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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/01/2012	.	
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The Committee on Children, Families, and Elder Affairs (Storms) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

63.022 Legislative intent.—

(2) It is the intent of the Legislature that in every adoption, the best interest of the child should govern and be of



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13 foremost concern in the court's determination. The court shall
14 make a specific finding as to the best interests ~~interest~~ of the
15 child in accordance with the provisions of this chapter.

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

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

21 Section 2. Subsections (1), (3), (12), (17), and (19) of
22 section 63.032, Florida Statutes, are amended to read:

23 63.032 Definitions.—As used in this chapter, the term:

24 (1) "Abandoned" means a situation in which the parent or
25 person having legal custody of a child, while being able, makes
26 little or no provision for the child's support or ~~and~~ makes
27 little or no effort to communicate with the child, which
28 situation is sufficient to evince an intent to reject parental
29 responsibilities. If, in the opinion of the court, the efforts
30 of such parent or person having legal custody of the child to
31 support and communicate with the child are only marginal efforts
32 that do not evince a settled purpose to assume all parental
33 duties, the court may declare the child to be abandoned. In
34 making this decision, the court may consider the conduct of a
35 father towards the child's mother during her pregnancy.

36 (3) "Adoption entity" means the department, an agency, a
37 child-caring agency registered under s. 409.176, an
38 intermediary, a Florida-licensed child-placing agency, or a
39 child-placing agency licensed in another state which is
40 qualified by the department to place children in the State of
41 Florida.



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42 (12) "Parent" means a woman who gives birth to a child and
43 who is not a gestational surrogate as defined in s. 742.13 or a
44 man whose consent to the adoption of the child would be required
45 under s. 63.062(1). If a child has been legally adopted, the
46 term "parent" means the adoptive mother or father of the child.
47 The term does not include an individual whose parental
48 relationship to the child has been legally terminated or an
49 alleged or prospective parent.

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

53 (19) "Unmarried biological father" means the child's
54 biological father who is not married to the child's mother at
55 the time of conception or on the date of the birth of the child
56 and who, before the filing of a petition to terminate parental
57 rights, has not been adjudicated by a court of competent
58 jurisdiction to be the legal father of the child or has not
59 filed ~~executed~~ an affidavit pursuant to s. 382.013(2)(c).

60 Section 3. Section 63.037, Florida Statutes, is amended to
61 read:

62 63.037 Proceedings applicable to cases resulting from a
63 termination of parental rights under chapter 39.—A case in which
64 a minor becomes available for adoption after the parental rights
65 of each parent have been terminated by a judgment entered
66 pursuant to chapter 39 shall be governed by s. 39.812 and this
67 chapter. Adoption proceedings initiated under chapter 39 are
68 exempt from the following provisions of this chapter:
69 requirement for search of the Florida Putative Father Registry
70 provided in s. 63.054(7), if a search was previously completed



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71 and documentation of the search is contained in the case file;
72 disclosure requirements for the adoption entity provided in s.
73 63.085(1); general provisions governing termination of parental
74 rights pending adoption provided in s. 63.087; notice and
75 service provisions governing termination of parental rights
76 pending adoption provided in s. 63.088; and procedures for
77 terminating parental rights pending adoption provided in s.
78 63.089.

79 Section 4. Subsections (2) through (4) of section 63.039,
80 Florida Statutes, are renumbered as subsections (3) through (5),
81 respectively, and a new subsection (2) is added to that section
82 to read:

83 63.039 Duty of adoption entity to prospective adoptive
84 parents; sanctions.—

85 (2) With the exception of an adoption by a relative or
86 stepparent, all adoptions of minor children require the use of
87 an adoption entity that will assume the responsibilities
88 provided in this section.

89 Section 5. Paragraph (c) of subsection (2) of section
90 63.042, Florida Statutes, is amended to read:

91 63.042 Who may be adopted; who may adopt.—

92 (2) The following persons may adopt:

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

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

98 2. The failure of his or her ~~the other~~ spouse to join in
99 the petition or to consent to the adoption is excused by the



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100 court for good cause shown or in the best interests ~~interest~~ of
101 the child.

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

104 63.0423 Procedures with respect to surrendered infants.—

105 (1) Upon entry of final judgment terminating parental
106 rights, an adoption entity ~~A licensed child-placing agency~~ that
107 takes physical custody of an infant surrendered at a hospital,
108 emergency medical services station, or fire station pursuant to
109 s. 383.50 assumes ~~shall assume~~ responsibility for the all
110 medical ~~costs~~ and ~~all~~ other costs associated with the emergency
111 services and care of the surrendered infant from the time the
112 adoption entity ~~licensed child-placing agency~~ takes physical
113 custody of the surrendered infant.

114 (2) The adoption entity ~~licensed child-placing agency~~ shall
115 immediately seek an order from the circuit court for emergency
116 custody of the surrendered infant. The emergency custody order
117 shall remain in effect until the court orders preliminary
118 approval of placement of the surrendered infant in the
119 prospective home, at which time the prospective adoptive parents
120 become guardians pending termination of parental rights and
121 finalization of adoption or until the court orders otherwise.
122 The guardianship of the prospective adoptive parents shall
123 remain subject to the right of the adoption entity ~~licensed~~
124 ~~child-placing agency~~ to remove the surrendered infant from the
125 placement during the pendency of the proceedings if such removal
126 is deemed by the adoption entity ~~licensed child-placing agency~~
127 to be in the best interests ~~interest~~ of the child. The adoption
128 entity ~~licensed child-placing agency~~ may immediately seek to



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129 place the surrendered infant in a prospective adoptive home.

130 (3) The adoption entity ~~licensed child-placing agency~~ that
131 takes physical custody of the surrendered infant shall, within
132 24 hours thereafter, request assistance from law enforcement
133 officials to investigate and determine, through the Missing
134 Children Information Clearinghouse, the National Center for
135 Missing and Exploited Children, and any other national and state
136 resources, whether the surrendered infant is a missing child.

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



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



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187 terminating parental rights.

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



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216 possible thereafter.

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

219 63.0425 Grandparent's right to notice.-

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

225 Section 8. Section 63.0427, Florida Statutes, is amended to
226 read:

227 63.0427 Agreements for ~~Adopted minor's right to~~ continued
228 communication or contact between adopted child and ~~with~~
229 siblings, parents, and other relatives.-

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

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

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

244 (c) Statements of the prospective adoptive parents.



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245 (d) Any other information deemed relevant and material by
246 the court.

247
248 If the court determines that the child's best interests will be
249 served by postadoption communication or contact, the court shall
250 so order, stating the nature and frequency of ~~for~~ the
251 communication or contact. This order shall be made a part of the
252 final adoption order, but ~~in no event shall~~ the continuing
253 validity of the adoption may not be contingent upon such
254 postadoption communication or contact and, ~~nor shall~~ the ability
255 of the adoptive parents and child to change residence within or
256 outside the State of Florida may not be impaired by such
257 communication or contact.

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

271 (3) Prospective adoptive parents may enter into an
272 agreement for contact between the child to be adopted and the
273 birth parent, other relative, or previous foster parent of the



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274 child to be adopted. Such contact may include visits, written
275 correspondence, telephone contact, exchange of photographs, or
276 other similar types of contact. The agreement is enforceable by
277 the court only if:

278 (a) The agreement was in writing and was submitted to the
279 court.

280 (b) The adoptive parents have agreed to the terms of the
281 contact agreement.

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

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

286 (4) All parties must acknowledge that a dispute regarding
287 the contact agreement does not affect the validity or finality
288 of the adoption and that a breach of the agreement may not be
289 grounds to set aside the adoption or otherwise impact the
290 validity or finality of the adoption in any way.

291 (5) An adoptive parent may terminate the contact between
292 the child and the birth parent, other relative, or foster parent
293 if the adoptive parent reasonably believes that the contact is
294 detrimental to the best interests of the child.

295 (6) In order to terminate the agreement for contact, the
296 adoptive parent must file a notice of intent to terminate the
297 contact agreement with the court that initially approved the
298 contact agreement, and provide a copy of the notice to the
299 adoption entity that placed the child, if any, and to the birth
300 parent, other relative, or foster parent of the child who is a
301 party to the agreement, outlining the reasons for termination of
302 the agreement.



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303 (7) If appropriate under the circumstances of the case, the
304 court may order the parties to participate in mediation to
305 attempt to resolve the issues with the contact agreement. The
306 mediation shall be conducted pursuant to s. 61.183. The
307 petitioner shall be responsible for payment for the services of
308 the mediator.

309 (8) The court may modify the terms of the agreement in
310 order to serve the best interests of the child, but may not
311 increase the amount or type of contact unless the adoptive
312 parents agree to the increase in contact or change in the type
313 of contact.

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

318 Section 9. Subsections (1), (2), (3), and (6) of section
319 63.052, Florida Statutes, are amended to read:

320 63.052 Guardians designated; proof of commitment.—

321 (1) For minors who have been placed for adoption with ~~and~~
322 ~~permanently committed to~~ an adoption entity, other than an
323 intermediary, such adoption entity shall be the guardian of the
324 person of the minor and has the responsibility and authority to
325 provide for the needs and welfare of the minor.

326 (2) For minors who have been voluntarily surrendered to an
327 intermediary through an execution of a consent to adoption, the
328 intermediary shall be responsible for the minor until the time a
329 court orders preliminary approval of placement of the minor in
330 the prospective adoptive home, after which time the prospective
331 adoptive parents shall become guardians pending finalization of



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332 adoption, subject to the intermediary's right and responsibility
333 to remove the child from the prospective adoptive home if the
334 removal is deemed by the intermediary to be in the best
335 interests ~~interest~~ of the child. The intermediary may not remove
336 the child without a court order unless the child is in danger of
337 imminent harm. The intermediary does not become responsible for
338 the minor child's medical bills that were incurred before taking
339 physical custody of the child after the execution of adoption
340 consents. Prior to the court's entry of an order granting
341 preliminary approval of the placement, the intermediary shall
342 have the responsibility and authority to provide for the needs
343 and welfare of the minor. A ~~No~~ minor may not ~~shall~~ be placed in
344 a prospective adoptive home until that home has received a
345 favorable preliminary home study, as provided in s. 63.092,
346 completed and approved within 1 year before such placement in
347 the prospective home. The provisions of s. 627.6578 shall remain
348 in effect notwithstanding the guardianship provisions in this
349 section.

350 (3) If a minor is surrendered to an adoption entity for
351 subsequent adoption and a suitable prospective adoptive home is
352 not available pursuant to s. 63.092 at the time the minor is
353 surrendered to the adoption entity, the minor must be placed in
354 a licensed foster care home, ~~or~~ with a person or family that has
355 received a favorable preliminary home study pursuant to
356 subsection (2), or with a relative until ~~such~~ a suitable
357 prospective adoptive home is available.

358 (6) Unless otherwise authorized by law or ordered by the
359 court, the department is not responsible for expenses incurred
360 by other adoption entities participating in a placement of a



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361 minor.

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

364 63.053 Rights and responsibilities of an unmarried
365 biological father; legislative findings.—

366 (2) The Legislature finds that the interests of the state,
367 the mother, the child, and the adoptive parents described in
368 this chapter outweigh the interest of an unmarried biological
369 father who does not take action in a timely manner to establish
370 and demonstrate a relationship with his child in accordance with
371 the requirements of this chapter. An unmarried biological father
372 has the primary responsibility to protect his rights and is
373 presumed to know that his child may be adopted without his
374 consent unless he strictly complies with ~~the provisions of~~ this
375 chapter and demonstrates a prompt and full commitment to his
376 parental responsibilities.

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

379 Section 11. Subsections (1), (2), (4), and (13) of section
380 63.054, Florida Statutes, are amended to read:

381 63.054 Actions required by an unmarried biological father
382 to establish parental rights; Florida Putative Father Registry.—

383 (1) In order to preserve the right to notice and consent to
384 an adoption under this chapter, an unmarried biological father
385 must, as the "registrant," file a notarized claim of paternity
386 form with the Florida Putative Father Registry maintained by the
387 Office of Vital Statistics of the Department of Health which
388 includes confirmation of his willingness and intent to support
389 the child for whom paternity is claimed in accordance with state



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390 law. The claim of paternity may be filed at any time before the
391 child's birth, but may not be filed after the date a petition is
392 filed for termination of parental rights. In each proceeding for
393 termination of parental rights, the petitioner must submit to
394 the Office of Vital Statistics a copy of the petition for
395 termination of parental rights or a document executed by the
396 clerk of the court showing the style of the case, the names of
397 the persons whose rights are sought to be terminated, and the
398 date and time of the filing of the petition. The Office of Vital
399 Statistics may not record a claim of paternity after the date a
400 petition for termination of parental rights is filed. The
401 failure of an unmarried biological father to file a claim of
402 paternity with the registry before the date a petition for
403 termination of parental rights is filed also bars him from
404 filing a paternity claim under chapter 742.

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

408 1. The mother identifies him to the adoption entity as a
409 potential biological father by the date she executes a consent
410 for adoption; and

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

415 (b) If an unmarried biological father falls within the
416 exception provided by paragraph (a), the petitioner shall also
417 submit to the Office of Vital Statistics a copy of the notice of
418 intended adoption plan and proof of service of the notice on the



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419 potential biological father.

420 (c) An unmarried biological father who falls within the
421 exception provided by paragraph (a) may not file a claim of
422 paternity with the registry or a paternity claim under chapter
423 742 after the 30-day mandatory response date to the notice of
424 intended adoption plan has expired. The Office of Vital
425 Statistics may not record a claim of paternity 30 days after
426 service of the notice of intended adoption plan.

427 (2) By filing a claim of paternity form with the Office of
428 Vital Statistics, the registrant expressly consents to submit to
429 and pay for DNA testing upon the request of any party, the
430 registrant, or the adoption entity with respect to the child
431 referenced in the claim of paternity.

432 (4) Upon initial registration, or at any time thereafter,
433 the registrant may designate a physical ~~an~~ address other than
434 his residential address for sending any communication regarding
435 his registration. Similarly, upon initial registration, or at
436 any time thereafter, the registrant may designate, in writing,
437 an agent or representative to receive any communication on his
438 behalf and receive service of process. The agent or
439 representative must file an acceptance of the designation, in
440 writing, in order to receive notice or service of process. The
441 failure of the designated representative or agent of the
442 registrant to deliver or otherwise notify the registrant of
443 receipt of correspondence from the Florida Putative Father
444 Registry is at the registrant's own risk and may ~~shall~~ not serve
445 as a valid defense based upon lack of notice.

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



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

452 Section 12. Paragraph (b) of subsection (1), subsections
453 (2), (3), and (4), and paragraph (a) of subsection (8) of
454 section 63.062, Florida Statutes, are amended to read:

455 63.062 Persons required to consent to adoption; affidavit
456 of nonpaternity; waiver of venue.—

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

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

463 1. The minor was conceived or born while the father was
464 married to the mother;

465 2. The minor is his child by adoption;

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

469 4. He has filed an affidavit of paternity pursuant to s.
470 382.013(2)(c) or he is listed on the child's birth certificate
471 before ~~by~~ the date a petition ~~is filed~~ for termination of
472 parental rights is filed; or

473 5. In the case of an unmarried biological father, he has
474 acknowledged in writing, signed in the presence of a competent
475 witness, that he is the father of the minor, has filed such
476 acknowledgment with the Office of Vital Statistics of the



477 Department of Health within the required timeframes, and has
478 complied with the requirements of subsection (2).

479

480 The status of the father shall be determined at the time of the
481 filing of the petition to terminate parental rights and may not
482 be modified, except as otherwise provided in s. 63.0423(9)(a),
483 for purposes of his obligations and rights under this chapter by
484 acts occurring after the filing of the petition to terminate
485 parental rights.

486 (2) In accordance with subsection (1), the consent of an
487 unmarried biological father shall be necessary only if the
488 unmarried biological father has complied with the requirements
489 of this subsection.

490 (a)1. With regard to a child who is placed with adoptive
491 parents more than 6 months after the child's birth, an unmarried
492 biological father must have developed a substantial relationship
493 with the child, taken some measure of responsibility for the
494 child and the child's future, and demonstrated a full commitment
495 to the responsibilities of parenthood by providing reasonable
496 and regular financial support to the child in accordance with
497 the unmarried biological father's ability, if not prevented from
498 doing so by the person or authorized agency having lawful
499 custody of the child, and either:

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

504 b. Maintained regular communication with the child or with
505 the person or agency having the care or custody of the child,



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506 when physically or financially unable to visit the child or when
507 not prevented from doing so by the birth mother or person or
508 authorized agency having lawful custody of the child.

509 ~~2. The mere fact that an unmarried biological father~~
510 ~~expresses a desire to fulfill his responsibilities towards his~~
511 ~~child which is unsupported by acts evidencing this intent does~~
512 ~~not preclude a finding by the court that the unmarried~~
513 ~~biological father failed to comply with the requirements of this~~
514 ~~subsection.~~

515 ~~2.3.~~ An unmarried biological father who openly lived with
516 the child for at least 6 months within the 1-year period
517 following the birth of the child and immediately preceding
518 placement of the child with adoptive parents and who openly held
519 himself out to be the father of the child during that period
520 shall be deemed to have developed a substantial relationship
521 with the child and to have otherwise met the requirements of
522 this paragraph.

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

529 1. Filed a notarized claim of paternity form with the
530 Florida Putative Father Registry within the Office of Vital
531 Statistics of the Department of Health, which form shall be
532 maintained in the confidential registry established for that
533 purpose and shall be considered filed when the notice is entered
534 in the registry of notices from unmarried biological fathers.



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535 2. Upon service of a notice of an intended adoption plan or
536 a petition for termination of parental rights pending adoption,
537 executed and filed an affidavit in that proceeding stating that
538 he is personally fully able and willing to take responsibility
539 for the child, setting forth his plans for care of the child,
540 and agreeing to a court order of child support and a
541 contribution to the payment of living and medical expenses
542 incurred for the mother's pregnancy and the child's birth in
543 accordance with his ability to pay.

544 3. If he had knowledge of the pregnancy, paid a fair and
545 reasonable amount of the living and medical expenses incurred in
546 connection with the mother's pregnancy and the child's birth, in
547 accordance with his financial ability and when not prevented
548 from doing so by the birth mother or person or authorized agency
549 having lawful custody of the child. The responsibility of the
550 unmarried biological father to provide financial assistance to
551 the birth mother during her pregnancy and to the child after
552 birth is not abated because support is being provided to the
553 birth mother or child by the adoption entity, a prospective
554 adoptive parent, or a third party, nor does it serve as a basis
555 to excuse the birth father's failure to provide support.

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

560 (d) ~~(e)~~ The petitioner shall file with the court a
561 certificate from the Office of Vital Statistics stating that a
562 diligent search has been made of the Florida Putative Father
563 Registry of notices from unmarried biological fathers described



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564 in subparagraph (b)1. and that no filing has been found
565 pertaining to the father of the child in question or, if a
566 filing is found, stating the name of the putative father and the
567 time and date of filing. That certificate shall be filed with
568 the court prior to the entry of a final judgment of termination
569 of parental rights.

570 (e) ~~(d)~~ An unmarried biological father who does not comply
571 with each of the conditions provided in this subsection is
572 deemed to have waived and surrendered any rights in relation to
573 the child, including the right to notice of any judicial
574 proceeding in connection with the adoption of the child, and his
575 consent to the adoption of the child is not required.

576 (3) Pursuant to chapter 48, an adoption entity shall serve
577 a notice of intended adoption plan upon any known and locatable
578 unmarried biological father who is identified to the adoption
579 entity by the mother by the date she signs her consent for
580 adoption if the child is 6 months of age or less at the time the
581 consent is executed ~~or who is identified by a diligent search of~~
582 ~~the Florida Putative Father Registry, or upon an entity whose~~
583 ~~consent is required~~. Service of the notice of intended adoption
584 plan is not required ~~mandatory~~ when the unmarried biological
585 father signs a consent for adoption or an affidavit of
586 nonpaternity or when the child is more than 6 months of age at
587 the time of the execution of the consent by the mother. The
588 notice may be served at any time before the child's birth or
589 before placing the child in the adoptive home. The recipient of
590 the notice may waive service of process by executing a waiver
591 and acknowledging receipt of the plan. The notice of intended
592 adoption plan must specifically state that if the unmarried



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593 biological father desires to contest the adoption plan he must,
594 within 30 days after service, file with the court a verified
595 response that contains a pledge of commitment to the child in
596 substantial compliance with subparagraph (2)(b)2. and a claim of
597 paternity form with the Office of Vital Statistics, and must
598 provide the adoption entity with a copy of the verified response
599 filed with the court and the claim of paternity form filed with
600 the Office of Vital Statistics. The notice must also include
601 instructions for submitting a claim of paternity form to the
602 Office of Vital Statistics and the address to which the claim
603 must be sent. If the party served with the notice of intended
604 adoption plan is an entity whose consent is required, the notice
605 must specifically state that the entity must file, within 30
606 days after service, a verified response setting forth a legal
607 basis for contesting the intended adoption plan, specifically
608 addressing the best interests ~~interest~~ of the child.

609 (a) If the unmarried biological father or entity whose
610 consent is required fails to timely and properly file a verified
611 response with the court and, in the case of an unmarried
612 biological father, a claim of paternity form with the Office of
613 Vital Statistics, the court shall enter a default judgment
614 against the ~~any~~ unmarried biological father or entity and the
615 consent of that unmarried biological father or entity shall no
616 longer be required under this chapter and shall be deemed to
617 have waived any claim of rights to the child. To avoid an entry
618 of a default judgment, within 30 days after receipt of service
619 of the notice of intended adoption plan:

- 620 1. The unmarried biological father must:
621 a. File a claim of paternity with the Florida Putative



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622 Father Registry maintained by the Office of Vital Statistics;
623 b. File a verified response with the court which contains a
624 pledge of commitment to the child in substantial compliance with
625 subparagraph (2) (b) 2.; and
626 c. Provide support for the birth mother and the child.
627 2. The entity whose consent is required must file a
628 verified response setting forth a legal basis for contesting the
629 intended adoption plan, specifically addressing the best
630 interests ~~interest~~ of the child.
631 (b) If the mother identifies a potential unmarried
632 biological father within the timeframes required by the statute,
633 whose location is unknown, the adoption entity shall conduct a
634 diligent search pursuant to s. 63.088. If, upon completion of a
635 diligent search, the potential unmarried biological father's
636 location remains unknown and a search of the Florida Putative
637 Father Registry fails to reveal a match, the adoption entity
638 shall request in the petition for termination of parental rights
639 pending adoption that the court declare the diligent search to
640 be in compliance with s. 63.088, that the adoption entity has no
641 further obligation to provide notice to the potential unmarried
642 biological father, and that the potential unmarried biological
643 father's consent to the adoption is not required.
644 (4) Any person whose consent is required under paragraph
645 (1) (b), or any other man, may execute an irrevocable affidavit
646 of nonpaternity in lieu of a consent under this section and by
647 doing so waives notice to all court proceedings after the date
648 of execution. An affidavit of nonpaternity must be executed as
649 provided in s. 63.082. The affidavit of nonpaternity may be
650 executed prior to the birth of the child. The person executing



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651 the affidavit must receive disclosure under s. 63.085 prior to
652 signing the affidavit. For purposes of this chapter, an
653 affidavit of nonpaternity is sufficient if it contains a
654 specific denial of parental obligations and does not need to
655 deny the existence of a biological relationship.

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

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

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

662 63.063 Responsibility of parents for actions; fraud or
663 misrepresentation; contesting termination of parental rights and
664 adoption.—

665 (2) Any person injured by a fraudulent representation or
666 action in connection with an adoption may pursue civil or
667 criminal penalties as provided by law. A fraudulent
668 representation is not a defense to compliance with the
669 requirements of this chapter and is not a basis for dismissing a
670 petition for termination of parental rights or a petition for
671 adoption, for vacating an adoption decree, or for granting
672 custody to the offended party. Custody and adoption
673 determinations must be based on the best interests ~~interest~~ of
674 the child in accordance with s. 61.13.

675 Section 14. Paragraph (d) of subsection (1), paragraphs (c)
676 and (d) of subsection (3), paragraphs (a), (d), and (e) of
677 subsection (4), and subsections (6) and (7) of section 63.082,
678 Florida Statutes, are amended to read:

679 63.082 Execution of consent to adoption or affidavit of



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680 nonpaternity; family social and medical history; revocation
681 ~~withdrawal~~ of consent.-

682 (1)

683 (d) The notice and consent provisions of this chapter as
684 they relate to the father ~~birth~~ of a child ~~or to legal fathers~~
685 do not apply in cases in which the child is conceived as a
686 result of a violation of the criminal laws of this or another
687 state or country, including, but not limited to, sexual battery,
688 unlawful sexual activity with certain minors under s. 794.05,
689 lewd acts perpetrated upon a minor, or incest. A criminal
690 conviction is not required for the court to find that the child
691 was conceived as a result of a violation of the criminal laws of
692 this state or another state or country.

693 (3)

694 (c) If any person who is required to consent is unavailable
695 because the person cannot be located, an ~~the petition to~~
696 ~~terminate parental rights pending adoption must be accompanied~~
697 ~~by the~~ affidavit of diligent search required under s. 63.088
698 shall be filed.

699 (d) If any person who is required to consent is unavailable
700 because the person is deceased, the petition to terminate
701 parental rights pending adoption must be accompanied by a
702 certified copy of the death certificate. In an adoption of a
703 stepchild or a relative, the certified copy of the death
704 certificate of the person whose consent is required may ~~must~~ be
705 attached to the petition for adoption if a separate petition for
706 termination of parental rights is not being filed.

707 (4) (a) An affidavit of nonpaternity may be executed before
708 the birth of the minor; however, the consent to an adoption may



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709 ~~shall~~ not be executed before the birth of the minor except in a
710 preplanned adoption pursuant to s. 63.213.

711 (d) The consent to adoption or the affidavit of
712 nonpaternity must be signed in the presence of two witnesses and
713 be acknowledged before a notary public who is not signing as one
714 of the witnesses. The notary public must legibly note on the
715 consent or the affidavit the date and time of execution. The
716 witnesses' names must be typed or printed underneath their
717 signatures. The witnesses' home or business addresses must be
718 included. The person who signs the consent or the affidavit has
719 the right to have at least one of the witnesses be an individual
720 who does not have an employment, professional, or personal
721 relationship with the adoption entity or the prospective
722 adoptive parents. The adoption entity must give reasonable
723 advance notice to the person signing the consent or affidavit of
724 the right to select a witness of his or her own choosing. The
725 person who signs the consent or affidavit must acknowledge in
726 writing on the consent or affidavit that such notice was given
727 and indicate the witness, if any, who was selected by the person
728 signing the consent or affidavit. The adoption entity must
729 include its name, address, and telephone number on the consent
730 to adoption or affidavit of nonpaternity.

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

735 CONSENT TO ADOPTION

736
737 YOU HAVE THE RIGHT TO SELECT AT LEAST ONE PERSON WHO DOES NOT



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738 HAVE AN EMPLOYMENT, PROFESSIONAL, OR PERSONAL RELATIONSHIP WITH
739 THE ADOPTION ENTITY OR THE PROSPECTIVE ADOPTIVE PARENTS TO BE
740 PRESENT WHEN THIS AFFIDAVIT IS EXECUTED AND TO SIGN IT AS A
741 WITNESS. YOU MUST ACKNOWLEDGE ON THIS FORM THAT YOU WERE
742 NOTIFIED OF THIS RIGHT AND YOU MUST INDICATE THE WITNESS OR
743 WITNESSES YOU SELECTED, IF ANY.

744
745 YOU DO NOT HAVE TO SIGN THIS CONSENT FORM. YOU MAY DO ANY OF THE
746 FOLLOWING INSTEAD OF SIGNING THIS CONSENT OR BEFORE SIGNING THIS
747 CONSENT:

- 748
- 749 1. CONSULT WITH AN ATTORNEY;
 - 750 2. HOLD, CARE FOR, AND FEED THE CHILD UNLESS OTHERWISE
751 LEGALLY PROHIBITED;
 - 752 3. PLACE THE CHILD IN FOSTER CARE OR WITH ANY FRIEND OR
753 FAMILY MEMBER YOU CHOOSE WHO IS WILLING TO CARE FOR THE CHILD;
 - 754 4. TAKE THE CHILD HOME UNLESS OTHERWISE LEGALLY PROHIBITED;
 - 755 AND
 - 756 5. FIND OUT ABOUT THE COMMUNITY RESOURCES THAT ARE
757 AVAILABLE TO YOU IF YOU DO NOT GO THROUGH WITH THE ADOPTION.

758
759 IF YOU DO SIGN THIS CONSENT, YOU ARE GIVING UP ALL RIGHTS TO
760 YOUR CHILD. YOUR CONSENT IS VALID, BINDING, AND IRREVOCABLE
761 EXCEPT UNDER SPECIFIC LEGAL CIRCUMSTANCES. IF YOU ARE GIVING UP
762 YOUR RIGHTS TO A NEWBORN CHILD WHO IS TO BE IMMEDIATELY PLACED
763 FOR ADOPTION UPON THE CHILD'S RELEASE FROM A LICENSED HOSPITAL
764 OR BIRTH CENTER FOLLOWING BIRTH, A WAITING PERIOD WILL BE
765 IMPOSED UPON THE BIRTH MOTHER BEFORE SHE MAY SIGN THE CONSENT
766 FOR ADOPTION. A BIRTH MOTHER MUST WAIT 48 HOURS FROM THE TIME OF



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767 BIRTH, OR UNTIL THE DAY THE BIRTH MOTHER HAS BEEN NOTIFIED IN
768 WRITING, EITHER ON HER PATIENT CHART OR IN RELEASE PAPERS, THAT
769 SHE IS FIT TO BE RELEASED FROM A LICENSED HOSPITAL OR BIRTH
770 CENTER, WHICHEVER IS SOONER, BEFORE THE CONSENT FOR ADOPTION MAY
771 BE EXECUTED. ANY MAN MAY EXECUTE A CONSENT AT ANY TIME AFTER THE
772 BIRTH OF THE CHILD. ONCE YOU HAVE SIGNED THE CONSENT, IT IS
773 VALID, BINDING, AND IRREVOCABLE AND CANNOT BE INVALIDATED
774 ~~WITHDRAWN~~ UNLESS A COURT FINDS THAT IT WAS OBTAINED BY FRAUD OR
775 DURESS.

776
777 IF YOU BELIEVE THAT YOUR CONSENT WAS OBTAINED BY FRAUD OR DURESS
778 AND YOU WISH TO INVALIDATE ~~REVOKE~~ THAT CONSENT, YOU MUST:

- 779
- 780 1. NOTIFY THE ADOPTION ENTITY, BY WRITING A LETTER, THAT
 - 781 YOU WISH TO WITHDRAW YOUR CONSENT; AND
 - 782 2. PROVE IN COURT THAT THE CONSENT WAS OBTAINED BY FRAUD OR
 - 783 DURESS.

784
785 This statement of rights is not required for the adoption of a
786 relative, an adult, a stepchild, or a child older than 6 months
787 of age. A consent form for the adoption of a child older than 6
788 months of age at the time of the execution of consent must
789 contain a statement outlining the revocation rights provided in
790 paragraph (c).

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



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796 (b) Upon execution of the consent of the parent, the
797 adoption entity shall be permitted to ~~may~~ intervene in the
798 dependency case as a party in interest and must provide the
799 court that acquired ~~having~~ jurisdiction over the minor, pursuant
800 to the shelter or dependency petition filed by the department, a
801 copy of the preliminary home study of the prospective adoptive
802 parents and any other evidence of the suitability of the
803 placement. The preliminary home study must be maintained with
804 strictest confidentiality within the dependency court file and
805 the department's file. A preliminary home study must be provided
806 to the court in all cases in which an adoption entity has
807 intervened pursuant to this section. Unless the court has
808 concerns regarding the qualifications of the home study
809 provider, or concerns that the home study may not be adequate to
810 determine the best interests of the child, the home study
811 provided by the adoption entity shall be deemed to be sufficient
812 and no additional home study needs to be performed by the
813 department.

814 (c) If an adoption entity files a motion to intervene in
815 the dependency case in accordance with this chapter, the
816 dependency court shall promptly grant a hearing to determine
817 whether the adoption entity has filed the required documents to
818 be permitted to intervene and whether a change of placement of
819 the child is appropriate.

820 (d) ~~(e)~~ Upon a determination by the court that the
821 prospective adoptive parents are properly qualified to adopt the
822 minor child and that the adoption appears to be in the best
823 interests ~~interest~~ of the minor child, the court shall
824 immediately order the transfer of custody of the minor child to



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825 the prospective adoptive parents, under the supervision of the
826 adoption entity. The adoption entity shall thereafter provide
827 monthly supervision reports to the department until finalization
828 of the adoption.

829 ~~(e)~~ (d) In determining whether the best interests ~~interest~~
830 of the child are ~~is~~ served by transferring the custody of the
831 minor child to the prospective adoptive parent selected by the
832 parent, the court shall consider the rights of the parent to
833 determine an appropriate placement for the child, the permanency
834 offered, the child's bonding with any potential adoptive home
835 that the child has been residing in, and the importance of
836 maintaining sibling relationships, if possible.

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

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

847 (b) Upon receiving timely written notice from a person
848 whose consent to adoption is required of that person's desire to
849 revoke ~~withdraw~~ consent, the adoption entity must contact the
850 prospective adoptive parent to arrange a time certain for the
851 adoption entity to regain physical custody of the minor, unless,
852 upon a motion for emergency hearing by the adoption entity, the
853 court determines in written findings that placement of the minor



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854 with the person who had legal or physical custody of the child
855 immediately before the child was placed for adoption may
856 endanger the minor or that the person who desires to revoke
857 ~~withdraw~~ consent is not required to consent to the adoption, has
858 been determined to have abandoned the child, or is otherwise
859 subject to a determination that the person's consent is waived
860 under this chapter.

861 (c) If the court finds that the placement may endanger the
862 minor, the court shall enter an order continuing the placement
863 of the minor with the prospective adoptive parents pending
864 further proceedings if they desire continued placement. If the
865 prospective adoptive parents do not desire continued placement,
866 the order must include, but need not be limited to, a
867 determination of whether temporary placement in foster care,
868 with the person who had legal or physical custody of the child
869 immediately before placing the child for adoption, or with a
870 relative is in the best interests ~~interest~~ of the child and
871 whether an investigation by the department is recommended.

872 (d) If the person revoking ~~withdrawing~~ consent claims to be
873 the father of the minor but has not been established to be the
874 father by marriage, court order, or scientific testing, the
875 court may order scientific paternity testing and reserve ruling
876 on removal of the minor until the results of such testing have
877 been filed with the court.

878 (e) The adoption entity must return the minor within 3
879 business days after timely and proper notification of the
880 revocation ~~withdrawal~~ of consent or after the court determines
881 that revocation ~~withdrawal~~ is timely and in accordance with the
882 requirements of this chapter ~~valid and binding~~ upon



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883 consideration of an emergency motion, as filed pursuant to
884 paragraph (b), to the physical custody of the person revoking
885 ~~withdrawing~~ consent or the person directed by the court. If the
886 person seeking to revoke ~~withdraw~~ consent claims to be the
887 father of the minor but has not been established to be the
888 father by marriage, court order, or scientific testing, the
889 adoption entity may return the minor to the care and custody of
890 the mother, if she desires such placement and she is not
891 otherwise prohibited by law from having custody of the child.

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

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

900 (h) If the consent of one parent is set aside or revoked in
901 accordance with this chapter, any other consents executed by the
902 other parent or a third party whose consent is required for the
903 adoption of the child may not be used by the parent whose
904 consent was revoked or set aside to terminate or diminish the
905 rights of the other parent or third party whose consent was
906 required for the adoption of the child.

907 Section 15. Subsection (1) and paragraph (a) of subsection
908 (2) of section 63.085, Florida Statutes, are amended, and
909 paragraph (c) is added to subsection (2) of that section, to
910 read:

911 63.085 Disclosure by adoption entity.-



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912 (1) DISCLOSURE REQUIRED TO PARENTS AND PROSPECTIVE ADOPTIVE
913 PARENTS.—Within 14 days after a person seeking to adopt a minor
914 or a person seeking to place a minor for adoption contacts an
915 adoption entity in person or provides the adoption entity with a
916 mailing address, the entity must provide a written disclosure
917 statement to that person if the entity agrees or continues to
918 work with the person. The adoption entity shall also provide the
919 written disclosure to the parent who did not initiate contact
920 with the adoption entity within 14 days after that parent is
921 identified and located. For purposes of providing the written
922 disclosure, a person is considered to be seeking to place a
923 minor for adoption if that person has sought information or
924 advice from the adoption entity regarding the option of adoptive
925 placement. The written disclosure statement must be in
926 substantially the following form:

927
928 ADOPTION DISCLOSURE

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

933
934 1. The name, address, and telephone number of the adoption
935 entity providing this disclosure is:

936 Name:

937 Address:

938 Telephone Number:

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



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941 for adoption or affidavit of nonpaternity, and parents have the
942 right to consult with an attorney of their own choosing to
943 advise them.

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

949 4. A valid consent for adoption may not be signed by the
950 birth mother until 48 hours after the birth of the child, or the
951 day the birth mother is notified, in writing, that she is fit
952 for discharge from the licensed hospital or birth center. Any
953 man may sign a valid consent for adoption at any time after the
954 birth of the child.

955 5. A consent for adoption signed before the child attains
956 the age of 6 months is binding and irrevocable from the moment
957 it is signed unless it can be proven in court that the consent
958 was obtained by fraud or duress. A consent for adoption signed
959 after the child attains the age of 6 months is valid from the
960 moment it is signed; however, it may be revoked up to 3 business
961 days after it was signed.

962 6. A consent for adoption is not valid if the signature of
963 the person who signed the consent was obtained by fraud or
964 duress.

965 7. An unmarried biological father must act immediately in
966 order to protect his parental rights. Section 63.062, Florida
967 Statutes, prescribes that any father seeking to establish his
968 right to consent to the adoption of his child must file a claim
969 of paternity with the Florida Putative Father Registry



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970 maintained by the Office of Vital Statistics of the Department
971 of Health by the date a petition to terminate parental rights is
972 filed with the court, or within 30 days after receiving service
973 of a Notice of Intended Adoption Plan. If he receives a Notice
974 of Intended Adoption Plan, he must file a claim of paternity
975 with the Florida Putative Father Registry, file a parenting plan
976 with the court, and provide financial support to the mother or
977 child within 30 days following service. An unmarried biological
978 father's failure to timely respond to a Notice of Intended
979 Adoption Plan constitutes an irrevocable legal waiver of any and
980 all rights that the father may have to the child. A claim of
981 paternity registration form for the Florida Putative Father
982 Registry may be obtained from any local office of the Department
983 of Health, Office of Vital Statistics, the Department of
984 Children and Families, the Internet websites for these agencies,
985 and the offices of the clerks of the Florida circuit courts. The
986 claim of paternity form must be submitted to the Office of Vital
987 Statistics, Attention: Adoption Unit, P.O. Box 210,
988 Jacksonville, FL 32231.

989 8. There are alternatives to adoption, including foster
990 care, relative care, and parenting the child. There may be
991 services and sources of financial assistance in the community
992 available to parents if they choose to parent the child.

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

997 10. A parent 14 years of age or younger must have a parent,
998 legal guardian, or court-appointed guardian ad litem to assist



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999 and advise the parent as to the adoption plan and to witness
1000 consent.

1001 11. A parent has a right to receive supportive counseling
1002 from a counselor, social worker, physician, clergy, or attorney.

1003 12. The payment of living or medical expenses by the
1004 prospective adoptive parents before the birth of the child does
1005 not, in any way, obligate the parent to sign the consent for
1006 adoption.

1007
1008 (2) DISCLOSURE TO ADOPTIVE PARENTS.—

1009 (a) At the time that an adoption entity is responsible for
1010 selecting prospective adoptive parents for a born or unborn
1011 child whose parents are seeking to place the child for adoption
1012 or whose rights were terminated pursuant to chapter 39, the
1013 adoption entity must provide the prospective adoptive parents
1014 with information concerning the background of the child to the
1015 extent such information is disclosed to the adoption entity by
1016 the parents, legal custodian, or the department. This subsection
1017 applies only if the adoption entity identifies the prospective
1018 adoptive parents and supervises the ~~physical~~ placement of the
1019 child in the prospective adoptive parents' home. If any
1020 information cannot be disclosed because the records custodian
1021 failed or refused to produce the background information, the
1022 adoption entity has a duty to provide the information if it
1023 becomes available. An individual or entity contacted by an
1024 adoption entity to obtain the background information must
1025 release the requested information to the adoption entity without
1026 the necessity of a subpoena or a court order. In all cases, the
1027 prospective adoptive parents must receive all available



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1028 information by the date of the final hearing on the petition for
1029 adoption. The information to be disclosed includes:

1030 1. A family social and medical history form completed
1031 pursuant to s. 63.162(6).

1032 2. The biological mother's medical records documenting her
1033 prenatal care and the birth and delivery of the child.

1034 3. A complete set of the child's medical records
1035 documenting all medical treatment and care since the child's
1036 birth and before placement.

1037 4. All mental health, psychological, and psychiatric
1038 records, reports, and evaluations concerning the child before
1039 placement.

1040 5. The child's educational records, including all records
1041 concerning any special education needs of the child before
1042 placement.

1043 6. Records documenting all incidents that required the
1044 department to provide services to the child, including all
1045 orders of adjudication of dependency or termination of parental
1046 rights issued pursuant to chapter 39, any case plans drafted to
1047 address the child's needs, all protective services
1048 investigations identifying the child as a victim, and all
1049 guardian ad litem reports filed with the court concerning the
1050 child.

1051 7. Written information concerning the availability of
1052 adoption subsidies for the child, if applicable.

1053 (c) If the prospective adoptive parents waive the receipt
1054 of any of the records described in paragraph (a), a copy of the
1055 written notification of the waiver to the adoption entity shall
1056 be filed with the court.



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1057 Section 16. Subsection (6) of section 63.087, Florida
1058 Statutes, is amended to read:

1059 63.087 Proceeding to terminate parental rights pending
1060 adoption; general provisions.—

1061 (6) ANSWER AND APPEARANCE REQUIRED.—An answer to the
1062 petition or any pleading requiring an answer must be filed in
1063 accordance with the Florida Family Law Rules of Procedure.
1064 Failure to file a written response to the petition constitutes
1065 grounds upon which the court may terminate parental rights.
1066 Failure to personally appear at the hearing constitutes grounds
1067 upon which the court may terminate parental rights. Any person
1068 present at the hearing to terminate parental rights pending
1069 adoption whose consent to adoption is required under s. 63.062
1070 must:

1071 (a) Be advised by the court that he or she has a right to
1072 ask that the hearing be reset for a later date so that the
1073 person may consult with an attorney; and

1074 (b) Be given an opportunity to admit or deny the
1075 allegations in the petition.

1076 Section 17. Subsection (4) of section 63.088, Florida
1077 Statutes, is amended to read:

1078 63.088 Proceeding to terminate parental rights pending
1079 adoption; notice and service; diligent search.—

1080 (4) REQUIRED INQUIRY.—In proceedings initiated under s.
1081 63.087, the court shall conduct an inquiry of the person who is
1082 placing the minor for adoption and of any relative or person
1083 having legal custody of the minor who is present at the hearing
1084 and likely to have the following information regarding the
1085 identity of:



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1086 (a) Any man to whom the mother of the minor was married at
1087 any time when conception of the minor may have occurred or at
1088 the time of the birth of the minor;

1089 (b) Any man who has filed an affidavit of paternity
1090 pursuant to s. 382.013(2)(c) before the date that a petition for
1091 termination of parental rights is filed with the court;

1092 (c) Any man who has adopted the minor;

1093 (d) Any man who has been adjudicated by a court as the
1094 father of the minor child before the date a petition for
1095 termination of parental rights is filed with the court; and

1096 (e) Any man whom the mother identified to the adoption
1097 entity as a potential biological father before the date she
1098 signed the consent for adoption.

1099
1100 The information sought under this subsection may be provided to
1101 the court in the form of a sworn affidavit by a person having
1102 personal knowledge of the facts, addressing each inquiry
1103 enumerated in this subsection, except that, if the inquiry
1104 identifies a father under paragraph (a), paragraph (b), ~~or~~
1105 paragraph (c), or paragraph (d), the inquiry may not continue
1106 further. The inquiry required under this subsection may be
1107 conducted before the birth of the minor.

1108 Section 18. Paragraph (d) of subsection (3), paragraph (b)
1109 of subsection (4), and subsections (5) and (7) of section
1110 63.089, Florida Statutes, are amended to read:

1111 63.089 Proceeding to terminate parental rights pending
1112 adoption; hearing; grounds; dismissal of petition; judgment.—

1113 (3) GROUNDS FOR TERMINATING PARENTAL RIGHTS PENDING
1114 ADOPTION.—The court may enter a judgment terminating parental



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1115 rights pending adoption if the court determines by clear and
1116 convincing evidence, supported by written findings of fact, that
1117 each person whose consent to adoption is required under s.
1118 63.062:

1119 (d) Has been properly served notice of the proceeding in
1120 accordance with the requirements of this chapter and has failed
1121 to file a written answer or personally appear at the evidentiary
1122 hearing resulting in the judgment terminating parental rights
1123 pending adoption;

1124 (4) FINDING OF ABANDONMENT.—A finding of abandonment
1125 resulting in a termination of parental rights must be based upon
1126 clear and convincing evidence that a parent or person having
1127 legal custody has abandoned the child in accordance with the
1128 definition contained in s. 63.032. A finding of abandonment may
1129 also be based upon emotional abuse or a refusal to provide
1130 reasonable financial support, when able, to a birth mother
1131 during her pregnancy.

1132 (b) The child has been abandoned when the parent of a child
1133 is incarcerated on or after October 1, 2001, in a federal,
1134 state, or county correctional institution and:

1135 1. The period of time for which the parent has been or is
1136 expected to be incarcerated will constitute a significant
1137 portion of the child's minority. In determining whether the
1138 period of time is significant, the court shall consider the
1139 child's age and the child's need for a permanent and stable
1140 home. The period of time begins on the date that the parent
1141 enters into incarceration;

1142 2. The incarcerated parent has been determined by a court
1143 of competent jurisdiction to be a violent career criminal as



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1144 defined in s. 775.084, a habitual violent felony offender as
1145 defined in s. 775.084, convicted of child abuse as defined in s.
1146 827.03, or a sexual predator as defined in s. 775.21; has been
1147 convicted of first degree or second degree murder in violation
1148 of s. 782.04 or a sexual battery that constitutes a capital,
1149 life, or first degree felony violation of s. 794.011; or has
1150 been convicted of a substantially similar offense in another
1151 jurisdiction. As used in this section, the term "substantially
1152 similar offense" means any offense that is substantially similar
1153 in elements and penalties to one of those listed in this
1154 subparagraph, and that is in violation of a law of any other
1155 jurisdiction, whether that of another state, the District of
1156 Columbia, the United States or any possession or territory
1157 thereof, or any foreign jurisdiction; or

1158 3. The court determines by clear and convincing evidence
1159 that continuing the parental relationship with the incarcerated
1160 parent would be harmful to the child and, for this reason,
1161 termination of the parental rights of the incarcerated parent is
1162 in the best interests ~~interest~~ of the child.

1163 (5) DISMISSAL OF PETITION.—If the court does not find by
1164 clear and convincing evidence that parental rights of a parent
1165 should be terminated pending adoption, the court must dismiss
1166 the petition and that parent's parental rights that were the
1167 subject of such petition shall remain in full force under the
1168 law. The order must include written findings in support of the
1169 dismissal, including findings as to the criteria in subsection
1170 (4) if rejecting a claim of abandonment.

1171 (a) Parental rights may not be terminated based upon a
1172 consent that the court finds has been timely revoked ~~withdrawn~~



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1173 under s. 63.082 or a consent to adoption or affidavit of
1174 nonpaternity that the court finds was obtained by fraud or
1175 duress.

1176 (b) The court must enter an order based upon written
1177 findings providing for the placement of the minor, but the court
1178 may not proceed to determine custody between competing eligible
1179 parties. The placement of the child should revert to the parent
1180 or guardian who had physical custody of the child at the time of
1181 the placement for adoption unless the court determines upon
1182 clear and convincing evidence that this placement is not in the
1183 best interests of the child or is not an available option for
1184 the child. The court may not change the placement of a child who
1185 has established a bonded relationship with the current caregiver
1186 without providing for a reasonable transition plan consistent
1187 with the best interests of the child. The court may direct the
1188 parties to participate in a reunification or unification plan
1189 with a qualified professional to assist the child in the
1190 transition. The court may order scientific testing to determine
1191 the paternity of the minor only if the court has determined that
1192 the consent of the alleged father would be required, unless all
1193 parties agree that such testing is in the best interests of the
1194 child. The court may not order scientific testing to determine
1195 paternity of an unmarried biological father if the child has a
1196 father as described in s. 63.088(4)(a)-(d) whose rights have not
1197 been previously terminated at any time during which the court
1198 has jurisdiction over the minor. Further proceedings, if any,
1199 regarding the minor must be brought in a separate custody action
1200 under chapter 61, a dependency action under chapter 39, or a
1201 paternity action under chapter 742.



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1202 (7) RELIEF FROM JUDGMENT TERMINATING PARENTAL RIGHTS.—

1203 (a) A motion for relief from a judgment terminating
1204 parental rights must be filed with the court originally entering
1205 the judgment. The motion must be filed within a reasonable time,
1206 but not later than 1 year after the entry of the judgment. An
1207 unmarried biological father does not have standing to seek
1208 relief from a judgment terminating parental rights if the mother
1209 did not identify him to the adoption entity before the date she
1210 signed a consent for adoption or if he was not located because
1211 the mother failed or refused to provide sufficient information
1212 to locate him.

1213 (b) No later than 30 days after the filing of a motion
1214 under this subsection, the court must conduct a preliminary
1215 hearing to determine what contact, if any, shall be permitted
1216 between a parent and the child pending resolution of the motion.
1217 Such contact shall be considered only if it is requested by a
1218 parent who has appeared at the hearing and may not be awarded
1219 unless the parent previously established a bonded relationship
1220 with the child and the parent has pled a legitimate legal basis
1221 and established a prima facia case for setting aside the
1222 judgment terminating parental rights. If the court orders
1223 contact between a parent and child, the order must be issued in
1224 writing as expeditiously as possible and must state with
1225 specificity any provisions regarding contact with persons other
1226 than those with whom the child resides.

1227 (c) At the preliminary hearing, the court, upon the motion
1228 of any party or upon its own motion, may order scientific
1229 testing to determine the paternity of the minor if the person
1230 seeking to set aside the judgment is alleging to be the child's



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1231 father and that fact has not previously been determined by
1232 legitimacy or scientific testing. The court may order visitation
1233 with a person for whom scientific testing for paternity has been
1234 ordered and who has previously established a bonded relationship
1235 with the child.

1236 (d) Unless otherwise agreed between the parties or for good
1237 cause shown, the court shall conduct a final hearing on the
1238 motion for relief from judgment within 45 days after the filing
1239 and enter its written order as expeditiously as possible
1240 thereafter.

1241 (e) If the court grants relief from the judgment
1242 terminating parental rights and no new pleading is filed to
1243 terminate parental rights, the placement of the child should
1244 revert to the parent or guardian who had physical custody of the
1245 child at the time of the original placement for adoption unless
1246 the court determines upon clear and convincing evidence that
1247 this placement is not in the best interests of the child or is
1248 not an available option for the child. The court may not change
1249 the placement of a child who has established a bonded
1250 relationship with the current caregiver without providing for a
1251 reasonable transition plan consistent with the best interests of
1252 the child. The court may direct the parties to participate in a
1253 reunification or unification plan with a qualified professional
1254 to assist the child in the transition. The court may not direct
1255 the placement of a child with a person other than the adoptive
1256 parents without first obtaining a favorable home study of that
1257 person and any other persons residing in the proposed home and
1258 shall take whatever additional steps are necessary and
1259 appropriate for the physical and emotional protection of the



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1260 child.

1261 Section 19. Subsection (3) of section 63.092, Florida
1262 Statutes, is amended to read:

1263 63.092 Report to the court of intended placement by an
1264 adoption entity; at-risk placement; preliminary study.—

1265 (3) PRELIMINARY HOME STUDY.—Before placing the minor in the
1266 intended adoptive home, a preliminary home study must be
1267 performed by a licensed child-placing agency, a child-caring
1268 agency registered under s. 409.176, a licensed professional, or
1269 agency described in s. 61.20(2), unless the adoptee is an adult
1270 or the petitioner is a stepparent or a relative. If the adoptee
1271 is an adult or the petitioner is a stepparent or a relative, a
1272 preliminary home study may be required by the court for good
1273 cause shown. The department is required to perform the
1274 preliminary home study only if there is no licensed child-
1275 placing agency, child-caring agency registered under s. 409.176,
1276 licensed professional, or agency described in s. 61.20(2), in
1277 the county where the prospective adoptive parents reside. The
1278 preliminary home study must be made to determine the suitability
1279 of the intended adoptive parents and may be completed prior to
1280 identification of a prospective adoptive minor. A favorable
1281 preliminary home study is valid for 1 year after the date of its
1282 completion. Upon its completion, a signed copy of the home study
1283 must be provided to the intended adoptive parents who were the
1284 subject of the home study. A minor may not be placed in an
1285 intended adoptive home before a favorable preliminary home study
1286 is completed unless the adoptive home is also a licensed foster
1287 home under s. 409.175. The preliminary home study must include,
1288 at a minimum:



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1289 (a) An interview with the intended adoptive parents;
1290 (b) Records checks of the department's central abuse
1291 registry and criminal records correspondence checks under s.
1292 39.0138 through the Department of Law Enforcement on the
1293 intended adoptive parents;
1294 (c) An assessment of the physical environment of the home;
1295 (d) A determination of the financial security of the
1296 intended adoptive parents;
1297 (e) Documentation of counseling and education of the
1298 intended adoptive parents on adoptive parenting;
1299 (f) Documentation that information on adoption and the
1300 adoption process has been provided to the intended adoptive
1301 parents;
1302 (g) Documentation that information on support services
1303 available in the community has been provided to the intended
1304 adoptive parents; and
1305 (h) A copy of each signed acknowledgment of receipt of
1306 disclosure required by s. 63.085.
1307
1308 If the preliminary home study is favorable, a minor may be
1309 placed in the home pending entry of the judgment of adoption. A
1310 minor may not be placed in the home if the preliminary home
1311 study is unfavorable. If the preliminary home study is
1312 unfavorable, the adoption entity may, within 20 days after
1313 receipt of a copy of the written recommendation, petition the
1314 court to determine the suitability of the intended adoptive
1315 home. A determination as to suitability under this subsection
1316 does not act as a presumption of suitability at the final
1317 hearing. In determining the suitability of the intended adoptive



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1318 home, the court must consider the totality of the circumstances
1319 in the home. A ~~No~~ minor may not be placed in a home in which
1320 there resides any person determined by the court to be a sexual
1321 predator as defined in s. 775.21 or to have been convicted of an
1322 offense listed in s. 63.089(4)(b)2.

1323 Section 20. Subsection (7) is added to section 63.097,
1324 Florida Statutes, to read:

1325 63.097 Fees.—

1326 (7) In determining reasonable attorney fees, courts shall
1327 use the following criteria:

1328 (a) The time and labor required, the novelty and difficulty
1329 of the question involved, and the skill requisite to perform the
1330 legal service properly.

1331 (b) The likelihood, if apparent to the client, that the
1332 acceptance of the particular employment will preclude other
1333 employment by the attorney.

1334 (c) The fee customarily charged in the locality for similar
1335 legal services.

1336 (d) The amount involved in the subject matter of the
1337 representation, the responsibility involved in the
1338 representation, and the results obtained.

1339 (e) The time limitations imposed by the client or by the
1340 circumstances and, as between attorney and client, any
1341 additional or special time demands or requests of the attorney
1342 by the client.

1343 (f) The nature and length of the professional relationship
1344 with the client.

1345 (g) The experience, reputation, diligence, and ability of
1346 the attorney or attorneys performing the service and the skill,



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1347 expertise, or efficiency of effort reflected in the actual
1348 providing of such services.

1349 (h) Whether the fee is fixed or contingent.

1350 Section 21. Section 63.152, Florida Statutes, is amended to
1351 read:

1352 63.152 Application for new birth record.—Within 30 days
1353 after entry of a judgment of adoption, the clerk of the court or
1354 the adoption entity shall transmit a certified statement of the
1355 entry to the state registrar of vital statistics on a form
1356 provided by the registrar. A new birth record containing the
1357 necessary information supplied by the certificate shall be
1358 issued by the registrar on application of the adopting parents
1359 or the adopted person.

1360 Section 22. Subsection (7) of section 63.162, Florida
1361 Statutes, is amended to read:

1362 63.162 Hearings and records in adoption proceedings;
1363 confidential nature.—

1364 (7) The court may, upon petition of an adult adoptee or
1365 birth parent, for good cause shown, appoint an intermediary or a
1366 licensed child-placing agency to contact a birth parent or adult
1367 adoptee, as applicable, who has not registered with the adoption
1368 registry pursuant to s. 63.165 and advise both ~~them~~ of the
1369 availability of the intermediary or agency and that the birth
1370 parent or adult adoptee, as applicable, wishes to establish
1371 contact ~~same~~.

1372 Section 23. Paragraph (c) of subsection (2) of section
1373 63.167, Florida Statutes, is amended to read:

1374 63.167 State adoption information center.—

1375 (2) The functions of the state adoption information center



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1376 shall include:

1377 (c) Operating a toll-free telephone number to provide
1378 information and referral services. The state adoption
1379 information center shall provide contact information for all
1380 adoption entities in the caller's county or, if no adoption
1381 entities are located in the caller's county, the number of the
1382 nearest adoption entity when contacted for a referral to make an
1383 adoption plan and shall rotate the order in which the names of
1384 adoption entities are provided to callers.

1385 Section 24. Paragraph (g) of subsection (1) and subsections
1386 (2) and (8) of section 63.212, Florida Statutes, are amended to
1387 read:

1388 63.212 Prohibited acts; penalties for violation.—

1389 (1) It is unlawful for any person:

1390 (g) Except an adoption entity, to advertise or offer to the
1391 public, in any way, by any medium whatever that a minor is
1392 available for adoption or that a minor is sought for adoption;
1393 and, further, it is unlawful for any person to publish or
1394 broadcast any such advertisement or assist an unlicensed person
1395 or entity in publishing or broadcasting any such advertisement
1396 without including a Florida license number of the agency or
1397 attorney placing the advertisement.

1398 1. Only a person who is an attorney licensed to practice
1399 law in this state or an adoption entity licensed under the laws
1400 of this state may place a paid advertisement or paid listing of
1401 the person's telephone number, on the person's own behalf, in a
1402 telephone directory that:

1403 a. A child is offered or wanted for adoption; or

1404 b. The person is able to place, locate, or receive a child



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1405 for adoption.

1406 2. A person who publishes a telephone directory that is
1407 distributed in this state:

1408 a. Shall include, at the beginning of any classified
1409 heading for adoption and adoption services, a statement that
1410 informs directory users that only attorneys licensed to practice
1411 law in this state and licensed adoption entities may legally
1412 provide adoption services under state law.

1413 b. May publish an advertisement described in subparagraph
1414 1. in the telephone directory only if the advertisement contains
1415 the following:

1416 (I) For an attorney licensed to practice law in this state,
1417 the person's Florida Bar number.

1418 (II) For a child placing agency licensed under the laws of
1419 this state, the number on the person's adoption entity license.

1420 (2) Any person who is a birth mother, or a woman who holds
1421 herself out to be a birth mother, who is interested in making an
1422 adoption plan and who knowingly or intentionally benefits from
1423 the payment of adoption-related expenses in connection with that
1424 adoption plan commits adoption deception if:

1425 (a) The person knows or should have known that the person
1426 is not pregnant at the time the sums were requested or received;

1427 (b) The person accepts living expenses assistance from a
1428 prospective adoptive parent or adoption entity without
1429 disclosing that she is receiving living expenses assistance from
1430 another prospective adoptive parent or adoption entity at the
1431 same time in an effort to adopt the same child; or

1432 (c) The person knowingly makes false representations to
1433 induce the payment of living expenses and does not intend to



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1434 ~~make an adoptive placement. It is unlawful for:~~
1435 ~~(a) Any person or adoption entity under this chapter to:~~
1436 ~~1. Knowingly provide false information; or~~
1437 ~~2. Knowingly withhold material information.~~
1438 ~~(b) A parent, with the intent to defraud, to accept~~
1439 ~~benefits related to the same pregnancy from more than one~~
1440 ~~adoption entity without disclosing that fact to each entity.~~
1441
1442 Any person who willfully commits adoption deception ~~violates any~~
1443 ~~provision of this subsection~~ commits a misdemeanor of the second
1444 degree, punishable as provided in s. 775.082 or s. 775.083, if
1445 the sums received by the birth mother or woman holding herself
1446 out to be a birth mother do not exceed \$300, and a felony of the
1447 third degree, punishable as provided in s. 775.082, s. 775.083,
1448 or s. 775.084, if the sums received by the birth mother or woman
1449 holding herself out to be a birth mother exceed \$300. In
1450 addition, the person is liable for damages caused by such acts
1451 or omissions, including reasonable attorney ~~attorney's~~ fees and
1452 costs incurred by the adoption entity or the prospective
1453 adoptive parent. Damages may be awarded through restitution in
1454 any related criminal prosecution or by filing a separate civil
1455 action.
1456 (8) Unless otherwise indicated, a person who willfully and
1457 with criminal intent violates any provision of this section,
1458 excluding paragraph (1)(g), commits a felony of the third
1459 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1460 775.084. A person who willfully and with criminal intent
1461 violates paragraph (1)(g) commits a misdemeanor of the second
1462 degree, punishable as provided in s. 775.083; and each day of



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1463 continuing violation shall be considered a separate offense. In
1464 addition, any person who knowingly publishes or assists with the
1465 publication of any advertisement or other publication which
1466 violates the requirements of paragraph (1)(g) commits a
1467 misdemeanor of the second degree, punishable as provided in s.
1468 775.083, and may be required to pay a fine of up to \$150 per day
1469 for each day of continuing violation.

1470 Section 25. Paragraph (b) of subsection (1), paragraphs (a)
1471 and (e) of subsection (2), and paragraphs (b), (h), and (i) of
1472 subsection (6) of section 63.213, Florida Statutes, are amended
1473 to read:

1474 63.213 Preplanned adoption agreement.—

1475 (1) Individuals may enter into a preplanned adoption
1476 arrangement as specified in this section, but such arrangement
1477 may not in any way:

1478 (b) Constitute consent of a mother to place her biological
1479 child for adoption until 48 hours after the following birth of
1480 the child and unless the court making the custody determination
1481 or approving the adoption determines that the mother was aware
1482 of her right to rescind within the 48-hour period after the
1483 following birth of the child but chose not to rescind such
1484 consent. The volunteer mother's right to rescind her consent in
1485 a preplanned adoption applies only when the child is genetically
1486 related to her.

1487 (2) A preplanned adoption agreement must include, but need
1488 not be limited to, the following terms:

1489 (a) That the volunteer mother agrees to become pregnant by
1490 the fertility technique specified in the agreement, to bear the
1491 child, and to terminate any parental rights and responsibilities



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1492 to the child she might have through a written consent executed
1493 at the same time as the preplanned adoption agreement, subject
1494 to a right of rescission by the volunteer mother any time within
1495 48 hours after the birth of the child, if the volunteer mother
1496 is genetically related to the child.

1497 (e) That the intended father and intended mother
1498 acknowledge that they may not receive custody or the parental
1499 rights under the agreement if the volunteer mother terminates
1500 the agreement or if the volunteer mother rescinds her consent to
1501 place her child for adoption within 48 hours after the birth of
1502 the child, if the volunteer mother is genetically related to the
1503 child.

1504 (6) As used in this section, the term:

1505 (b) "Child" means the child or children conceived by means
1506 of a fertility technique ~~an insemination~~ that is part of a
1507 preplanned adoption arrangement.

1508 (h) "Preplanned adoption arrangement" means the arrangement
1509 through which the parties enter into an agreement for the
1510 volunteer mother to bear the child, for payment by the intended
1511 father and intended mother of the expenses allowed by this
1512 section, for the intended father and intended mother to assert
1513 full parental rights and responsibilities to the child if
1514 consent to adoption is not rescinded after birth by a the
1515 volunteer mother who is genetically related to the child, and
1516 for the volunteer mother to terminate, subject to any ~~a~~ right of
1517 rescission, all her parental rights and responsibilities to the
1518 child in favor of the intended father and intended mother.

1519 (i) "Volunteer mother" means a female at least 18 years of
1520 age who voluntarily agrees, subject to a right of rescission if



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1521 it is her biological child, that if she should become pregnant
1522 pursuant to a preplanned adoption arrangement, she will
1523 terminate her parental rights and responsibilities to the child
1524 in favor of the intended father and intended mother.

1525 Section 26. Section 63.222, Florida Statutes, is amended to
1526 read:

1527 63.222 Effect on prior adoption proceedings.—Any adoption
1528 made before July 1, 2012, is the effective date of this act
1529 ~~shall be valid, and any proceedings pending on that the~~
1530 ~~effective date and any subsequent amendments thereto of this act~~
1531 are not affected thereby unless the amendment is designated as a
1532 remedial provision.

1533 Section 27. Section 63.2325, Florida Statutes, is amended
1534 to read:

1535 63.2325 Conditions for invalidation ~~revocation~~ of a consent
1536 to adoption or affidavit of nonpaternity.—Notwithstanding the
1537 requirements of this chapter, a failure to meet any of those
1538 requirements does not constitute grounds for invalidation
1539 ~~revocation~~ of a consent to adoption or revocation ~~withdrawal~~
1540 of an affidavit of nonpaternity unless the extent and circumstances
1541 of such a failure result in a material failure of fundamental
1542 fairness in the administration of due process, or the failure
1543 constitutes or contributes to fraud or duress in obtaining a
1544 consent to adoption or affidavit of nonpaternity.

1545 Section 28. This act shall take effect July 1, 2012.

1547 ===== T I T L E A M E N D M E N T =====

1548 And the title is amended as follows:

1549 Delete everything before the enacting clause



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1550 and insert:

1551 A bill to be entitled
1552 An act relating to adoption; amending s. 63.022, F.S.;
1553 revising legislative intent to delete a reference to
1554 reporting requirements for placements of minors and
1555 exceptions; amending s. 63.032, F.S.; revising
1556 definitions; amending s. 63.037, F.S.; exempting
1557 adoption proceedings initiated under chapter 39, F.S.,
1558 from a requirement for a search of the Florida
1559 Putative Father Registry; amending s. 63.039, F.S.;
1560 providing that all adoptions of minor children require
1561 the use of an adoption entity that will assume the
1562 responsibilities provided in specified provisions;
1563 providing an exception; amending s. 63.042, F.S.;
1564 revising terminology relating to who may adopt;
1565 amending s. 63.0423, F.S.; revising terminology
1566 relating to surrendered infants; providing that an
1567 infant who tests positive for illegal drugs, narcotic
1568 prescription drugs, alcohol, or other substances, but
1569 shows no other signs of child abuse or neglect, shall
1570 be placed in the custody of an adoption entity;
1571 providing that if the Department of Children and
1572 Family Services is contacted regarding a surrendered
1573 infant who does not appear to have been the victim of
1574 actual or suspected child abuse or neglect, it shall
1575 provide instruction to contact an adoption entity and
1576 may not take custody of the infant; providing an
1577 exception; revising provisions relating to scientific
1578 testing to determine the paternity or maternity of a



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1579 minor; amending s. 63.0425, F.S.; requiring that a
1580 child's residence be continuous for a specified period
1581 in order to entitle the grandparent to notice of
1582 certain proceedings; amending s. 63.0427, F.S.;
1583 prohibiting a court from increasing contact between an
1584 adopted child and siblings, birth parents, or other
1585 relatives without the consent of the adoptive parent
1586 or parents; providing for agreements for contact
1587 between a child to be adopted and the birth parent,
1588 other relative, or previous foster parent of the
1589 child; amending s. 63.052, F.S.; deleting a
1590 requirement that a minor be permanently committed to
1591 an adoption entity in order for the entity to be
1592 guardian of the person of the minor; limiting the
1593 circumstances in which an intermediary may remove a
1594 child; providing that an intermediary does not become
1595 responsible for a minor child's medical bills that
1596 were incurred before taking physical custody of the
1597 child; providing additional placement options for a
1598 minor surrendered to an adoption entity for subsequent
1599 adoption when a suitable prospective adoptive home is
1600 not available; amending s. 63.053, F.S.; requiring
1601 that an unmarried biological father strictly comply
1602 with specified provisions in order to protect his
1603 interests; amending s. 63.054, F.S.; authorizing
1604 submission of an alternative document to the Office of
1605 Vital Statistics by the petitioner in each proceeding
1606 for termination of parental rights; providing that by
1607 filing a claim of paternity form the registrant



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1608 expressly consents to paying for DNA testing;
1609 requiring that an alternative address designated by a
1610 registrant be a physical address; providing that the
1611 filing of a claim of paternity with the Florida
1612 Putative Father Registry does not relieve a person
1613 from compliance with specified requirements; amending
1614 s. 63.062, F.S.; revising requirements for when a
1615 minor's father must be served prior to termination of
1616 parental rights; requiring that an unmarried
1617 biological father comply with specified requirements
1618 in order for his consent to be required for adoption;
1619 revising such requirements; providing that the mere
1620 fact that a father expresses a desire to fulfill his
1621 responsibilities towards his child which is
1622 unsupported by acts evidencing this intent does not
1623 meet the requirements; providing for the sufficiency
1624 of an affidavit of nonpaternity; providing an
1625 exception to a condition to a petition to adopt an
1626 adult; amending s. 63.063, F.S.; conforming
1627 terminology; amending s. 63.082, F.S.; revising
1628 language concerning applicability of notice and
1629 consent provisions in cases in which the child is
1630 conceived as a result of a violation of criminal law;
1631 providing that a criminal conviction is not required
1632 for the court to find that the child was conceived as
1633 a result of a violation of criminal law; requiring an
1634 affidavit of diligent search to be filed whenever a
1635 person who is required to consent is unavailable
1636 because the person cannot be located; providing that



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1637 in an adoption of a stepchild or a relative, a
1638 certified copy of the death certificate of the person
1639 whose consent is required may be attached to the
1640 petition for adoption if a separate petition for
1641 termination of parental rights is not being filed;
1642 authorizing the execution of an affidavit of
1643 nonpaternity before the birth of a minor in preplanned
1644 adoptions; revising language of a consent to adoption;
1645 providing that a home study provided by the adoption
1646 entity shall be deemed to be sufficient except in
1647 certain circumstances; providing for a hearing if an
1648 adoption entity moves to intervene in a dependency
1649 case; revising language concerning seeking to revoke
1650 consent to an adoption of a child older than 6 months
1651 of age; providing that if the consent of one parent is
1652 set aside or revoked, any other consents executed by
1653 the other parent or a third party whose consent is
1654 required for the adoption of the child may not be used
1655 by the parent who consent was revoked or set aside to
1656 terminate or diminish the rights of the other parent
1657 or third party; amending s. 63.085, F.S.; revising
1658 language of an adoption disclosure statement;
1659 requiring that a copy of a waiver by prospective
1660 adoptive parents of receipt of certain records must be
1661 filed with the court; amending s. 63.087, F.S.;
1662 specifying that a failure to personally appear at a
1663 proceeding to terminate parental rights constitutes
1664 grounds for termination; amending s. 63.088, F.S.;
1665 providing that in a termination of parental rights



1666 proceeding if a required inquiry that identifies a
1667 father who has been adjudicated by a court as the
1668 father of the minor child before the date a petition
1669 for termination of parental rights is filed the
1670 inquiry must terminate at that point; amending s.
1671 63.089, F.S.; specifying that it is a failure to
1672 personally appear that provides grounds for
1673 termination of parental rights in certain
1674 circumstances; revising provisions relating to
1675 dismissal of petitions to terminate parental rights;
1676 providing that contact between a parent seeking relief
1677 from a judgment terminating parental rights and a
1678 child may be awarded only in certain circumstances;
1679 providing for placement of a child in the event that a
1680 court grants relief from a judgment terminating
1681 parental rights and no new pleading is filed to
1682 terminate parental rights; amending s. 63.092, F.S.;
1683 requiring that a signed copy of the home study must be
1684 provided to the intended adoptive parents who were the
1685 subject of the study; amending s. 63.097, F.S.;
1686 providing guidelines for a court considering a
1687 reasonable attorney fee associated with adoption
1688 services; amending s. 63.152, F.S.; authorizing an
1689 adoption entity to transmit a certified statement of
1690 the entry of a judgment of adoption to the state
1691 registrar of vital statistics; amending s. 63.162,
1692 F.S.; authorizing a birth parent to petition that
1693 court to appoint an intermediary or a licensed child-
1694 placing agency to contact an adult adoptee and advise



1695 both of the availability of the adoption registry and
1696 that the birth parent wishes to establish contact;
1697 amending s. 63.167, F.S.; requiring that the state
1698 adoption center provide contact information for all
1699 adoption entities in a caller's county or, if no
1700 adoption entities are located in the caller's county,
1701 the number of the nearest adoption entity when
1702 contacted for a referral to make an adoption plan;
1703 amending s. 63.212, F.S.; restricting who may place a
1704 paid advertisement or paid listing of the person's
1705 telephone number offering certain adoption services;
1706 requiring of publishers of telephone directories to
1707 include certain statements at the beginning of any
1708 classified heading for adoption and adoption services;
1709 providing requirements for such advertisements;
1710 providing criminal penalties for violations;
1711 prohibiting the offense of adoption deception by a
1712 person who is a birth mother or a woman who holds
1713 herself out to be a birth mother; providing criminal
1714 penalties; providing liability by violators for
1715 certain damages; amending s. 63.213, F.S.; providing
1716 that a preplanned adoption arrangement does not
1717 constitute consent of a mother to place her biological
1718 child for adoption until 48 hours following birth;
1719 providing that a volunteer mother's right to rescind
1720 her consent in a preplanned adoption applies only when
1721 the child is genetically related to her; revising the
1722 definitions of the terms "child," "preplanned adoption
1723 arrangement," and "volunteer mother"; amending s.



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1724 63.222, F.S.; providing that provisions designated as
1725 remedial may apply to any proceedings pending on the
1726 effective date of the provisions; amending s. 63.2325,
1727 F.S.; revising terminology relating to revocation of
1728 consent to adoption; providing an effective date.