing to determine
941 whether the adoption entity has filed the required documents to
942 be permitted to intervene and whether a change of placement of
943 the child is appropriate.

944 (d)(e) Upon a determination by the court that the
945 prospective adoptive parents are properly qualified to adopt the
946 minor child and that the adoption appears to be in the best
947 interests ~~interest~~ of the minor child, the court shall
948 immediately order the transfer of custody of the minor child to
949 the prospective adoptive parents, under the supervision of the
950 adoption entity. The adoption entity shall thereafter provide
951 monthly supervision reports to the department until finalization
952 of the adoption. If the child has been determined to be

953 dependent by the court, the department shall provide information
 954 to the prospective adoptive parents at the time they receive
 955 placement of the dependent child regarding approved parent
 956 training classes available within the community. The department
 957 shall file with the court an acknowledgement of the parent's
 958 receipt of the information regarding approved parent training
 959 classes available within the community.

960 (e) ~~(d)~~ In determining whether the best interests interest
 961 of the child are is served by transferring the custody of the
 962 minor child to the prospective adoptive parent selected by the
 963 parent, the court shall consider the rights of the parent to
 964 determine an appropriate placement for the child, the permanency
 965 offered, the child's bonding with any potential adoptive home
 966 that the child has been residing in, and the importance of
 967 maintaining sibling relationships, if possible.

968 (f) The adoption entity shall be responsible for keeping
 969 the dependency court informed of the status of the adoption
 970 proceedings at least every 90 days from the date of the order
 971 changing placement of the child until the date of finalization
 972 of the adoption.

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

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

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

988 (b) Upon receiving timely written notice from a person
989 whose consent to adoption is required of that person's desire to
990 revoke ~~withdraw~~ consent, the adoption entity must contact the
991 prospective adoptive parent to arrange a time certain for the
992 adoption entity to regain physical custody of the minor, unless,
993 upon a motion for emergency hearing by the adoption entity, the
994 court determines in written findings that placement of the minor
995 with the person who had legal or physical custody of the child
996 immediately before the child was placed for adoption may
997 endanger the minor or that the person who desires to revoke
998 ~~withdraw~~ consent is not required to consent to the adoption, has
999 been determined to have abandoned the child, or is otherwise
1000 subject to a determination that the person's consent is waived
1001 under this chapter.

1002 (c) If the court finds that the placement may endanger the
1003 minor, the court shall enter an order continuing the placement
1004 of the minor with the prospective adoptive parents pending
1005 further proceedings if they desire continued placement. If the
1006 prospective adoptive parents do not desire continued placement,
1007 the order must include, but need not be limited to, a
1008 determination of whether temporary placement in foster care,

1009 with the person who had legal or physical custody of the child
 1010 immediately before placing the child for adoption, or with a
 1011 relative is in the best interests ~~interest~~ of the child and
 1012 whether an investigation by the department is recommended.

1013 (d) If the person revoking ~~withdrawing~~ consent claims to
 1014 be the father of the minor but has not been established to be
 1015 the father by marriage, court order, or scientific testing, the
 1016 court may order scientific paternity testing and reserve ruling
 1017 on removal of the minor until the results of such testing have
 1018 been filed with the court.

1019 (e) The adoption entity must return the minor within 3
 1020 business days after timely and proper notification of the
 1021 revocation ~~withdrawal~~ of consent or after the court determines
 1022 that revocation ~~withdrawal~~ is timely and in accordance with the
 1023 requirements of this chapter ~~valid and binding~~ upon
 1024 consideration of an emergency motion, as filed pursuant to
 1025 paragraph (b), to the physical custody of the person revoking
 1026 ~~withdrawing~~ consent or the person directed by the court. If the
 1027 person seeking to revoke ~~withdraw~~ consent claims to be the
 1028 father of the minor but has not been established to be the
 1029 father by marriage, court order, or scientific testing, the
 1030 adoption entity may return the minor to the care and custody of
 1031 the mother, if she desires such placement and she is not
 1032 otherwise prohibited by law from having custody of the child.

1033 (f) Following the revocation period ~~for withdrawal of~~
 1034 ~~consent~~ described in paragraph (a), ~~or the placement of the~~
 1035 ~~child with the prospective adoptive parents, whichever occurs~~
 1036 ~~later~~, consent may be set aside ~~withdrawn~~ only when the court

1037 finds that the consent was obtained by fraud or duress.

1038 (g) An affidavit of nonpaternity may be set aside
 1039 ~~withdrawn~~ only if the court finds that the affidavit was
 1040 obtained by fraud or duress.

1041 (h) If the consent of one parent is set aside or revoked
 1042 in accordance with this chapter, any other consents executed by
 1043 the other parent or a third party whose consent is required for
 1044 the adoption of the child may not be used by the parent who
 1045 consent was revoked or set aside to terminate or diminish the
 1046 rights of the other parent or third party whose consent was
 1047 required for the adoption of the child.

1048 Section 14. Subsection (1) and paragraph (a) of subsection
 1049 (2) of section 63.085, Florida Statutes, are amended, and
 1050 paragraph (c) is added to subsection (2) of that section, to
 1051 read:

1052 63.085 Disclosure by adoption entity.—

1053 (1) DISCLOSURE REQUIRED TO PARENTS AND PROSPECTIVE
 1054 ADOPTIVE PARENTS.—Within 14 days after a person seeking to adopt
 1055 a minor or a person seeking to place a minor for adoption
 1056 contacts an adoption entity in person or provides the adoption
 1057 entity with a mailing address, the entity must provide a written
 1058 disclosure statement to that person if the entity agrees or
 1059 continues to work with the person. The adoption entity shall
 1060 also provide the written disclosure to the parent who did not
 1061 initiate contact with the adoption entity within 14 days after
 1062 that parent is identified and located. For purposes of providing
 1063 the written disclosure, a person is considered to be seeking to
 1064 place a minor for adoption if that person has sought information

1065 or advice from the adoption entity regarding the option of
 1066 adoptive placement. The written disclosure statement must be in
 1067 substantially the following form:

1068
 1069 ADOPTION DISCLOSURE

1070 THE STATE OF FLORIDA REQUIRES THAT THIS FORM BE PROVIDED TO ALL
 1071 PERSONS CONSIDERING ADOPTING A MINOR OR SEEKING TO PLACE A MINOR
 1072 FOR ADOPTION, TO ADVISE THEM OF THE FOLLOWING FACTS REGARDING
 1073 ADOPTION UNDER FLORIDA LAW:

1074
 1075 1. The name, address, and telephone number of the adoption
 1076 entity providing this disclosure is:

1077 Name:

1078 Address:

1079 Telephone Number:

1080 2. The adoption entity does not provide legal
 1081 representation or advice to parents or anyone signing a consent
 1082 for adoption or affidavit of nonpaternity, and parents have the
 1083 right to consult with an attorney of their own choosing to
 1084 advise them.

1085 3. With the exception of an adoption by a stepparent or
 1086 relative, a child cannot be placed into a prospective adoptive
 1087 home unless the prospective adoptive parents have received a
 1088 favorable preliminary home study, including criminal and child
 1089 abuse clearances.

1090 4. A valid consent for adoption may not be signed by the
 1091 birth mother until 48 hours after the birth of the child, or the
 1092 day the birth mother is notified, in writing, that she is fit

1093 | for discharge from the licensed hospital or birth center. Any
1094 | man may sign a valid consent for adoption at any time after the
1095 | birth of the child.

1096 | 5. A consent for adoption signed before the child attains
1097 | the age of 6 months is binding and irrevocable from the moment
1098 | it is signed unless it can be proven in court that the consent
1099 | was obtained by fraud or duress. A consent for adoption signed
1100 | after the child attains the age of 6 months is valid from the
1101 | moment it is signed; however, it may be revoked up to 3 business
1102 | days after it was signed.

1103 | 6. A consent for adoption is not valid if the signature of
1104 | the person who signed the consent was obtained by fraud or
1105 | duress.

1106 | 7. An unmarried biological father must act immediately in
1107 | order to protect his parental rights. Section 63.062, Florida
1108 | Statutes, prescribes that any father seeking to establish his
1109 | right to consent to the adoption of his child must file a claim
1110 | of paternity with the Florida Putative Father Registry
1111 | maintained by the Office of Vital Statistics of the Department
1112 | of Health by the date a petition to terminate parental rights is
1113 | filed with the court, or within 30 days after receiving service
1114 | of a Notice of Intended Adoption Plan. If he receives a Notice
1115 | of Intended Adoption Plan, he must file a claim of paternity
1116 | with the Florida Putative Father Registry, file a parenting plan
1117 | with the court, and provide financial support to the mother or
1118 | child within 30 days following service. An unmarried biological
1119 | father's failure to timely respond to a Notice of Intended
1120 | Adoption Plan constitutes an irrevocable legal waiver of any and

1121 all rights that the father may have to the child. A claim of
1122 paternity registration form for the Florida Putative Father
1123 Registry may be obtained from any local office of the Department
1124 of Health, Office of Vital Statistics, the Department of
1125 Children and Families, the Internet websites for these agencies,
1126 and the offices of the clerks of the Florida circuit courts. The
1127 claim of paternity form must be submitted to the Office of Vital
1128 Statistics, Attention: Adoption Unit, P.O. Box 210,
1129 Jacksonville, FL 32231.

1130 8. There are alternatives to adoption, including foster
1131 care, relative care, and parenting the child. There may be
1132 services and sources of financial assistance in the community
1133 available to parents if they choose to parent the child.

1134 9. A parent has the right to have a witness of his or her
1135 choice, who is unconnected with the adoption entity or the
1136 adoptive parents, to be present and witness the signing of the
1137 consent or affidavit of nonpaternity.

1138 10. A parent 14 years of age or younger must have a
1139 parent, legal guardian, or court-appointed guardian ad litem to
1140 assist and advise the parent as to the adoption plan and to
1141 witness consent.

1142 11. A parent has a right to receive supportive counseling
1143 from a counselor, social worker, physician, clergy, or attorney.

1144 12. The payment of living or medical expenses by the
1145 prospective adoptive parents before the birth of the child does
1146 not, in any way, obligate the parent to sign the consent for
1147 adoption.

1148 (2) DISCLOSURE TO ADOPTIVE PARENTS.—

1149 (a) At the time that an adoption entity is responsible for
1150 selecting prospective adoptive parents for a born or unborn
1151 child whose parents are seeking to place the child for adoption
1152 or whose rights were terminated pursuant to chapter 39, the
1153 adoption entity must provide the prospective adoptive parents
1154 with information concerning the background of the child to the
1155 extent such information is disclosed to the adoption entity by
1156 the parents, legal custodian, or the department. This subsection
1157 applies only if the adoption entity identifies the prospective
1158 adoptive parents and supervises the ~~physical~~ placement of the
1159 child in the prospective adoptive parents' home. If any
1160 information cannot be disclosed because the records custodian
1161 failed or refused to produce the background information, the
1162 adoption entity has a duty to provide the information if it
1163 becomes available. An individual or entity contacted by an
1164 adoption entity to obtain the background information must
1165 release the requested information to the adoption entity without
1166 the necessity of a subpoena or a court order. In all cases, the
1167 prospective adoptive parents must receive all available
1168 information by the date of the final hearing on the petition for
1169 adoption. The information to be disclosed includes:

1170 1. A family social and medical history form completed
1171 pursuant to s. 63.162(6).

1172 2. The biological mother's medical records documenting her
1173 prenatal care and the birth and delivery of the child.

1174 3. A complete set of the child's medical records
1175 documenting all medical treatment and care since the child's
1176 birth and before placement.

1177 4. All mental health, psychological, and psychiatric
 1178 records, reports, and evaluations concerning the child before
 1179 placement.

1180 5. The child's educational records, including all records
 1181 concerning any special education needs of the child before
 1182 placement.

1183 6. Records documenting all incidents that required the
 1184 department to provide services to the child, including all
 1185 orders of adjudication of dependency or termination of parental
 1186 rights issued pursuant to chapter 39, any case plans drafted to
 1187 address the child's needs, all protective services
 1188 investigations identifying the child as a victim, and all
 1189 guardian ad litem reports filed with the court concerning the
 1190 child.

1191 7. Written information concerning the availability of
 1192 adoption subsidies for the child, if applicable.

1193 (c) If the prospective adoptive parents waive the receipt
 1194 of any of the records described in paragraph (a), a copy of the
 1195 written notification of the waiver to the adoption entity shall
 1196 be filed with the court.

1197 Section 15. Subsection (6) of section 63.087, Florida
 1198 Statutes, is amended to read:

1199 63.087 Proceeding to terminate parental rights pending
 1200 adoption; general provisions.—

1201 (6) ANSWER AND APPEARANCE REQUIRED.—An answer to the
 1202 petition or any pleading requiring an answer must be filed in
 1203 accordance with the Florida Family Law Rules of Procedure.
 1204 Failure to file a written response to the petition constitutes

1205 grounds upon which the court may terminate parental rights.
 1206 Failure to personally appear at the hearing constitutes grounds
 1207 upon which the court may terminate parental rights. Any person
 1208 present at the hearing to terminate parental rights pending
 1209 adoption whose consent to adoption is required under s. 63.062
 1210 must:

1211 (a) Be advised by the court that he or she has a right to
 1212 ask that the hearing be reset for a later date so that the
 1213 person may consult with an attorney; and

1214 (b) Be given an opportunity to admit or deny the
 1215 allegations in the petition.

1216 Section 16. Subsection (4) of section 63.088, Florida
 1217 Statutes, is amended to read:

1218 63.088 Proceeding to terminate parental rights pending
 1219 adoption; notice and service; diligent search.—

1220 (4) REQUIRED INQUIRY.—In proceedings initiated under s.
 1221 63.087, the court shall conduct an inquiry of the person who is
 1222 placing the minor for adoption and of any relative or person
 1223 having legal custody of the minor who is present at the hearing
 1224 and likely to have the following information regarding the
 1225 identity of:

1226 (a) Any man to whom the mother of the minor was married at
 1227 any time when conception of the minor may have occurred or at
 1228 the time of the birth of the minor;

1229 (b) Any man who has filed an affidavit of paternity
 1230 pursuant to s. 382.013(2)(c) before the date that a petition for
 1231 termination of parental rights is filed with the court;

1232 (c) Any man who has adopted the minor;

1233 (d) Any man who has been adjudicated by a court as the
 1234 father of the minor child before the date a petition for
 1235 termination of parental rights is filed with the court; and

1236 (e) Any man whom the mother identified to the adoption
 1237 entity as a potential biological father before the date she
 1238 signed the consent for adoption.

1239
 1240 The information sought under this subsection may be provided to
 1241 the court in the form of a sworn affidavit by a person having
 1242 personal knowledge of the facts, addressing each inquiry
 1243 enumerated in this subsection, except that, if the inquiry
 1244 identifies a father under paragraph (a), paragraph (b), ~~or~~
 1245 paragraph (c), or paragraph (d), the inquiry may not continue
 1246 further. The inquiry required under this subsection may be
 1247 conducted before the birth of the minor.

1248 Section 17. Paragraph (d) of subsection (3) and
 1249 subsections (4), (5), and (7) of section 63.089, Florida
 1250 Statutes, are amended to read:

1251 63.089 Proceeding to terminate parental rights pending
 1252 adoption; hearing; grounds; dismissal of petition; judgment.—

1253 (3) GROUNDS FOR TERMINATING PARENTAL RIGHTS PENDING
 1254 ADOPTION.—The court may enter a judgment terminating parental
 1255 rights pending adoption if the court determines by clear and
 1256 convincing evidence, supported by written findings of fact, that
 1257 each person whose consent to adoption is required under s.
 1258 63.062:

1259 (d) Has been properly served notice of the proceeding in
 1260 accordance with the requirements of this chapter and has failed

1261 to file a written answer or personally appear at the evidentiary
 1262 hearing resulting in the judgment terminating parental rights
 1263 pending adoption;

1264 (4) FINDING OF ABANDONMENT.—A finding of abandonment
 1265 resulting in a termination of parental rights must be based upon
 1266 clear and convincing evidence that a parent or person having
 1267 legal custody has abandoned the child in accordance with the
 1268 definition contained in s. 63.032. A finding of abandonment may
 1269 also be based upon emotional abuse or a refusal to provide
 1270 reasonable financial support, when able, to a birth mother
 1271 during her pregnancy or on whether the person alleged to have
 1272 abandoned the child, while being able, failed to establish
 1273 contact with the child or accept responsibility for the child's
 1274 welfare.

1275 (a) In making a determination of abandonment at a hearing
 1276 for termination of parental rights under this chapter, the court
 1277 shall consider, among other relevant factors not inconsistent
 1278 with this section:

1279 1. Whether the actions alleged to constitute abandonment
 1280 demonstrate a willful disregard for the safety or welfare of the
 1281 child or the unborn child;

1282 2. Whether the person alleged to have abandoned the child,
 1283 while being able, failed to provide financial support;

1284 3. Whether the person alleged to have abandoned the child,
 1285 while being able, failed to pay for medical treatment; and

1286 4. Whether the amount of support provided or medical
 1287 expenses paid was appropriate, taking into consideration the
 1288 needs of the child and relative means and resources available to

1289 the person alleged to have abandoned the child.

1290 (b) The child has been abandoned when the parent of a
1291 child is incarcerated on or after October 1, 2001, in a federal,
1292 state, or county correctional institution and:

1293 1. The period of time for which the parent has been or is
1294 expected to be incarcerated will constitute a significant
1295 portion of the child's minority. In determining whether the
1296 period of time is significant, the court shall consider the
1297 child's age and the child's need for a permanent and stable
1298 home. The period of time begins on the date that the parent
1299 enters into incarceration;

1300 2. The incarcerated parent has been determined by a court
1301 of competent jurisdiction to be a violent career criminal as
1302 defined in s. 775.084, a habitual violent felony offender as
1303 defined in s. 775.084, convicted of child abuse as defined in s.
1304 827.03, or a sexual predator as defined in s. 775.21; has been
1305 convicted of first degree or second degree murder in violation
1306 of s. 782.04 or a sexual battery that constitutes a capital,
1307 life, or first degree felony violation of s. 794.011; or has
1308 been convicted of a substantially similar offense in another
1309 jurisdiction. As used in this section, the term "substantially
1310 similar offense" means any offense that is substantially similar
1311 in elements and penalties to one of those listed in this
1312 subparagraph, and that is in violation of a law of any other
1313 jurisdiction, whether that of another state, the District of
1314 Columbia, the United States or any possession or territory
1315 thereof, or any foreign jurisdiction; or

1316 3. The court determines by clear and convincing evidence

1317 that continuing the parental relationship with the incarcerated
 1318 parent would be harmful to the child and, for this reason,
 1319 termination of the parental rights of the incarcerated parent is
 1320 in the best interests ~~interest~~ of the child.

1321 (5) DISMISSAL OF PETITION.—If the court does not find by
 1322 clear and convincing evidence that parental rights of a parent
 1323 should be terminated pending adoption, the court must dismiss
 1324 the petition and that parent's parental rights that were the
 1325 subject of such petition shall remain in full force under the
 1326 law. The order must include written findings in support of the
 1327 dismissal, including findings as to the criteria in subsection
 1328 (4) if rejecting a claim of abandonment.

1329 (a) Parental rights may not be terminated based upon a
 1330 consent that the court finds has been timely revoked ~~withdrawn~~
 1331 under s. 63.082 or a consent to adoption or affidavit of
 1332 nonpaternity that the court finds was obtained by fraud or
 1333 duress.

1334 (b) The court must enter an order based upon written
 1335 findings providing for the placement of the minor, but the court
 1336 may not proceed to determine custody between competing eligible
 1337 parties. The placement of the child should revert to the parent
 1338 or guardian who had physical custody of the child at the time of
 1339 the placement for adoption unless the court determines upon
 1340 clear and convincing evidence that this placement is not in the
 1341 best interests of the child or is not an available option for
 1342 the child. The court may not change the placement of a child who
 1343 has established a bonded relationship with the current caregiver
 1344 without providing for a reasonable transition plan consistent

1345 with the best interests of the child. The court may direct the
1346 parties to participate in a reunification or unification plan
1347 with a qualified professional to assist the child in the
1348 transition. The court may order scientific testing to determine
1349 the paternity of the minor only if the court has determined that
1350 the consent of the alleged father would be required, unless all
1351 parties agree that such testing is in the best interests of the
1352 child. The court may not order scientific testing to determine
1353 paternity of an unmarried biological father if the child has a
1354 father as described in s. 63.088(4)(a)-(d) whose rights have not
1355 been previously terminated at any time during which the court
1356 has jurisdiction over the minor. Further proceedings, if any,
1357 regarding the minor must be brought in a separate custody action
1358 under chapter 61, a dependency action under chapter 39, or a
1359 paternity action under chapter 742.

1360 (7) RELIEF FROM JUDGMENT TERMINATING PARENTAL RIGHTS.—

1361 (a) A motion for relief from a judgment terminating
1362 parental rights must be filed with the court originally entering
1363 the judgment. The motion must be filed within a reasonable time,
1364 but not later than 1 year after the entry of the judgment. An
1365 unmarried biological father does not have standing to seek
1366 relief from a judgment terminating parental rights if the mother
1367 did not identify him to the adoption entity before the date she
1368 signed a consent for adoption or if he was not located because
1369 the mother failed or refused to provide sufficient information
1370 to locate him.

1371 (b) No later than 30 days after the filing of a motion
1372 under this subsection, the court must conduct a preliminary

1373 hearing to determine what contact, if any, shall be permitted
1374 between a parent and the child pending resolution of the motion.
1375 Such contact shall be considered only if it is requested by a
1376 parent who has appeared at the hearing and may not be awarded
1377 unless the parent previously established a bonded relationship
1378 with the child and the parent has pled a legitimate legal basis
1379 and established a prima facia case for setting aside the
1380 judgment terminating parental rights. If the court orders
1381 contact between a parent and child, the order must be issued in
1382 writing as expeditiously as possible and must state with
1383 specificity any provisions regarding contact with persons other
1384 than those with whom the child resides.

1385 (c) At the preliminary hearing, the court, upon the motion
1386 of any party or upon its own motion, may order scientific
1387 testing to determine the paternity of the minor if the person
1388 seeking to set aside the judgment is alleging to be the child's
1389 father and that fact has not previously been determined by
1390 legitimacy or scientific testing. The court may order visitation
1391 with a person for whom scientific testing for paternity has been
1392 ordered and who has previously established a bonded relationship
1393 with the child.

1394 (d) Unless otherwise agreed between the parties or for
1395 good cause shown, the court shall conduct a final hearing on the
1396 motion for relief from judgment within 45 days after the filing
1397 and enter its written order as expeditiously as possible
1398 thereafter.

1399 (e) If the court grants relief from the judgment
1400 terminating parental rights and no new pleading is filed to

1401 terminate parental rights, the placement of the child should
 1402 revert to the parent or guardian who had physical custody of the
 1403 child at the time of the original placement for adoption unless
 1404 the court determines upon clear and convincing evidence that
 1405 this placement is not in the best interests of the child or is
 1406 not an available option for the child. The court may not change
 1407 the placement of a child who has established a bonded
 1408 relationship with the current caregiver without providing for a
 1409 reasonable transition plan consistent with the best interests of
 1410 the child. The court may direct the parties to participate in a
 1411 reunification or unification plan with a qualified professional
 1412 to assist the child in the transition. The court may not direct
 1413 the placement of a child with a person other than the adoptive
 1414 parents without first obtaining a favorable home study of that
 1415 person and any other persons residing in the proposed home and
 1416 shall take whatever additional steps are necessary and
 1417 appropriate for the physical and emotional protection of the
 1418 child.

1419 Section 18. Subsection (3) of section 63.092, Florida
 1420 Statutes, is amended to read:

1421 63.092 Report to the court of intended placement by an
 1422 adoption entity; at-risk placement; preliminary study.—

1423 (3) PRELIMINARY HOME STUDY.—Before placing the minor in
 1424 the intended adoptive home, a preliminary home study must be
 1425 performed by a licensed child-placing agency, a child-caring
 1426 agency registered under s. 409.176, a licensed professional, or
 1427 agency described in s. 61.20(2), unless the adoptee is an adult
 1428 or the petitioner is a stepparent or a relative. If the adoptee

1429 is an adult or the petitioner is a stepparent or a relative, a
1430 preliminary home study may be required by the court for good
1431 cause shown. The department is required to perform the
1432 preliminary home study only if there is no licensed child-
1433 placing agency, child-caring agency registered under s. 409.176,
1434 licensed professional, or agency described in s. 61.20(2), in
1435 the county where the prospective adoptive parents reside. The
1436 preliminary home study must be made to determine the suitability
1437 of the intended adoptive parents and may be completed prior to
1438 identification of a prospective adoptive minor. A favorable
1439 preliminary home study is valid for 1 year after the date of its
1440 completion. Upon its completion, a signed copy of the home study
1441 must be provided to the intended adoptive parents who were the
1442 subject of the home study. A minor may not be placed in an
1443 intended adoptive home before a favorable preliminary home study
1444 is completed unless the adoptive home is also a licensed foster
1445 home under s. 409.175. The preliminary home study must include,
1446 at a minimum:

- 1447 (a) An interview with the intended adoptive parents;
1448 (b) Records checks of the department's central abuse
1449 registry and criminal records correspondence checks under s.
1450 39.0138 through the Department of Law Enforcement on the
1451 intended adoptive parents;
1452 (c) An assessment of the physical environment of the home;
1453 (d) A determination of the financial security of the
1454 intended adoptive parents;
1455 (e) Documentation of counseling and education of the
1456 intended adoptive parents on adoptive parenting;

1457 (f) Documentation that information on adoption and the
 1458 adoption process has been provided to the intended adoptive
 1459 parents;

1460 (g) Documentation that information on support services
 1461 available in the community has been provided to the intended
 1462 adoptive parents; and

1463 (h) A copy of each signed acknowledgment of receipt of
 1464 disclosure required by s. 63.085.

1465 If the preliminary home study is favorable, a minor may be
 1466 placed in the home pending entry of the judgment of adoption. A
 1467 minor may not be placed in the home if the preliminary home
 1468 study is unfavorable. If the preliminary home study is
 1469 unfavorable, the adoption entity may, within 20 days after
 1470 receipt of a copy of the written recommendation, petition the
 1471 court to determine the suitability of the intended adoptive
 1472 home. A determination as to suitability under this subsection
 1473 does not act as a presumption of suitability at the final
 1474 hearing. In determining the suitability of the intended adoptive
 1475 home, the court must consider the totality of the circumstances
 1476 in the home. A ~~No~~ minor may not be placed in a home in which
 1477 there resides any person determined by the court to be a sexual
 1478 predator as defined in s. 775.21 or to have been convicted of an
 1479 offense listed in s. 63.089(4)(b)2.

1480 Section 19. Section 63.152, Florida Statutes, is amended
 1481 to read:

1482 63.152 Application for new birth record.—Within 30 days
 1483 after entry of a judgment of adoption, the clerk of the court or
 1484 the adoption entity shall transmit a certified statement of the

1485 entry to the state registrar of vital statistics on a form
 1486 provided by the registrar. A new birth record containing the
 1487 necessary information supplied by the certificate shall be
 1488 issued by the registrar on application of the adopting parents
 1489 or the adopted person.

1490 Section 20. Subsection (7) of section 63.162, Florida
 1491 Statutes, is amended to read:

1492 63.162 Hearings and records in adoption proceedings;
 1493 confidential nature.—

1494 (7) The court may, upon petition of an adult adoptee or
 1495 birth parent, for good cause shown, appoint an intermediary or a
 1496 licensed child-placing agency to contact a birth parent or adult
 1497 adoptee, as applicable, who has not registered with the adoption
 1498 registry pursuant to s. 63.165 and advise both ~~them~~ of the
 1499 availability of the intermediary or agency and that the birth
 1500 parent or adult adoptee, as applicable, wishes to establish
 1501 contact ~~same~~.

1502 Section 21. Paragraph (c) of subsection (2) of section
 1503 63.167, Florida Statutes, is amended to read:

1504 63.167 State adoption information center.—

1505 (2) The functions of the state adoption information center
 1506 shall include:

1507 (c) Operating a toll-free telephone number to provide
 1508 information and referral services. The state adoption
 1509 information center shall provide contact information for all
 1510 adoption entities in the caller's county or, if no adoption
 1511 entities are located in the caller's county, the number of the
 1512 nearest adoption entity when contacted for a referral to make an

1513 adoption plan and shall rotate the order in which the names of
1514 adoption entities are provided to callers.

1515 Section 22. Subsection (1) of section 63.202, Florida
1516 Statutes, is amended to read:

1517 63.202 Authority to license; adoption of rules.—

1518 (1) The Department of Children and Family Services is
1519 authorized and empowered to license child placement ~~welfare~~
1520 agencies that it determines to be qualified to place minors for
1521 adoption.

1522 Section 23. Paragraph (g) of subsection (1) and
1523 subsections (2) and (8) of section 63.212, Florida Statutes, are
1524 amended to read:

1525 63.212 Prohibited acts; penalties for violation.—

1526 (1) It is unlawful for any person:

1527 (g) Except an adoption entity, to advertise or offer to
1528 the public, in any way, by any medium whatever that a minor is
1529 available for adoption or that a minor is sought for adoption;
1530 and, further, it is unlawful for any person to publish or
1531 broadcast any such advertisement or assist an unlicensed person
1532 or entity in publishing or broadcasting any such advertisement
1533 without including a Florida license number of the agency or
1534 attorney placing the advertisement.

1535 1. Only a person who is an attorney licensed to practice
1536 law in this state or an adoption entity licensed under the laws
1537 of this state may place a paid advertisement or paid listing of
1538 the person's telephone number, on the person's own behalf, in a
1539 telephone directory that:

1540 a. A child is offered or wanted for adoption; or

1541 b. The person is able to place, locate, or receive a child
1542 for adoption.

1543 2. A person who publishes a telephone directory that is
1544 distributed in this state:

1545 a. Shall include, at the beginning of any classified
1546 heading for adoption and adoption services, a statement that
1547 informs directory users that only attorneys licensed to practice
1548 law in this state and licensed adoption entities may legally
1549 provide adoption services under state law.

1550 b. May publish an advertisement described in subparagraph
1551 1. in the telephone directory only if the advertisement contains
1552 the following:

1553 (I) For an attorney licensed to practice law in this
1554 state, the person's Florida Bar number.

1555 (II) For a child placing agency licensed under the laws of
1556 this state, the number on the person's adoption entity license.

1557 (2) Any person who is a birth mother, or a woman who holds
1558 herself out to be a birth mother, who is interested in making an
1559 adoption plan and who knowingly or intentionally benefits from
1560 the payment of adoption-related expenses in connection with that
1561 adoption plan commits adoption deception if:

1562 (a) The person knows or should have known that the person
1563 is not pregnant at the time the sums were requested or received;

1564 (b) The person accepts living expenses assistance from a
1565 prospective adoptive parent or adoption entity without
1566 disclosing that she is receiving living expenses assistance from
1567 another prospective adoptive parent or adoption entity at the
1568 same time in an effort to adopt the same child; or

1569 (c) The person knowingly makes false representations to
 1570 induce the payment of living expenses and does not intend to
 1571 make an adoptive placement. ~~It is unlawful for:~~

1572 ~~(a) Any person or adoption entity under this chapter to:~~

1573 ~~1. Knowingly provide false information; or~~

1574 ~~2. Knowingly withhold material information.~~

1575 ~~(b) A parent, with the intent to defraud, to accept~~
 1576 ~~benefits related to the same pregnancy from more than one~~
 1577 ~~adoption entity without disclosing that fact to each entity.~~

1578
 1579 Any person who willfully commits adoption deception ~~violates any~~
 1580 ~~provision of this subsection~~ commits a misdemeanor of the second
 1581 degree, punishable as provided in s. 775.082 or s. 775.083, if
 1582 the sums received by the birth mother or woman holding herself
 1583 out to be a birth mother do not exceed \$300, and a felony of the
 1584 third degree, punishable as provided in s. 775.082, s. 775.083,
 1585 or s. 775.084, if the sums received by the birth mother or woman
 1586 holding herself out to be a birth mother exceed \$300. In
 1587 addition, the person is liable for damages caused by such acts
 1588 or omissions, including reasonable attorney ~~attorney's~~ fees and
 1589 costs incurred by the adoption entity or the prospective
 1590 adoptive parent. Damages may be awarded through restitution in
 1591 any related criminal prosecution or by filing a separate civil
 1592 action.

1593 (8) Unless otherwise indicated, a person who willfully and
 1594 with criminal intent violates any provision of this section,
 1595 excluding paragraph (1)(g), commits a felony of the third
 1596 degree, punishable as provided in s. 775.082, s. 775.083, or s.

1597 775.084. A person who willfully and with criminal intent
 1598 violates paragraph (1)(g) commits a misdemeanor of the second
 1599 degree, punishable as provided in s. 775.083; and each day of
 1600 continuing violation shall be considered a separate offense. In
 1601 addition, any person who knowingly publishes or assists with the
 1602 publication of any advertisement or other publication which
 1603 violates the requirements of paragraph (1)(g) commits a
 1604 misdemeanor of the second degree, punishable as provided in s.
 1605 775.083, and may be required to pay a fine of up to \$150 per day
 1606 for each day of continuing violation.

1607 Section 24. Paragraph (b) of subsection (1), paragraphs
 1608 (a) and (e) of subsection (2), and paragraphs (b), (h), and (i)
 1609 of subsection (6) of section 63.213, Florida Statutes, are
 1610 amended to read:

1611 63.213 Preplanned adoption agreement.—

1612 (1) Individuals may enter into a preplanned adoption
 1613 arrangement as specified in this section, but such arrangement
 1614 may not in any way:

1615 (b) Constitute consent of a mother to place her biological
 1616 child for adoption until 48 hours after the following birth of
 1617 the child and unless the court making the custody determination
 1618 or approving the adoption determines that the mother was aware
 1619 of her right to rescind within the 48-hour period after the
 1620 ~~following~~ birth of the child but chose not to rescind such
 1621 consent. The volunteer mother's right to rescind her consent in
 1622 a preplanned adoption applies only when the child is genetically
 1623 related to her.

1624 (2) A preplanned adoption agreement must include, but need

1625 not be limited to, the following terms:

1626 (a) That the volunteer mother agrees to become pregnant by
 1627 the fertility technique specified in the agreement, to bear the
 1628 child, and to terminate any parental rights and responsibilities
 1629 to the child she might have through a written consent executed
 1630 at the same time as the preplanned adoption agreement, subject
 1631 to a right of rescission by the volunteer mother any time within
 1632 48 hours after the birth of the child, if the volunteer mother
 1633 is genetically related to the child.

1634 (e) That the intended father and intended mother
 1635 acknowledge that they may not receive custody or the parental
 1636 rights under the agreement if the volunteer mother terminates
 1637 the agreement or if the volunteer mother rescinds her consent to
 1638 place her child for adoption within 48 hours after the birth of
 1639 the child, if the volunteer mother is genetically related to the
 1640 child.

1641 (6) As used in this section, the term:

1642 (b) "Child" means the child or children conceived by means
 1643 of a fertility technique ~~an insemination~~ that is part of a
 1644 preplanned adoption arrangement.

1645 (h) "Preplanned adoption arrangement" means the
 1646 arrangement through which the parties enter into an agreement
 1647 for the volunteer mother to bear the child, for payment by the
 1648 intended father and intended mother of the expenses allowed by
 1649 this section, for the intended father and intended mother to
 1650 assert full parental rights and responsibilities to the child if
 1651 consent to adoption is not rescinded after birth by a ~~the~~
 1652 volunteer mother who is genetically related to the child, and

1653 for the volunteer mother to terminate, subject to any ~~a~~ right of
 1654 rescission, all her parental rights and responsibilities to the
 1655 child in favor of the intended father and intended mother.

1656 (i) "Volunteer mother" means a female at least 18 years of
 1657 age who voluntarily agrees, subject to a right of rescission if
 1658 it is her biological child, that if she should become pregnant
 1659 pursuant to a preplanned adoption arrangement, she will
 1660 terminate her parental rights and responsibilities to the child
 1661 in favor of the intended father and intended mother.

1662 Section 25. Section 63.222, Florida Statutes, is amended
 1663 to read:

1664 63.222 Effect on prior adoption proceedings.—Any adoption
 1665 made before July 1, 2012, ~~is the effective date of this act~~
 1666 ~~shall be valid~~, and any proceedings pending on that ~~the~~
 1667 ~~effective date and any subsequent amendments thereto of this act~~
 1668 are not affected thereby unless the amendment is designated as a
 1669 remedial provision.

1670 Section 26. Section 63.2325, Florida Statutes, is amended
 1671 to read:

1672 63.2325 Conditions for invalidation ~~revocation~~ of a
 1673 consent to adoption or affidavit of nonpaternity.—
 1674 Notwithstanding the requirements of this chapter, a failure to
 1675 meet any of those requirements does not constitute grounds for
 1676 invalidation ~~revocation~~ of a consent to adoption or revocation
 1677 ~~withdrawal~~ of an affidavit of nonpaternity unless the extent and
 1678 circumstances of such a failure result in a material failure of
 1679 fundamental fairness in the administration of due process, or
 1680 the failure constitutes or contributes to fraud or duress in

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1681 obtaining a consent to adoption or affidavit of nonpaternity.

1682 Section 27. This act shall take effect July 1, 2012.