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LEGISLATIVE ACTION

Senate

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House

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Floor: 1/AD/2R

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03/08/2012 04:30 PM

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Senator Wise moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

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

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



584164

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

19 (c) That the manifest best interests of the child, in
20 accordance with s. 39.810, would be served by the granting of
21 the petition.

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

25 Section 2. Paragraphs (e) through (m) of subsection (4) of
26 section 63.022, Florida Statutes, are redesignated as paragraphs
27 (d) through (l), respectively, and subsection (2) and present
28 paragraph (d) of subsection (4) of that section are amended to
29 read:

30 63.022 Legislative intent.—

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

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

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

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



584164

43 63.032 Definitions.—As used in this chapter, the term:

44 (1) "Abandoned" means a situation in which the parent or
45 person having legal custody of a child, while being able, makes
46 little or no provision for the child's support or ~~and~~ makes
47 little or no effort to communicate with the child, which
48 situation is sufficient to evince an intent to reject parental
49 responsibilities. If, in the opinion of the court, the efforts
50 of such parent or person having legal custody of the child to
51 support and communicate with the child are only marginal efforts
52 that do not evince a settled purpose to assume all parental
53 duties, the court may declare the child to be abandoned. In
54 making this decision, the court may consider the conduct of a
55 father towards the child's mother during her pregnancy.

56 (3) "Adoption entity" means the department, ~~an agency,~~ a
57 child-caring agency registered under s. 409.176, an
58 intermediary, a Florida child-placing agency licensed under s.
59 63.202, or a child-placing agency licensed in another state
60 which is licensed ~~qualified~~ by the department to place children
61 in the State of Florida.

62 (12) "Parent" means a woman who gives birth to a child and
63 who is not a gestational surrogate as defined in s. 742.13 or a
64 man whose consent to the adoption of the child would be required
65 under s. 63.062(1). If a child has been legally adopted, the
66 term "parent" means the adoptive mother or father of the child.
67 The term does not include an individual whose parental
68 relationship to the child has been legally terminated or an
69 alleged or prospective parent.

70 (17) "Suitability of the intended placement" means the
71 fitness of the intended placement, with primary consideration



584164

72 being given to the best interests ~~interest~~ of the child.

73 (19) "Unmarried biological father" means the child's
74 biological father who is not married to the child's mother at
75 the time of conception or on the date of the birth of the child
76 and who, before the filing of a petition to terminate parental
77 rights, has not been adjudicated by a court of competent
78 jurisdiction to be the legal father of the child or has not
79 filed ~~executed~~ an affidavit pursuant to s. 382.013(2) (c).

80 Section 4. Section 63.037, Florida Statutes, is amended to
81 read:

82 63.037 Proceedings applicable to cases resulting from a
83 termination of parental rights under chapter 39.—A case in which
84 a minor becomes available for adoption after the parental rights
85 of each parent have been terminated by a judgment entered
86 pursuant to chapter 39 shall be governed by s. 39.812 and this
87 chapter. Adoption proceedings initiated under chapter 39 are
88 exempt from the following provisions of this chapter:

89 requirement for search of the Florida Putative Father Registry
90 provided in s. 63.054(7), if a search was previously completed
91 and documentation of the search is contained in the case file;
92 disclosure requirements for the adoption entity provided in s.
93 63.085(1); general provisions governing termination of parental
94 rights pending adoption provided in s. 63.087; notice and
95 service provisions governing termination of parental rights
96 pending adoption provided in s. 63.088; and procedures for
97 terminating parental rights pending adoption provided in s.
98 63.089.

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



584164

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

103 63.039 Duty of adoption entity to prospective adoptive
104 parents; sanctions.—

105 (2) With the exception of an adoption by a relative or
106 stepparent, all adoptions of minor children require the use of
107 an adoption entity that will assume the responsibilities
108 provided in this section.

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

111 63.0423 Procedures with respect to surrendered infants.—

112 (1) Upon entry of final judgment terminating parental
113 rights, a licensed child-placing agency that takes physical
114 custody of an infant surrendered at a hospital, emergency
115 medical services station, or fire station pursuant to s. 383.50
116 assumes ~~shall assume~~ responsibility for the all medical costs
117 and ~~all~~ other costs associated with the emergency services and
118 care of the surrendered infant from the time the licensed child-
119 placing agency takes physical custody of the surrendered infant.

120 (2) The licensed child-placing agency shall immediately
121 seek an order from the circuit court for emergency custody of
122 the surrendered infant. The emergency custody order shall remain
123 in effect until the court orders preliminary approval of
124 placement of the surrendered infant in the prospective home, at
125 which time the prospective adoptive parents become guardians
126 pending termination of parental rights and finalization of
127 adoption or until the court orders otherwise. The guardianship
128 of the prospective adoptive parents shall remain subject to the
129 right of the licensed child-placing agency to remove the



584164

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

135 (4) The parent who surrenders the infant in accordance with
136 s. 383.50 is presumed to have consented to termination of
137 parental rights, and express consent is not required. Except
138 when there is actual or suspected child abuse or neglect, the
139 licensed child-placing agency shall not attempt to pursue,
140 search for, or notify that parent as provided in s. 63.088 and
141 chapter 49. For purposes of s. 383.50 and this section, an
142 infant who tests positive for illegal drugs, narcotic
143 prescription drugs, alcohol, or other substances, but shows no
144 other signs of child abuse or neglect, shall be placed in the
145 custody of a licensed child-placing agency. Such a placement
146 does not eliminate the reporting requirement under s. 383.50(7).
147 When the department is contacted regarding an infant properly
148 surrendered under this section and s. 383.50, the department
149 shall provide instruction to contact a licensed child-placing
150 agency and may not take custody of the infant unless reasonable
151 efforts to contact a licensed child-placing agency to accept the
152 infant have not been successful.

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

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



584164

159 maternity or paternity at the expense of the parent claiming
160 parental rights.

161 (b) The court shall appoint a guardian ad litem for the
162 surrendered infant and order whatever investigation, home
163 evaluation, and psychological evaluation are necessary to
164 determine what is in the best interests ~~interest~~ of the
165 surrendered infant.

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

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

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

177 (9) (a) A judgment terminating parental rights pending
178 adoption is voidable, and any later judgment of adoption of that
179 minor is voidable, if, upon the motion of a ~~birth~~ parent, the
180 court finds that a person knowingly gave false information that
181 prevented the ~~birth~~ parent from timely making known his or her
182 desire to assume parental responsibilities toward the minor or
183 from exercising his or her parental rights. A motion under this
184 subsection must be filed with the court originally entering the
185 judgment. The motion must be filed within a reasonable time but
186 not later than 1 year after the entry of the judgment
187 terminating parental rights.



584164

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

199 (c) ~~At the preliminary hearing, The court, upon the motion~~
200 ~~of any party or upon its own motion, may not~~ order scientific
201 testing to determine the paternity or maternity of the minor
202 until such time as the court determines that a previously
203 entered judgment terminating the parental rights of that parent
204 is voidable pursuant to paragraph (a), unless all parties agree
205 that such testing is in the best interests of the child ~~if the~~
206 ~~person seeking to set aside the judgment is alleging to be the~~
207 ~~child's birth parent but has not previously been determined by~~
208 ~~legal proceedings or scientific testing to be the birth parent.~~
209 Upon the filing of test results establishing that person's
210 maternity or paternity of the surrendered infant, the court may
211 order visitation only if it appears to be as it deems
212 ~~appropriate and~~ in the best interests ~~interest~~ of the child.

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



584164

217 Section 7. Section 63.0427, Florida Statutes, is amended to
218 read:

219 63.0427 Agreements for ~~Adopted minor's right to~~ continued
220 communication or contact between adopted child and ~~with~~
221 siblings, parents, and other relatives.-

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

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

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

236 (c) Statements of the prospective adoptive parents.

237 (d) Any other information deemed relevant and material by
238 the court.

239
240 If the court determines that the child's best interests will be
241 served by postadoption communication or contact, the court shall
242 so order, stating the nature and frequency of ~~for~~ the
243 communication or contact. This order shall be made a part of the
244 final adoption order, but ~~in no event shall~~ the continuing
245 validity of the adoption may not be contingent upon such



584164

246 postadoption communication or contact ~~and, nor shall~~ the ability
247 of the adoptive parents and child to change residence within or
248 outside the State of Florida may not be impaired by such
249 communication or contact.

250 (2) Notwithstanding ~~the provisions of~~ s. 63.162, the
251 adoptive parent may, at any time, petition for review of a
252 communication or contact order entered pursuant to subsection
253 (1), if the adoptive parent believes that the best interests of
254 the adopted child are being compromised, and the court may shall
255 ~~have authority to~~ order the communication or contact to be
256 terminated or modified, as the court deems to be in the best
257 interests of the adopted child; however, the court may not
258 increase contact between the adopted child and siblings, birth
259 parents, or other relatives without the consent of the adoptive
260 parent or parents. As part of the review process, the court may
261 order the parties to engage in mediation. The department shall
262 not be required to be a party to such review.

263 Section 8. Subsections (1), (2), (3), and (6) of section
264 63.052, Florida Statutes, are amended to read:

265 63.052 Guardians designated; proof of commitment.—

266 (1) For minors who have been placed for adoption with ~~and~~
267 ~~permanently committed to~~ an adoption entity, other than an
268 intermediary, such adoption entity shall be the guardian of the
269 person of the minor and has the responsibility and authority to
270 provide for the needs and welfare of the minor.

271 (2) For minors who have been voluntarily surrendered to an
272 intermediary through an execution of a consent to adoption, the
273 intermediary shall be responsible for the minor until the time a
274 court orders preliminary approval of placement of the minor in



584164

275 the prospective adoptive home, after which time the prospective
276 adoptive parents shall become guardians pending finalization of
277 adoption, subject to the intermediary's right and responsibility
278 to remove the child from the prospective adoptive home if the
279 removal is deemed by the intermediary to be in the best
280 interests interest of the child. The intermediary may not remove
281 the child without a court order unless the child is in danger of
282 imminent harm. The intermediary does not become responsible for
283 the minor child's medical bills that were incurred before taking
284 physical custody of the child after the execution of adoption
285 consents. Prior to the court's entry of an order granting
286 preliminary approval of the placement, the intermediary shall
287 have the responsibility and authority to provide for the needs
288 and welfare of the minor. A ~~No~~ minor may not shall be placed in
289 a prospective adoptive home until that home has received a
290 favorable preliminary home study, as provided in s. 63.092,
291 completed and approved within 1 year before such placement in
292 the prospective home. The provisions of s. 627.6578 shall remain
293 in effect notwithstanding the guardianship provisions in this
294 section.

295 (3) If a minor is surrendered to an adoption entity for
296 subsequent adoption and a suitable prospective adoptive home is
297 not available pursuant to s. 63.092 at the time the minor is
298 surrendered to the adoption entity, the minor must be placed in
299 a licensed foster care home, ~~or~~ with a person or family that has
300 received a favorable preliminary home study pursuant to
301 subsection (2), or with a relative until ~~such~~ a suitable
302 prospective adoptive home is available.

303 (6) Unless otherwise authorized by law or ordered by the



584164

304 court, the department is not responsible for expenses incurred
305 by other adoption entities participating in a placement of a
306 minor.

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

309 63.053 Rights and responsibilities of an unmarried
310 biological father; legislative findings.—

311 (2) The Legislature finds that the interests of the state,
312 the mother, the child, and the adoptive parents described in
313 this chapter outweigh the interest of an unmarried biological
314 father who does not take action in a timely manner to establish
315 and demonstrate a relationship with his child in accordance with
316 the requirements of this chapter. An unmarried biological father
317 has the primary responsibility to protect his rights and is
318 presumed to know that his child may be adopted without his
319 consent unless he strictly complies with ~~the provisions of this~~
320 chapter and demonstrates a prompt and full commitment to his
321 parental responsibilities.

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

324 Section 10. Subsections (1), (2), (4), and (13) of section
325 63.054, Florida Statutes, are amended to read:

326 63.054 Actions required by an unmarried biological father
327 to establish parental rights; Florida Putative Father Registry.—

328 (1) In order to preserve the right to notice and consent to
329 an adoption under this chapter, an unmarried biological father
330 must, as the "registrant," file a notarized claim of paternity
331 form with the Florida Putative Father Registry maintained by the
332 Office of Vital Statistics of the Department of Health which



584164

333 includes confirmation of his willingness and intent to support
334 the child for whom paternity is claimed in accordance with state
335 law. The claim of paternity may be filed at any time before the
336 child's birth, but may not be filed after the date a petition is
337 filed for termination of parental rights. In each proceeding for
338 termination of parental rights, the petitioner must submit to
339 the Office of Vital Statistics a copy of the petition for
340 termination of parental rights or a document executed by the
341 clerk of the court showing the style of the case, the names of
342 the persons whose rights are sought to be terminated, and the
343 date and time of the filing of the petition. The Office of Vital
344 Statistics may not record a claim of paternity after the date a
345 petition for termination of parental rights is filed. The
346 failure of an unmarried biological father to file a claim of
347 paternity with the registry before the date a petition for
348 termination of parental rights is filed also bars him from
349 filing a paternity claim under chapter 742.

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

353 1. The mother identifies him to the adoption entity as a
354 potential biological father by the date she executes a consent
355 for adoption; and

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

360 (b) If an unmarried biological father falls within the
361 exception provided by paragraph (a), the petitioner shall also



584164

362 submit to the Office of Vital Statistics a copy of the notice of
363 intended adoption plan and proof of service of the notice on the
364 potential biological father.

365 (c) An unmarried biological father who falls within the
366 exception provided by paragraph (a) may not file a claim of
367 paternity with the registry or a paternity claim under chapter
368 742 after the 30-day mandatory response date to the notice of
369 intended adoption plan has expired. The Office of Vital
370 Statistics may not record a claim of paternity 30 days after
371 service of the notice of intended adoption plan.

372 (2) By filing a claim of paternity form with the Office of
373 Vital Statistics, the registrant expressly consents to submit to
374 and pay for DNA testing upon the request of any party, the
375 registrant, or the adoption entity with respect to the child
376 referenced in the claim of paternity.

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



584164

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

397 Section 11. Paragraph (b) of subsection (1), subsections
398 (2), (3), and (4), and paragraph (a) of subsection (8) of
399 section 63.062, Florida Statutes, are amended to read:

400 63.062 Persons required to consent to adoption; affidavit
401 of nonpaternity; waiver of venue.-

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

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

408 1. The minor was conceived or born while the father was
409 married to the mother;

410 2. The minor is his child by adoption;

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

414 4. He has filed an affidavit of paternity pursuant to s.
415 382.013(2)(c) or he is listed on the child's birth certificate
416 before ~~by~~ the date a petition ~~is filed~~ for termination of
417 parental rights is filed; or

418 5. In the case of an unmarried biological father, he has
419 acknowledged in writing, signed in the presence of a competent



584164

420 witness, that he is the father of the minor, has filed such
421 acknowledgment with the Office of Vital Statistics of the
422 Department of Health within the required timeframes, and has
423 complied with the requirements of subsection (2).
424

425 The status of the father shall be determined at the time of the
426 filing of the petition to terminate parental rights and may not
427 be modified, except as otherwise provided in s. 63.0423(9) (a),
428 for purposes of his obligations and rights under this chapter by
429 acts occurring after the filing of the petition to terminate
430 parental rights.

431 (2) In accordance with subsection (1), the consent of an
432 unmarried biological father shall be necessary only if the
433 unmarried biological father has complied with the requirements
434 of this subsection.

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

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



584164

449 b. Maintained regular communication with the child or with
450 the person or agency having the care or custody of the child,
451 when physically or financially unable to visit the child or when
452 not prevented from doing so by the birth mother or person or
453 authorized agency having lawful custody of the child.

454 ~~2. The mere fact that an unmarried biological father~~
455 ~~expresses a desire to fulfill his responsibilities towards his~~
456 ~~child which is unsupported by acts evidencing this intent does~~
457 ~~not preclude a finding by the court that the unmarried~~
458 ~~biological father failed to comply with the requirements of this~~
459 ~~subsection.~~

460 ~~2.3.~~ An unmarried biological father who openly lived with
461 the child for at least 6 months within the 1-year period
462 following the birth of the child and immediately preceding
463 placement of the child with adoptive parents and who openly held
464 himself out to be the father of the child during that period
465 shall be deemed to have developed a substantial relationship
466 with the child and to have otherwise met the requirements of
467 this paragraph.

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

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



584164

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

480 2. Upon service of a notice of an intended adoption plan or
481 a petition for termination of parental rights pending adoption,
482 executed and filed an affidavit in that proceeding stating that
483 he is personally fully able and willing to take responsibility
484 for the child, setting forth his plans for care of the child,
485 and agreeing to a court order of child support and a
486 contribution to the payment of living and medical expenses
487 incurred for the mother's pregnancy and the child's birth in
488 accordance with his ability to pay.

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

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

505 (d)-(e) The petitioner shall file with the court a
506 certificate from the Office of Vital Statistics stating that a



584164

507 diligent search has been made of the Florida Putative Father
508 Registry of notices from unmarried biological fathers described
509 in subparagraph (b)1. and that no filing has been found
510 pertaining to the father of the child in question or, if a
511 filing is found, stating the name of the putative father and the
512 time and date of filing. That certificate shall be filed with
513 the court prior to the entry of a final judgment of termination
514 of parental rights.

515 (e) ~~(d)~~ An unmarried biological father who does not comply
516 with each of the conditions provided in this subsection is
517 deemed to have waived and surrendered any rights in relation to
518 the child, including the right to notice of any judicial
519 proceeding in connection with the adoption of the child, and his
520 consent to the adoption of the child is not required.

521 (3) Pursuant to chapter 48, an adoption entity shall serve
522 a notice of intended adoption plan upon any known and locatable
523 unmarried biological father who is identified to the adoption
524 entity by the mother by the date she signs her consent for
525 adoption if the child is 6 months of age or less at the time the
526 consent is executed ~~or who is identified by a diligent search of~~
527 ~~the Florida Putative Father Registry, or upon an entity whose~~
528 ~~consent is required~~. Service of the notice of intended adoption
529 plan is not required ~~mandatory~~ when the unmarried biological
530 father signs a consent for adoption or an affidavit of
531 nonpaternity or when the child is more than 6 months of age at
532 the time of the execution of the consent by the mother. The
533 notice may be served at any time before the child's birth or
534 before placing the child in the adoptive home. The recipient of
535 the notice may waive service of process by executing a waiver



584164

536 and acknowledging receipt of the plan. The notice of intended
537 adoption plan must specifically state that if the unmarried
538 biological father desires to contest the adoption plan he must,
539 within 30 days after service, file with the court a verified
540 response that contains a pledge of commitment to the child in
541 substantial compliance with subparagraph (2)(b)2. and a claim of
542 paternity form with the Office of Vital Statistics, and must
543 provide the adoption entity with a copy of the verified response
544 filed with the court and the claim of paternity form filed with
545 the Office of Vital Statistics. The notice must also include
546 instructions for submitting a claim of paternity form to the
547 Office of Vital Statistics and the address to which the claim
548 must be sent. If the party served with the notice of intended
549 adoption plan is an entity whose consent is required, the notice
550 must specifically state that the entity must file, within 30
551 days after service, a verified response setting forth a legal
552 basis for contesting the intended adoption plan, specifically
553 addressing the best interests ~~interest~~ of the child.

554 (a) If the unmarried biological father or entity whose
555 consent is required fails to timely and properly file a verified
556 response with the court and, in the case of an unmarried
557 biological father, a claim of paternity form with the Office of
558 Vital Statistics, the court shall enter a default judgment
559 against the ~~any~~ unmarried biological father or entity and the
560 consent of that unmarried biological father or entity shall no
561 longer be required under this chapter and shall be deemed to
562 have waived any claim of rights to the child. To avoid an entry
563 of a default judgment, within 30 days after receipt of service
564 of the notice of intended adoption plan:



584164

565 1. The unmarried biological father must:
566 a. File a claim of paternity with the Florida Putative
567 Father Registry maintained by the Office of Vital Statistics;
568 b. File a verified response with the court which contains a
569 pledge of commitment to the child in substantial compliance with
570 subparagraph (2) (b) 2.; and
571 c. Provide support for the birth mother and the child.
572 2. The entity whose consent is required must file a
573 verified response setting forth a legal basis for contesting the
574 intended adoption plan, specifically addressing the best
575 interests ~~interest~~ of the child.
576 (b) If the mother identifies a potential unmarried
577 biological father within the timeframes required by the statute,
578 whose location is unknown, the adoption entity shall conduct a
579 diligent search pursuant to s. 63.088. If, upon completion of a
580 diligent search, the potential unmarried biological father's
581 location remains unknown and a search of the Florida Putative
582 Father Registry fails to reveal a match, the adoption entity
583 shall request in the petition for termination of parental rights
584 pending adoption that the court declare the diligent search to
585 be in compliance with s. 63.088, that the adoption entity has no
586 further obligation to provide notice to the potential unmarried
587 biological father, and that the potential unmarried biological
588 father's consent to the adoption is not required.
589 (4) Any person whose consent is required under paragraph
590 (1) (b), or any other man, may execute an irrevocable affidavit
591 of nonpaternity in lieu of a consent under this section and by
592 doing so waives notice to all court proceedings after the date
593 of execution. An affidavit of nonpaternity must be executed as



584164

594 provided in s. 63.082. The affidavit of nonpaternity may be
595 executed prior to the birth of the child. The person executing
596 the affidavit must receive disclosure under s. 63.085 prior to
597 signing the affidavit. For purposes of this chapter, an
598 affidavit of nonpaternity is sufficient if it contains a
599 specific denial of parental obligations and does not need to
600 deny the existence of a biological relationship.

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

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

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

607 63.063 Responsibility of parents for actions; fraud or
608 misrepresentation; contesting termination of parental rights and
609 adoption.—

610 (2) Any person injured by a fraudulent representation or
611 action in connection with an adoption may pursue civil or
612 criminal penalties as provided by law. A fraudulent
613 representation is not a defense to compliance with the
614 requirements of this chapter and is not a basis for dismissing a
615 petition for termination of parental rights or a petition for
616 adoption, for vacating an adoption decree, or for granting
617 custody to the offended party. Custody and adoption
618 determinations must be based on the best interests ~~interest~~ of
619 the child in accordance with s. 61.13.

620 Section 13. Paragraph (d) of subsection (1), paragraphs (c)
621 and (d) of subsection (3), paragraphs (a), (d), and (e) of
622 subsection (4), and subsections (6) and (7) of section 63.082,



584164

623 Florida Statutes, are amended to read:

624 63.082 Execution of consent to adoption or affidavit of
625 nonpaternity; family social and medical history; revocation
626 ~~withdrawal~~ of consent.-

627 (1)

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

641 (3)

642 (c) If any person who is required to consent is unavailable
643 because the person cannot be located, an ~~the petition to~~
644 ~~terminate parental rights pending adoption must be accompanied~~
645 ~~by the~~ affidavit of diligent search required under s. 63.088
646 shall be filed.

647 (d) If any person who is required to consent is unavailable
648 because the person is deceased, the petition to terminate
649 parental rights pending adoption must be accompanied by a
650 certified copy of the death certificate. In an adoption of a
651 stepchild or a relative, the certified copy of the death



584164

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

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

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

679 (e) A consent to adoption being executed by the birth
680 parent must be in at least 12-point boldfaced type and shall



584164

681 contain the following recitation of rights ~~in substantially the~~
682 ~~following form:~~

683 CONSENT TO ADOPTION

684
685 YOU HAVE THE RIGHT TO SELECT AT LEAST ONE PERSON WHO DOES
686 NOT HAVE AN EMPLOYMENT, PROFESSIONAL, OR PERSONAL RELATIONSHIP
687 WITH THE ADOPTION ENTITY OR THE PROSPECTIVE ADOPTIVE PARENTS TO
688 BE PRESENT WHEN THIS AFFIDAVIT IS EXECUTED AND TO SIGN IT AS A
689 WITNESS. YOU MUST ACKNOWLEDGE ON THIS FORM THAT YOU WERE
690 NOTIFIED OF THIS RIGHT AND YOU MUST INDICATE THE WITNESS OR
691 WITNESSES YOU SELECTED, IF ANY.

692
693 YOU DO NOT HAVE TO SIGN THIS CONSENT FORM. YOU MAY DO ANY
694 OF THE FOLLOWING INSTEAD OF SIGNING THIS CONSENT OR BEFORE
695 SIGNING THIS CONSENT:

- 696
- 697 1. CONSULT WITH AN ATTORNEY;
 - 698 2. HOLD, CARE FOR, AND FEED THE CHILD UNLESS OTHERWISE
699 LEGALLY PROHIBITED;
 - 700 3. PLACE THE CHILD IN FOSTER CARE OR WITH ANY FRIEND OR
701 FAMILY MEMBER YOU CHOOSE WHO IS WILLING TO CARE FOR THE CHILD;
 - 702 4. TAKE THE CHILD HOME UNLESS OTHERWISE LEGALLY PROHIBITED;
 - 703 AND
 - 704 5. FIND OUT ABOUT THE COMMUNITY RESOURCES THAT ARE
705 AVAILABLE TO YOU IF YOU DO NOT GO THROUGH WITH THE ADOPTION.
- 706

707 IF YOU DO SIGN THIS CONSENT, YOU ARE GIVING UP ALL RIGHTS
708 TO YOUR CHILD. YOUR CONSENT IS VALID, BINDING, AND IRREVOCABLE
709 EXCEPT UNDER SPECIFIC LEGAL CIRCUMSTANCES. IF YOU ARE GIVING UP



584164

710 YOUR RIGHTS TO A NEWBORN CHILD WHO IS TO BE IMMEDIATELY PLACED
711 FOR ADOPTION UPON THE CHILD'S RELEASE FROM A LICENSED HOSPITAL
712 OR BIRTH CENTER FOLLOWING BIRTH, A WAITING PERIOD WILL BE
713 IMPOSED UPON THE BIRTH MOTHER BEFORE SHE MAY SIGN THE CONSENT
714 FOR ADOPTION. A BIRTH MOTHER MUST WAIT 48 HOURS FROM THE TIME OF
715 BIRTH, OR UNTIL THE DAY THE BIRTH MOTHER HAS BEEN NOTIFIED IN
716 WRITING, EITHER ON HER PATIENT CHART OR IN RELEASE PAPERS, THAT
717 SHE IS FIT TO BE RELEASED FROM A LICENSED HOSPITAL OR BIRTH
718 CENTER, WHICHEVER IS SOONER, BEFORE THE CONSENT FOR ADOPTION MAY
719 BE EXECUTED. ANY MAN MAY EXECUTE A CONSENT AT ANY TIME AFTER THE
720 BIRTH OF THE CHILD. ONCE YOU HAVE SIGNED THE CONSENT, IT IS
721 VALID, BINDING, AND IRREVOCABLE AND CANNOT BE INVALIDATED
722 ~~WITHDRAWN~~ UNLESS A COURT FINDS THAT IT WAS OBTAINED BY FRAUD OR
723 DURESS.

724
725 IF YOU BELIEVE THAT YOUR CONSENT WAS OBTAINED BY FRAUD OR
726 DURESS AND YOU WISH TO INVALIDATE ~~REVOKE~~ THAT CONSENT, YOU MUST:

- 727
- 728 1. NOTIFY THE ADOPTION ENTITY, BY WRITING A LETTER, THAT
729 YOU WISH TO WITHDRAW YOUR CONSENT; AND
 - 730 2. PROVE IN COURT THAT THE CONSENT WAS OBTAINED BY FRAUD OR
731 DURESS.

732
733 This statement of rights is not required for the adoption
734 of a relative, an adult, a stepchild, or a child older than 6
735 months of age. A consent form for the adoption of a child older
736 than 6 months of age at the time of the execution of consent
737 must contain a statement outlining the revocation rights
738 provided in paragraph (c).



584164

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

744 (b) Upon execution of the consent of the parent, the
745 adoption entity shall be permitted to ~~may~~ intervene in the
746 dependency case as a party in interest and must provide the
747 court that acquired ~~having~~ jurisdiction over the minor, pursuant
748 to the shelter or dependency petition filed by the department, a
749 copy of the preliminary home study of the prospective adoptive
750 parents and any other evidence of the suitability of the
751 placement. The preliminary home study must be maintained with
752 strictest confidentiality within the dependency court file and
753 the department's file. A preliminary home study must be provided
754 to the court in all cases in which an adoption entity has
755 intervened pursuant to this section. Unless the court has
756 concerns regarding the qualifications of the home study
757 provider, or concerns that the home study may not be adequate to
758 determine the best interests of the child, the home study
759 provided by the adoption entity shall be deemed to be sufficient
760 and no additional home study needs to be performed by the
761 department.

762 (c) If an adoption entity files a motion to intervene in
763 the dependency case in accordance with this chapter, the
764 dependency court shall promptly grant a hearing to determine
765 whether the adoption entity has filed the required documents to
766 be permitted to intervene and whether a change of placement of
767 the child is appropriate.



584164

768 (d)~~(e)~~ Upon a determination by the court that the
769 prospective adoptive parents are properly qualified to adopt the
770 minor child and that the adoption appears to be in the best
771 interests ~~interest~~ of the minor child, the court shall
772 immediately order the transfer of custody of the minor child to
773 the prospective adoptive parents, under the supervision of the
774 adoption entity. The adoption entity shall thereafter provide
775 monthly supervision reports to the department until finalization
776 of the adoption. If the child has been determined to be
777 dependent by the court, the department shall provide information
778 to the prospective adoptive parents at the time they receive
779 placement of the dependent child regarding approved parent
780 training classes available within the community. The department
781 shall file with the court an acknowledgement of the parent's
782 receipt of the information regarding approved parent training
783 classes available within the community.

784 (e)~~(d)~~ In determining whether the best interests ~~interest~~
785 of the child are ~~is~~ served by transferring the custody of the
786 minor child to the prospective adoptive parent selected by the
787 parent, the court shall consider the rights of the parent to
788 determine an appropriate placement for the child, the permanency
789 offered, the child's bonding with any potential adoptive home
790 that the child has been residing in, and the importance of
791 maintaining sibling relationships, if possible.

792 (f) The adoption entity shall be responsible for keeping
793 the dependency court informed of the status of the adoption
794 proceedings at least every 90 days from the date of the order
795 changing placement of the child until the date of finalization
796 of the adoption.



584164

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

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

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

812 (b) Upon receiving timely written notice from a person
813 whose consent to adoption is required of that person's desire to
814 revoke ~~withdraw~~ consent, the adoption entity must contact the
815 prospective adoptive parent to arrange a time certain for the
816 adoption entity to regain physical custody of the minor, unless,
817 upon a motion for emergency hearing by the adoption entity, the
818 court determines in written findings that placement of the minor
819 with the person who had legal or physical custody of the child
820 immediately before the child was placed for adoption may
821 endanger the minor or that the person who desires to revoke
822 ~~withdraw~~ consent is not required to consent to the adoption, has
823 been determined to have abandoned the child, or is otherwise
824 subject to a determination that the person's consent is waived
825 under this chapter.



584164

826 (c) If the court finds that the placement may endanger the
827 minor, the court shall enter an order continuing the placement
828 of the minor with the prospective adoptive parents pending
829 further proceedings if they desire continued placement. If the
830 prospective adoptive parents do not desire continued placement,
831 the order must include, but need not be limited to, a
832 determination of whether temporary placement in foster care,
833 with the person who had legal or physical custody of the child
834 immediately before placing the child for adoption, or with a
835 relative is in the best interests ~~interest~~ of the child and
836 whether an investigation by the department is recommended.

837 (d) If the person revoking ~~withdrawing~~ consent claims to be
838 the father of the minor but has not been established to be the
839 father by marriage, court order, or scientific testing, the
840 court may order scientific paternity testing and reserve ruling
841 on removal of the minor until the results of such testing have
842 been filed with the court.

843 (e) The adoption entity must return the minor within 3
844 business days after timely and proper notification of the
845 revocation ~~withdrawal~~ of consent or after the court determines
846 that revocation ~~withdrawal~~ is timely and in accordance with the
847 requirements of this chapter ~~valid and binding~~ upon
848 consideration of an emergency motion, as filed pursuant to
849 paragraph (b), to the physical custody of the person revoking
850 ~~withdrawing~~ consent or the person directed by the court. If the
851 person seeking to revoke ~~withdraw~~ consent claims to be the
852 father of the minor but has not been established to be the
853 father by marriage, court order, or scientific testing, the
854 adoption entity may return the minor to the care and custody of



584164

855 the mother, if she desires such placement and she is not
856 otherwise prohibited by law from having custody of the child.

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

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

865 (h) If the consent of one parent is set aside or revoked in
866 accordance with this chapter, any other consents executed by the
867 other parent or a third party whose consent is required for the
868 adoption of the child may not be used by the parent who consent
869 was revoked or set aside to terminate or diminish the rights of
870 the other parent or third party whose consent was required for
871 the adoption of the child.

872 Section 14. Subsection (1) and paragraph (a) of subsection
873 (2) of section 63.085, Florida Statutes, are amended, and
874 paragraph (c) is added to subsection (2) of that section, to
875 read:

876 63.085 Disclosure by adoption entity.—

877 (1) DISCLOSURE REQUIRED TO PARENTS AND PROSPECTIVE ADOPTIVE
878 PARENTS.—Within 14 days after a person seeking to adopt a minor
879 or a person seeking to place a minor for adoption contacts an
880 adoption entity in person or provides the adoption entity with a
881 mailing address, the entity must provide a written disclosure
882 statement to that person if the entity agrees or continues to
883 work with the person. The adoption entity shall also provide the



584164

884 written disclosure to the parent who did not initiate contact
885 with the adoption entity within 14 days after that parent is
886 identified and located. For purposes of providing the written
887 disclosure, a person is considered to be seeking to place a
888 minor for adoption if that person has sought information or
889 advice from the adoption entity regarding the option of adoptive
890 placement. The written disclosure statement must be in
891 substantially the following form:

892

893

ADOPTION DISCLOSURE

894

895

896

897

898

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

899

900

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

901

Name:

902

Address:

903

Telephone Number:

904

905

906

907

908

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

909

910

911

912

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



584164

913 abuse clearances.

914 4. A valid consent for adoption may not be signed by the
915 birth mother until 48 hours after the birth of the child, or the
916 day the birth mother is notified, in writing, that she is fit
917 for discharge from the licensed hospital or birth center. Any
918 man may sign a valid consent for adoption at any time after the
919 birth of the child.

920 5. A consent for adoption signed before the child attains
921 the age of 6 months is binding and irrevocable from the moment
922 it is signed unless it can be proven in court that the consent
923 was obtained by fraud or duress. A consent for adoption signed
924 after the child attains the age of 6 months is valid from the
925 moment it is signed; however, it may be revoked up to 3 business
926 days after it was signed.

927 6. A consent for adoption is not valid if the signature of
928 the person who signed the consent was obtained by fraud or
929 duress.

930 7. An unmarried biological father must act immediately in
931 order to protect his parental rights. Section 63.062, Florida
932 Statutes, prescribes that any father seeking to establish his
933 right to consent to the adoption of his child must file a claim
934 of paternity with the Florida Putative Father Registry
935 maintained by the Office of Vital Statistics of the Department
936 of Health by the date a petition to terminate parental rights is
937 filed with the court, or within 30 days after receiving service
938 of a Notice of Intended Adoption Plan. If he receives a Notice
939 of Intended Adoption Plan, he must file a claim of paternity
940 with the Florida Putative Father Registry, file a parenting plan
941 with the court, and provide financial support to the mother or



584164

942 child within 30 days following service. An unmarried biological
943 father's failure to timely respond to a Notice of Intended
944 Adoption Plan constitutes an irrevocable legal waiver of any and
945 all rights that the father may have to the child. A claim of
946 paternity registration form for the Florida Putative Father
947 Registry may be obtained from any local office of the Department
948 of Health, Office of Vital Statistics, the Department of
949 Children and Families, the Internet websites for these agencies,
950 and the offices of the clerks of the Florida circuit courts. The
951 claim of paternity form must be submitted to the Office of Vital
952 Statistics, Attention: Adoption Unit, P.O. Box 210,
953 Jacksonville, FL 32231.

954 8. There are alternatives to adoption, including foster
955 care, relative care, and parenting the child. There may be
956 services and sources of financial assistance in the community
957 available to parents if they choose to parent the child.

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

962 10. A parent 14 years of age or younger must have a parent,
963 legal guardian, or court-appointed guardian ad litem to assist
964 and advise the parent as to the adoption plan and to witness
965 consent.

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

968 12. The payment of living or medical expenses by the
969 prospective adoptive parents before the birth of the child does
970 not, in any way, obligate the parent to sign the consent for



584164

971 adoption.

972 (2) DISCLOSURE TO ADOPTIVE PARENTS.—

973 (a) At the time that an adoption entity is responsible for
974 selecting prospective adoptive parents for a born or unborn
975 child whose parents are seeking to place the child for adoption
976 or whose rights were terminated pursuant to chapter 39, the
977 adoption entity must provide the prospective adoptive parents
978 with information concerning the background of the child to the
979 extent such information is disclosed to the adoption entity by
980 the parents, legal custodian, or the department. This subsection
981 applies only if the adoption entity identifies the prospective
982 adoptive parents and supervises the ~~physical~~ placement of the
983 child in the prospective adoptive parents' home. If any
984 information cannot be disclosed because the records custodian
985 failed or refused to produce the background information, the
986 adoption entity has a duty to provide the information if it
987 becomes available. An individual or entity contacted by an
988 adoption entity to obtain the background information must
989 release the requested information to the adoption entity without
990 the necessity of a subpoena or a court order. In all cases, the
991 prospective adoptive parents must receive all available
992 information by the date of the final hearing on the petition for
993 adoption. The information to be disclosed includes:

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

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

998 3. A complete set of the child's medical records
999 documenting all medical treatment and care since the child's



584164

1000 birth and before placement.

1001 4. All mental health, psychological, and psychiatric
1002 records, reports, and evaluations concerning the child before
1003 placement.

1004 5. The child's educational records, including all records
1005 concerning any special education needs of the child before
1006 placement.

1007 6. Records documenting all incidents that required the
1008 department to provide services to the child, including all
1009 orders of adjudication of dependency or termination of parental
1010 rights issued pursuant to chapter 39, any case plans drafted to
1011 address the child's needs, all protective services
1012 investigations identifying the child as a victim, and all
1013 guardian ad litem reports filed with the court concerning the
1014 child.

1015 7. Written information concerning the availability of
1016 adoption subsidies for the child, if applicable.

1017 (c) If the prospective adoptive parents waive the receipt
1018 of any of the records described in paragraph (a), a copy of the
1019 written notification of the waiver to the adoption entity shall
1020 be filed with the court.

1021 Section 15. Subsection (6) of section 63.087, Florida
1022 Statutes, is amended to read:

1023 63.087 Proceeding to terminate parental rights pending
1024 adoption; general provisions.—

1025 (6) ANSWER AND APPEARANCE REQUIRED.—An answer to the
1026 petition or any pleading requiring an answer must be filed in
1027 accordance with the Florida Family Law Rules of Procedure.
1028 Failure to file a written response to the petition constitutes



584164

1029 grounds upon which the court may terminate parental rights.
1030 Failure to personally appear at the hearing constitutes grounds
1031 upon which the court may terminate parental rights. Any person
1032 present at the hearing to terminate parental rights pending
1033 adoption whose consent to adoption is required under s. 63.062
1034 must:

1035 (a) Be advised by the court that he or she has a right to
1036 ask that the hearing be reset for a later date so that the
1037 person may consult with an attorney; and

1038 (b) Be given an opportunity to admit or deny the
1039 allegations in the petition.

1040 Section 16. Subsection (4) of section 63.088, Florida
1041 Statutes, is amended to read:

1042 63.088 Proceeding to terminate parental rights pending
1043 adoption; notice and service; diligent search.—

1044 (4) REQUIRED INQUIRY.—In proceedings initiated under s.
1045 63.087, the court shall conduct an inquiry of the person who is
1046 placing the minor for adoption and of any relative or person
1047 having legal custody of the minor who is present at the hearing
1048 and likely to have the following information regarding the
1049 identity of:

1050 (a) Any man to whom the mother of the minor was married at
1051 any time when conception of the minor may have occurred or at
1052 the time of the birth of the minor;

1053 (b) Any man who has filed an affidavit of paternity
1054 pursuant to s. 382.013(2)(c) before the date that a petition for
1055 termination of parental rights is filed with the court;

1056 (c) Any man who has adopted the minor;

1057 (d) Any man who has been adjudicated by a court as the



584164

1058 father of the minor child before the date a petition for
1059 termination of parental rights is filed with the court; and

1060 (e) Any man whom the mother identified to the adoption
1061 entity as a potential biological father before the date she
1062 signed the consent for adoption.

1063
1064 The information sought under this subsection may be provided to
1065 the court in the form of a sworn affidavit by a person having
1066 personal knowledge of the facts, addressing each inquiry
1067 enumerated in this subsection, except that, if the inquiry
1068 identifies a father under paragraph (a), paragraph (b), ~~or~~
1069 paragraph (c), or paragraph (d), the inquiry may not continue
1070 further. The inquiry required under this subsection may be
1071 conducted before the birth of the minor.

1072 Section 17. Paragraph (d) of subsection (3) and subsections
1073 (4), (5), and (7) of section 63.089, Florida Statutes, are
1074 amended to read:

1075 63.089 Proceeding to terminate parental rights pending
1076 adoption; hearing; grounds; dismissal of petition; judgment.—

1077 (3) GROUNDS FOR TERMINATING PARENTAL RIGHTS PENDING
1078 ADOPTION.—The court may enter a judgment terminating parental
1079 rights pending adoption if the court determines by clear and
1080 convincing evidence, supported by written findings of fact, that
1081 each person whose consent to adoption is required under s.
1082 63.062:

1083 (d) Has been properly served notice of the proceeding in
1084 accordance with the requirements of this chapter and has failed
1085 to file a written answer or personally appear at the evidentiary
1086 hearing resulting in the judgment terminating parental rights



584164

1087 pending adoption;

1088 (4) FINDING OF ABANDONMENT.—A finding of abandonment
1089 resulting in a termination of parental rights must be based upon
1090 clear and convincing evidence that a parent or person having
1091 legal custody has abandoned the child in accordance with the
1092 definition contained in s. 63.032. A finding of abandonment may
1093 also be based upon emotional abuse or a refusal to provide
1094 reasonable financial support, when able, to a birth mother
1095 during her pregnancy or on whether the person alleged to have
1096 abandoned the child, while being able, failed to establish
1097 contact with the child or accept responsibility for the child's
1098 welfare.

1099 (a) In making a determination of abandonment at a hearing
1100 for termination of parental rights under this chapter, the court
1101 shall consider, among other relevant factors not inconsistent
1102 with this section:

1103 1. Whether the actions alleged to constitute abandonment
1104 demonstrate a willful disregard for the safety or welfare of the
1105 child or the unborn child;

1106 2. Whether the person alleged to have abandoned the child,
1107 while being able, failed to provide financial support;

1108 3. Whether the person alleged to have abandoned the child,
1109 while being able, failed to pay for medical treatment; and

1110 4. Whether the amount of support provided or medical
1111 expenses paid was appropriate, taking into consideration the
1112 needs of the child and relative means and resources available to
1113 the person alleged to have abandoned the child.

1114 (b) The child has been abandoned when the parent of a child
1115 is incarcerated on or after October 1, 2001, in a federal,



584164

1116 state, or county correctional institution and:

1117 1. The period of time for which the parent has been or is
1118 expected to be incarcerated will constitute a significant
1119 portion of the child's minority. In determining whether the
1120 period of time is significant, the court shall consider the
1121 child's age and the child's need for a permanent and stable
1122 home. The period of time begins on the date that the parent
1123 enters into incarceration;

1124 2. The incarcerated parent has been determined by a court
1125 of competent jurisdiction to be a violent career criminal as
1126 defined in s. 775.084, a habitual violent felony offender as
1127 defined in s. 775.084, convicted of child abuse as defined in s.
1128 827.03, or a sexual predator as defined in s. 775.21; has been
1129 convicted of first degree or second degree murder in violation
1130 of s. 782.04 or a sexual battery that constitutes a capital,
1131 life, or first degree felony violation of s. 794.011; or has
1132 been convicted of a substantially similar offense in another
1133 jurisdiction. As used in this section, the term "substantially
1134 similar offense" means any offense that is substantially similar
1135 in elements and penalties to one of those listed in this
1136 subparagraph, and that is in violation of a law of any other
1137 jurisdiction, whether that of another state, the District of
1138 Columbia, the United States or any possession or territory
1139 thereof, or any foreign jurisdiction; or

1140 3. The court determines by clear and convincing evidence
1141 that continuing the parental relationship with the incarcerated
1142 parent would be harmful to the child and, for this reason,
1143 termination of the parental rights of the incarcerated parent is
1144 in the best interests ~~interest~~ of the child.



584164

1145 (5) DISMISSAL OF PETITION.—If the court does not find by
1146 clear and convincing evidence that parental rights of a parent
1147 should be terminated pending adoption, the court must dismiss
1148 the petition and that parent's parental rights that were the
1149 subject of such petition shall remain in full force under the
1150 law. The order must include written findings in support of the
1151 dismissal, including findings as to the criteria in subsection
1152 (4) if rejecting a claim of abandonment.

1153 (a) Parental rights may not be terminated based upon a
1154 consent that the court finds has been timely revoked ~~withdrawn~~
1155 under s. 63.082 or a consent to adoption or affidavit of
1156 nonpaternity that the court finds was obtained by fraud or
1157 duress.

1158 (b) The court must enter an order based upon written
1159 findings providing for the placement of the minor, but the court
1160 may not proceed to determine custody between competing eligible
1161 parties. The placement of the child should revert to the parent
1162 or guardian who had physical custody of the child at the time of
1163 the placement for adoption unless the court determines upon
1164 clear and convincing evidence that this placement is not in the
1165 best interests of the child or is not an available option for
1166 the child. The court may not change the placement of a child who
1167 has established a bonded relationship with the current caregiver
1168 without providing for a reasonable transition plan consistent
1169 with the best interests of the child. The court may direct the
1170 parties to participate in a reunification or unification plan
1171 with a qualified professional to assist the child in the
1172 transition. The court may order scientific testing to determine
1173 the paternity of the minor only if the court has determined that



584164

1174 the consent of the alleged father would be required, unless all
1175 parties agree that such testing is in the best interests of the
1176 child. The court may not order scientific testing to determine
1177 paternity of an unmarried biological father if the child has a
1178 father as described in s. 63.088(4)(a)-(d) whose rights have not
1179 been previously terminated at any time during which the court
1180 has jurisdiction over the minor. Further proceedings, if any,
1181 regarding the minor must be brought in a separate custody action
1182 under chapter 61, a dependency action under chapter 39, or a
1183 paternity action under chapter 742.

1184 (7) RELIEF FROM JUDGMENT TERMINATING PARENTAL RIGHTS.-

1185 (a) A motion for relief from a judgment terminating
1186 parental rights must be filed with the court originally entering
1187 the judgment. The motion must be filed within a reasonable time,
1188 but not later than 1 year after the entry of the judgment. An
1189 unmarried biological father does not have standing to seek
1190 relief from a judgment terminating parental rights if the mother
1191 did not identify him to the adoption entity before the date she
1192 signed a consent for adoption or if he was not located because
1193 the mother failed or refused to provide sufficient information
1194 to locate him.

1195 (b) No later than 30 days after the filing of a motion
1196 under this subsection, the court must conduct a preliminary
1197 hearing to determine what contact, if any, shall be permitted
1198 between a parent and the child pending resolution of the motion.
1199 Such contact shall be considered only if it is requested by a
1200 parent who has appeared at the hearing and may not be awarded
1201 unless the parent previously established a bonded relationship
1202 with the child and the parent has pled a legitimate legal basis



584164

1203 and established a prima facia case for setting aside the
1204 judgment terminating parental rights. If the court orders
1205 contact between a parent and child, the order must be issued in
1206 writing as expeditiously as possible and must state with
1207 specificity any provisions regarding contact with persons other
1208 than those with whom the child resides.

1209 (c) At the preliminary hearing, the court, upon the motion
1210 of any party or upon its own motion, may order scientific
1211 testing to determine the paternity of the minor if the person
1212 seeking to set aside the judgment is alleging to be the child's
1213 father and that fact has not previously been determined by
1214 legitimacy or scientific testing. The court may order visitation
1215 with a person for whom scientific testing for paternity has been
1216 ordered and who has previously established a bonded relationship
1217 with the child.

1218 (d) Unless otherwise agreed between the parties or for good
1219 cause shown, the court shall conduct a final hearing on the
1220 motion for relief from judgment within 45 days after the filing
1221 and enter its written order as expeditiously as possible
1222 thereafter.

1223 (e) If the court grants relief from the judgment
1224 terminating parental rights and no new pleading is filed to
1225 terminate parental rights, the placement of the child should
1226 revert to the parent or guardian who had physical custody of the
1227 child at the time of the original placement for adoption unless
1228 the court determines upon clear and convincing evidence that
1229 this placement is not in the best interests of the child or is
1230 not an available option for the child. The court may not change
1231 the placement of a child who has established a bonded



584164

1232 relationship with the current caregiver without providing for a
1233 reasonable transition plan consistent with the best interests of
1234 the child. The court may direct the parties to participate in a
1235 reunification or unification plan with a qualified professional
1236 to assist the child in the transition. The court may not direct
1237 the placement of a child with a person other than the adoptive
1238 parents without first obtaining a favorable home study of that
1239 person and any other persons residing in the proposed home and
1240 shall take whatever additional steps are necessary and
1241 appropriate for the physical and emotional protection of the
1242 child.

1243 Section 18. Subsection (3) of section 63.092, Florida
1244 Statutes, is amended to read:

1245 63.092 Report to the court of intended placement by an
1246 adoption entity; at-risk placement; preliminary study.—

1247 (3) PRELIMINARY HOME STUDY.—Before placing the minor in the
1248 intended adoptive home, a preliminary home study must be
1249 performed by a licensed child-placing agency, a child-caring
1250 agency registered under s. 409.176, a licensed professional, or
1251 agency described in s. 61.20(2), unless the adoptee is an adult
1252 or the petitioner is a stepparent or a relative. If the adoptee
1253 is an adult or the petitioner is a stepparent or a relative, a
1254 preliminary home study may be required by the court for good
1255 cause shown. The department is required to perform the
1256 preliminary home study only if there is no licensed child-
1257 placing agency, child-caring agency registered under s. 409.176,
1258 licensed professional, or agency described in s. 61.20(2), in
1259 the county where the prospective adoptive parents reside. The
1260 preliminary home study must be made to determine the suitability



584164

1261 of the intended adoptive parents and may be completed prior to
1262 identification of a prospective adoptive minor. A favorable
1263 preliminary home study is valid for 1 year after the date of its
1264 completion. Upon its completion, a signed copy of the home study
1265 must be provided to the intended adoptive parents who were the
1266 subject of the home study. A minor may not be placed in an
1267 intended adoptive home before a favorable preliminary home study
1268 is completed unless the adoptive home is also a licensed foster
1269 home under s. 409.175. The preliminary home study must include,
1270 at a minimum:

- 1271 (a) An interview with the intended adoptive parents;
- 1272 (b) Records checks of the department's central abuse
1273 registry and criminal records correspondence checks under s.
1274 39.0138 through the Department of Law Enforcement on the
1275 intended adoptive parents;
- 1276 (c) An assessment of the physical environment of the home;
- 1277 (d) A determination of the financial security of the
1278 intended adoptive parents;
- 1279 (e) Documentation of counseling and education of the
1280 intended adoptive parents on adoptive parenting;
- 1281 (f) Documentation that information on adoption and the
1282 adoption process has been provided to the intended adoptive
1283 parents;
- 1284 (g) Documentation that information on support services
1285 available in the community has been provided to the intended
1286 adoptive parents; and
- 1287 (h) A copy of each signed acknowledgment of receipt of
1288 disclosure required by s. 63.085.

1289 If the preliminary home study is favorable, a minor may be



584164

1290 placed in the home pending entry of the judgment of adoption. A
1291 minor may not be placed in the home if the preliminary home
1292 study is unfavorable. If the preliminary home study is
1293 unfavorable, the adoption entity may, within 20 days after
1294 receipt of a copy of the written recommendation, petition the
1295 court to determine the suitability of the intended adoptive
1296 home. A determination as to suitability under this subsection
1297 does not act as a presumption of suitability at the final
1298 hearing. In determining the suitability of the intended adoptive
1299 home, the court must consider the totality of the circumstances
1300 in the home. A ~~No~~ minor may not be placed in a home in which
1301 there resides any person determined by the court to be a sexual
1302 predator as defined in s. 775.21 or to have been convicted of an
1303 offense listed in s. 63.089(4)(b)2.

1304 Section 19. Section 63.152, Florida Statutes, is amended to
1305 read:

1306 63.152 Application for new birth record.—Within 30 days
1307 after entry of a judgment of adoption, the clerk of the court or
1308 the adoption entity shall transmit a certified statement of the
1309 entry to the state registrar of vital statistics on a form
1310 provided by the registrar. A new birth record containing the
1311 necessary information supplied by the certificate shall be
1312 issued by the registrar on application of the adopting parents
1313 or the adopted person.

1314 Section 20. Subsection (7) of section 63.162, Florida
1315 Statutes, is amended to read:

1316 63.162 Hearings and records in adoption proceedings;
1317 confidential nature.—

1318 (7) The court may, upon petition of an adult adoptee or



584164

1319 birth parent, for good cause shown, appoint an intermediary or a
1320 licensed child-placing agency to contact a birth parent or adult
1321 adoptee, as applicable, who has not registered with the adoption
1322 registry pursuant to s. 63.165 and advise both ~~them~~ of the
1323 availability of the intermediary or agency and that the birth
1324 parent or adult adoptee, as applicable, wishes to establish
1325 contact ~~same~~.

1326 Section 21. Paragraph (c) of subsection (2) of section
1327 63.167, Florida Statutes, is amended to read:

1328 63.167 State adoption information center.—

1329 (2) The functions of the state adoption information center
1330 shall include:

1331 (c) Operating a toll-free telephone number to provide
1332 information and referral services. The state adoption
1333 information center shall provide contact information for all
1334 adoption entities in the caller's county or, if no adoption
1335 entities are located in the caller's county, the number of the
1336 nearest adoption entity when contacted for a referral to make an
1337 adoption plan and shall rotate the order in which the names of
1338 adoption entities are provided to callers.

1339 Section 22. Subsection (1) of section 63.202, Florida
1340 Statutes, is amended to read:

1341 63.202 Authority to license; adoption of rules.—

1342 (1) The Department of Children and Family Services is
1343 authorized and empowered to license child placement ~~welfare~~
1344 agencies that it determines to be qualified to place minors for
1345 adoption.

1346 Section 23. Paragraph (g) of subsection (1) and subsections
1347 (2) and (8) of section 63.212, Florida Statutes, are amended to



584164

1348 read:

1349 63.212 Prohibited acts; penalties for violation.—

1350 (1) It is unlawful for any person:

1351 (g) Except an adoption entity, to advertise or offer to the
1352 public, in any way, by any medium whatever that a minor is
1353 available for adoption or that a minor is sought for adoption;
1354 and, further, it is unlawful for any person to publish or
1355 broadcast any such advertisement or assist an unlicensed person
1356 or entity in publishing or broadcasting any such advertisement
1357 without including a Florida license number of the agency or
1358 attorney placing the advertisement.

1359 1. Only a person who is an attorney licensed to practice
1360 law in this state or an adoption entity licensed under the laws
1361 of this state may place a paid advertisement or paid listing of
1362 the person's telephone number, on the person's own behalf, in a
1363 telephone directory that:

1364 a. A child is offered or wanted for adoption; or
1365 b. The person is able to place, locate, or receive a child
1366 for adoption.

1367 2. A person who publishes a telephone directory that is
1368 distributed in this state:

1369 a. Shall include, at the beginning of any classified
1370 heading for adoption and adoption services, a statement that
1371 informs directory users that only attorneys licensed to practice
1372 law in this state and licensed adoption entities may legally
1373 provide adoption services under state law.

1374 b. May publish an advertisement described in subparagraph
1375 1. in the telephone directory only if the advertisement contains
1376 the following:



584164

1377 (I) For an attorney licensed to practice law in this state,
1378 the person's Florida Bar number.

1379 (II) For a child placing agency licensed under the laws of
1380 this state, the number on the person's adoption entity license.

1381 (2) Any person who is a birth mother, or a woman who holds
1382 herself out to be a birth mother, who is interested in making an
1383 adoption plan and who knowingly or intentionally benefits from
1384 the payment of adoption-related expenses in connection with that
1385 adoption plan commits adoption deception if:

1386 (a) The person knows or should have known that the person
1387 is not pregnant at the time the sums were requested or received;

1388 (b) The person accepts living expenses assistance from a
1389 prospective adoptive parent or adoption entity without
1390 disclosing that she is receiving living expenses assistance from
1391 another prospective adoptive parent or adoption entity at the
1392 same time in an effort to adopt the same child; or

1393 (c) The person knowingly makes false representations to
1394 induce the payment of living expenses and does not intend to
1395 make an adoptive placement. It is unlawful for:

1396 ~~(a) Any person or adoption entity under this chapter to:~~

1397 ~~1. Knowingly provide false information; or~~

1398 ~~2. Knowingly withhold material information.~~

1399 ~~(b) A parent, with the intent to defraud, to accept~~
1400 ~~benefits related to the same pregnancy from more than one~~
1401 ~~adoption entity without disclosing that fact to each entity.~~

1402
1403 Any person who willfully commits adoption deception ~~violates any~~
1404 ~~provision of this subsection~~ commits a misdemeanor of the second
1405 degree, punishable as provided in s. 775.082 or s. 775.083, if



584164

1406 the sums received by the birth mother or woman holding herself
1407 out to be a birth mother do not exceed \$300, and a felony of the
1408 third degree, punishable as provided in s. 775.082, s. 775.083,
1409 or s. 775.084, if the sums received by the birth mother or woman
1410 holding herself out to be a birth mother exceed \$300. In
1411 addition, the person is liable for damages caused by such acts
1412 or omissions, including reasonable attorney ~~attorney's~~ fees and
1413 costs incurred by the adoption entity or the prospective
1414 adoptive parent. Damages may be awarded through restitution in
1415 any related criminal prosecution or by filing a separate civil
1416 action.

1417 (8) Unless otherwise indicated, a person who willfully and
1418 with criminal intent violates any provision of this section,
1419 excluding paragraph (1)(g), commits a felony of the third
1420 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1421 775.084. A person who willfully and with criminal intent
1422 violates paragraph (1)(g) commits a misdemeanor of the second
1423 degree, punishable as provided in s. 775.083; and each day of
1424 continuing violation shall be considered a separate offense. In
1425 addition, any person who knowingly publishes or assists with the
1426 publication of any advertisement or other publication which
1427 violates the requirements of paragraph (1)(g) commits a
1428 misdemeanor of the second degree, punishable as provided in s.
1429 775.083, and may be required to pay a fine of up to \$150 per day
1430 for each day of continuing violation.

1431 Section 24. Paragraph (b) of subsection (1), paragraphs (a)
1432 and (e) of subsection (2), and paragraphs (b), (h), and (i) of
1433 subsection (6) of section 63.213, Florida Statutes, are amended
1434 to read:



584164

1435 63.213 Preplanned adoption agreement.-

1436 (1) Individuals may enter into a preplanned adoption
1437 arrangement as specified in this section, but such arrangement
1438 may not in any way:

1439 (b) Constitute consent of a mother to place her biological
1440 child for adoption until 48 hours after the following birth of
1441 the child and unless the court making the custody determination
1442 or approving the adoption determines that the mother was aware
1443 of her right to rescind within the 48-hour period after the
1444 following birth of the child but chose not to rescind such
1445 consent. The volunteer mother's right to rescind her consent in
1446 a preplanned adoption applies only when the child is genetically
1447 related to her.

1448 (2) A preplanned adoption agreement must include, but need
1449 not be limited to, the following terms:

1450 (a) That the volunteer mother agrees to become pregnant by
1451 the fertility technique specified in the agreement, to bear the
1452 child, and to terminate any parental rights and responsibilities
1453 to the child she might have through a written consent executed
1454 at the same time as the preplanned adoption agreement, subject
1455 to a right of rescission by the volunteer mother any time within
1456 48 hours after the birth of the child, if the volunteer mother
1457 is genetically related to the child.

1458 (e) That the intended father and intended mother
1459 acknowledge that they may not receive custody or the parental
1460 rights under the agreement if the volunteer mother terminates
1461 the agreement or if the volunteer mother rescinds her consent to
1462 place her child for adoption within 48 hours after the birth of
1463 the child, if the volunteer mother is genetically related to the



584164

1464 child.

1465 (6) As used in this section, the term:

1466 (b) "Child" means the child or children conceived by means
1467 of a fertility technique ~~an insemination~~ that is part of a
1468 preplanned adoption arrangement.

1469 (h) "Preplanned adoption arrangement" means the arrangement
1470 through which the parties enter into an agreement for the
1471 volunteer mother to bear the child, for payment by the intended
1472 father and intended mother of the expenses allowed by this
1473 section, for the intended father and intended mother to assert
1474 full parental rights and responsibilities to the child if
1475 consent to adoption is not rescinded after birth by a the
1476 volunteer mother who is genetically related to the child, and
1477 for the volunteer mother to terminate, subject to any ~~a~~ right of
1478 rescission, all her parental rights and responsibilities to the
1479 child in favor of the intended father and intended mother.

1480 (i) "Volunteer mother" means a female at least 18 years of
1481 age who voluntarily agrees, subject to a right of rescission if
1482 it is her biological child, that if she should become pregnant
1483 pursuant to a preplanned adoption arrangement, she will
1484 terminate her parental rights and responsibilities to the child
1485 in favor of the intended father and intended mother.

1486 Section 25. Section 63.222, Florida Statutes, is amended to
1487 read:

1488 63.222 Effect on prior adoption proceedings.—Any adoption
1489 made before July 1, 2012, is the effective date of this act
1490 ~~shall be valid~~, and any proceedings pending on that the
1491 ~~effective date~~ and any subsequent amendments thereto ~~of this act~~
1492 are not affected thereby unless the amendment is designated as a



584164

1493 remedial provision.

1494 Section 26. Section 63.2325, Florida Statutes, is amended
1495 to read:

1496 63.2325 Conditions for invalidation ~~revocation~~ of a consent
1497 to adoption or affidavit of nonpaternity.—Notwithstanding the
1498 requirements of this chapter, a failure to meet any of those
1499 requirements does not constitute grounds for invalidation
1500 ~~revocation~~ of a consent to adoption or revocation ~~withdrawal~~ of
1501 an affidavit of nonpaternity unless the extent and circumstances
1502 of such a failure result in a material failure of fundamental
1503 fairness in the administration of due process, or the failure
1504 constitutes or contributes to fraud or duress in obtaining a
1505 consent to adoption or affidavit of nonpaternity.

1506 Section 27. This act shall take effect July 1, 2012.

1507
1508 ===== T I T L E A M E N D M E N T =====

1509 And the title is amended as follows:

1510 Delete everything before the enacting clause
1511 and insert:

1512 A bill to be entitled
1513 An act relating to adoption; amending s. 39.802, F.S.;
1514 requiring the Department of Children and Family
1515 Services to inform the parents of a child of the
1516 availability of private placement of the child with an
1517 adoption entity in certain circumstances; amending s.
1518 63.022, F.S.; revising legislative intent to delete
1519 reference to reporting requirements for placements of
1520 minors and exceptions; amending s. 63.032, F.S.;
1521 revising definitions; amending s. 63.037, F.S.;



584164

1522 exempting adoption proceedings initiated under chapter
1523 39, F.S., from a requirement for a search of the
1524 Florida Putative Father Registry; amending s. 63.039,
1525 F.S.; providing that all adoptions of minor children
1526 require the use of an adoption entity that will assume
1527 the responsibilities provided in specified provisions;
1528 providing an exception; amending s. 63.0423, F.S.;
1529 revising procedures with respect to surrendered
1530 infants; providing that an infant who tests positive
1531 for illegal drugs, narcotic prescription drugs,
1532 alcohol, or other substances, but shows no other signs
1533 of child abuse or neglect, shall be placed in the
1534 custody of a licensed child-placing agency; providing
1535 that a specified reporting requirement is not
1536 superseded; providing that when the Department of
1537 Children and Family Services is contacted regarding a
1538 surrendered infant who does not appear to have been
1539 the victim of actual or suspected child abuse or
1540 neglect, it shall provide instruction to contact a
1541 licensed child-placing agency and may not take custody
1542 of the infant; providing an exception; revising
1543 provisions relating to scientific testing to determine
1544 the paternity or maternity of a minor; amending s.
1545 63.0427, F.S.; prohibiting a court from increasing
1546 contact between an adopted child and siblings, birth
1547 parents, or other relatives without the consent of the
1548 adoptive parent or parents; amending s. 63.052, F.S.;
1549 deleting a requirement that a minor be permanently
1550 committed to an adoption entity in order for the



584164

1551 entity to be guardian of the person of the minor;
1552 limiting the circumstances in which an intermediary
1553 may remove a child; providing that an intermediary
1554 does not become responsible for a minor child's
1555 medical bills that were incurred before taking
1556 physical custody of the child; providing additional
1557 placement options for a minor surrendered to an
1558 adoption entity for subsequent adoption when a
1559 suitable prospective adoptive home is not available;
1560 amending s. 63.053, F.S.; requiring that an unmarried
1561 biological father strictly comply with specified
1562 provisions in order to protect his interests; amending
1563 s. 63.054, F.S.; authorizing submission of an
1564 alternative document to the Office of Vital Statistics
1565 by the petitioner in each proceeding for termination
1566 of parental rights; providing that by filing a claim
1567 of paternity form the registrant expressly consents to
1568 paying for DNA testing; requiring that an alternative
1569 address designated by a registrant be a physical
1570 address; providing that the filing of a claim of
1571 paternity with the Florida Putative Father Registry
1572 does not relieve a person from compliance with
1573 specified requirements; amending s. 63.062, F.S.;
1574 revising requirements for when a minor's father must
1575 be served prior to termination of parental rights;
1576 requiring that an unmarried biological father comply
1577 with specified requirements in order for his consent
1578 to be required for adoption; revising such
1579 requirements; providing that the mere fact that a



584164

1580 father expresses a desire to fulfill his
1581 responsibilities towards his child which is
1582 unsupported by acts evidencing this intent does not
1583 meet the requirements; providing for the sufficiency
1584 of an affidavit of nonpaternity; providing an
1585 exception to a condition to a petition to adopt an
1586 adult; amending s. 63.063, F.S.; conforming
1587 terminology; amending s. 63.082, F.S.; revising
1588 language concerning applicability of notice and
1589 consent provisions in cases in which the child is
1590 conceived as a result of a violation of criminal law;
1591 requiring notice to be provided to the father of a
1592 child alleged to be conceived as a result of a
1593 violation of criminal law if charges are not filed;
1594 providing that a criminal conviction is not required
1595 for the court to find that the child was conceived as
1596 a result of a violation of criminal law; requiring an
1597 affidavit of diligent search to be filed whenever a
1598 person who is required to consent is unavailable
1599 because the person cannot be located; providing that
1600 in an adoption of a stepchild or a relative, a
1601 certified copy of the death certificate of the person
1602 whose consent is required may be attached to the
1603 petition for adoption if a separate petition for
1604 termination of parental rights is not being filed;
1605 authorizing the execution of an affidavit of
1606 nonpaternity before the birth of a minor in preplanned
1607 adoptions; revising language of a consent to adoption;
1608 providing that a home study provided by the adoption



584164

1609 entity shall be deemed to be sufficient except in
1610 certain circumstances; providing for a hearing if an
1611 adoption entity moves to intervene in a dependency
1612 case; requiring the court to provide information to
1613 prospective adoptive parents regarding parent training
1614 classes in the community upon determining the child
1615 dependent; requiring the department to file an
1616 acknowledgement of receipt of information; requiring
1617 the adoption entity to provide updates to the court at
1618 specified intervals; requiring the court to advise a
1619 biological parent who is a party to a dependency
1620 proceeding of the right to participate in a private
1621 adoption; revising language concerning seeking to
1622 revoke consent to an adoption of a child older than 6
1623 months of age; providing that if the consent of one
1624 parent is set aside or revoked, any other consents
1625 executed by the other parent or a third party whose
1626 consent is required for the adoption of the child may
1627 not be used by the parent who consent was revoked or
1628 set aside to terminate or diminish the rights of the
1629 other parent or third party; amending s. 63.085, F.S.;
1630 revising language of an adoption disclosure statement;
1631 requiring that a copy of a waiver by prospective
1632 adoptive parents of receipt of certain records must be
1633 filed with the court; amending s. 63.087, F.S.;
1634 specifying that a failure to personally appear at a
1635 proceeding to terminate parental rights constitutes
1636 grounds for termination; amending s. 63.088, F.S.;
1637 providing that in a termination of parental rights



584164

1638 proceeding if a required inquiry that identifies a
1639 father who has been adjudicated by a court as the
1640 father of the minor child before the date a petition
1641 for termination of parental rights is filed the
1642 inquiry must terminate at that point; amending s.
1643 63.089, F.S.; specifying that it is a failure to
1644 personally appear that provides grounds for
1645 termination of parental rights in certain
1646 circumstances; providing additional grounds upon which
1647 a finding of abandonment may be made; revising
1648 provisions relating to dismissal of petitions to
1649 terminate parental rights; providing that contact
1650 between a parent seeking relief from a judgment
1651 terminating parental rights and a child may be awarded
1652 only in certain circumstances; providing for placement
1653 of a child in the event that a court grants relief
1654 from a judgment terminating parental rights and no new
1655 pleading is filed to terminate parental rights;
1656 amending s. 63.092, F.S.; requiring that a signed copy
1657 of the home study must be provided to the intended
1658 adoptive parents who were the subject of the study;
1659 amending s. 63.152, F.S.; authorizing an adoption
1660 entity to transmit a certified statement of the entry
1661 of a judgment of adoption to the state registrar of
1662 vital statistics; amending s. 63.162, F.S.;

1663 authorizing a birth parent to petition that court to
1664 appoint an intermediary or a licensed child-placing
1665 agency to contact an adult adoptee and advise both of
1666 the availability of the adoption registry and that the



584164

1667 birth parent wishes to establish contact; amending s.
1668 63.167, F.S.; requiring that the state adoption center
1669 provide contact information for all adoption entities
1670 in a caller's county or, if no adoption entities are
1671 located in the caller's county, the number of the
1672 nearest adoption entity when contacted for a referral
1673 to make an adoption plan; amending s. 63.202, F.S.;
1674 revising terminology in provisions relating to
1675 licensing by the department; amending s. 63.212, F.S.;
1676 restricting who may place a paid advertisement or paid
1677 listing of the person's telephone number offering
1678 certain adoption services; requiring of publishers of
1679 telephone directories to include certain statements at
1680 the beginning of any classified heading for adoption
1681 and adoption services; providing requirements for such
1682 advertisements; providing criminal penalties for
1683 violations; prohibiting the offense of adoption
1684 deception by a person who is a birth mother or a woman
1685 who holds herself out to be a birth mother; providing
1686 criminal penalties; providing liability by violators
1687 for certain damages; amending s. 63.213, F.S.;
1688 providing that a preplanned adoption arrangement does
1689 not constitute consent of a mother to place her
1690 biological child for adoption until 48 hours following
1691 birth; providing that a volunteer mother's right to
1692 rescind her consent in a preplanned adoption applies
1693 only when the child is genetically related to her;
1694 revising the definitions of the terms "child,"
1695 "preplanned adoption arrangement," and "volunteer



584164

1696 mother"; amending s. 63.222, F.S.; providing that
1697 provisions designated as remedial may apply to any
1698 proceedings pending on the effective date of the
1699 provisions; amending s. 63.2325, F.S.; revising
1700 terminology relating to revocation of consent to
1701 adoption; providing an effective date.