

By Senator Wise

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1 A bill to be entitled
2 An act relating to adoption; amending s. 63.022, F.S.;
3 revising legislative intent to delete reference to
4 reporting requirements for placements of minors and
5 exceptions; amending s. 63.032, F.S.; revising
6 definitions; amending s. 63.037, F.S.; exempting
7 adoption proceedings initiated under chapter 39, F.S.,
8 from a requirement for a search of the Florida
9 Putative Father Registry; amending s. 63.039, F.S.;
10 providing that all adoptions of minor children require
11 the use of an adoption entity that will assume the
12 responsibilities provided in specified provisions;
13 providing an exception; amending s. 63.042, F.S.;
14 revising terminology relating to who may adopt;
15 amending s. 63.0423, F.S.; revising terminology
16 relating to surrendered infants; providing that an
17 infant who tests positive for illegal drugs, narcotic
18 prescription drugs, alcohol, or other substances that
19 would cause concern for the infant's welfare and
20 safety if left in the care of the mother or is born to
21 a mother who tests positive for such substances at the
22 time of delivery, but shows no other signs of child
23 abuse or neglect, is treated as having been properly
24 surrendered; providing that if the Department of
25 Children and Family Services is contacted regarding a
26 surrendered infant who does not appear to have been
27 the victim of actual or suspected child abuse or
28 neglect, it shall provide instruction to contact an
29 adoption entity and may not become involved; providing

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

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

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

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117 grounds for termination; amending s. 63.088, F.S.;

118 providing that in a termination of parental rights

119 proceeding if a required inquiry that identifies a

120 father who has been adjudicated by a court as the

121 father of the minor child before the date a petition

122 for termination of parental rights is filed the

123 inquiry must terminate at that point; amending s.

124 63.089, F.S.; specifying that it is a failure to

125 personally appear that provides grounds for

126 termination of parental rights in certain

127 circumstances; revising provisions relating to

128 dismissal of petitions to terminate parental rights;

129 providing that contact between a parent seeking relief

130 from a judgment terminating parental rights and a

131 child may be awarded only in certain circumstances;

132 providing for placement of a child in the event that a

133 court grants relief from a judgment terminating

134 parental rights and no new pleading is filed to

135 terminate parental rights; amending s. 63.092, F.S.;

136 requiring that a signed copy of the home study must be

137 provided to the intended adoptive parents who were the

138 subject of the study; amending s. 63.152, F.S.;

139 authorizing an adoption entity to transmit a certified

140 statement of the entry of a judgment of adoption to

141 the state registrar of vital statistics; amending s.

142 63.162, F.S.; authorizing a birth parent to petition

143 that court to appoint an intermediary or a licensed

144 child-placing agency to contact an adult adoptee and

145 advise both of the availability of the adoption

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146 registry and that the birth parent wishes to establish
147 contact; amending s. 63.167, F.S.; requiring that the
148 state adoption center provide contact information for
149 all adoption entities in a caller's county or, if no
150 adoption entities are located in the caller's county,
151 the number of the nearest adoption entity when
152 contacted for a referral to make an adoption plan;
153 amending s. 63.212, F.S.; restricting who may place a
154 paid advertisement or paid listing of the person's
155 telephone number offering certain adoption services;
156 requiring publishers of telephone directories to
157 include certain statements at the beginning of any
158 classified heading for adoption and adoption services;
159 providing requirements for such advertisements;
160 providing criminal penalties for violations;
161 prohibiting the offense of adoption deception by a
162 person who is a birth mother or a woman who holds
163 herself out to be a birth mother; providing criminal
164 penalties; providing liability by violators for
165 certain damages; amending s. 63.213, F.S.; providing
166 that a preplanned adoption arrangement does not
167 constitute consent of a mother to place her biological
168 child for adoption until 48 hours following birth;
169 providing that a volunteer mother's right to rescind
170 her consent in a preplanned adoption applies only when
171 the child is genetically related to her; revising the
172 definitions of the terms "child," "preplanned adoption
173 arrangement," and "volunteer mother"; amending s.
174 63.222, F.S.; providing that provisions designated as

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175 remedial may apply to any proceedings pending on the
176 effective date of the provisions; amending s. 63.2325,
177 F.S.; revising terminology relating to revocation of
178 consent to adoption; providing an effective date.

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

181
182 Section 1. Paragraphs (e) through (m) of subsection (4) of
183 section 63.022, Florida Statutes, are redesignated as paragraphs
184 (d) through (l), respectively, and subsection (2) and present
185 paragraph (d) of subsection (4) of that section are amended to
186 read:

187 63.022 Legislative intent.—

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

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

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

198 Section 2. Subsections (1), (12), (17), and (19) of section
199 63.032, Florida Statutes, are amended to read:

200 63.032 Definitions.—As used in this chapter, the term:

201 (1) "Abandoned" means a situation in which the parent or
202 person having legal custody of a child, while being able, makes
203 little or no provision for the child's support or ~~and~~ makes

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204 little or no effort to communicate with the child, which
205 situation is sufficient to evince an intent to reject parental
206 responsibilities. If, in the opinion of the court, the efforts
207 of such parent or person having legal custody of the child to
208 support and communicate with the child are only marginal efforts
209 that do not evince a settled purpose to assume all parental
210 duties, the court may declare the child to be abandoned. In
211 making this decision, the court may consider the conduct of a
212 father towards the child's mother during her pregnancy.

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

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

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

231 Section 3. Section 63.037, Florida Statutes, is amended to
232 read:

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233 63.037 Proceedings applicable to cases resulting from a
234 termination of parental rights under chapter 39.—A case in which
235 a minor becomes available for adoption after the parental rights
236 of each parent have been terminated by a judgment entered
237 pursuant to chapter 39 shall be governed by s. 39.812 and this
238 chapter. Adoption proceedings initiated under chapter 39 are
239 exempt from the following provisions of this chapter:
240 requirement for search of the Florida Putative Father Registry
241 provided in s. 63.054(7); disclosure requirements for the
242 adoption entity provided in s. 63.085(1); general provisions
243 governing termination of parental rights pending adoption
244 provided in s. 63.087; notice and service provisions governing
245 termination of parental rights pending adoption provided in s.
246 63.088; and procedures for terminating parental rights pending
247 adoption provided in s. 63.089.

248 Section 4. Subsections (2) through (4) of section 63.039,
249 Florida Statutes, are renumbered as subsections (3) through (5),
250 respectively, and a new subsection (2) is added to that section
251 to read:

252 63.039 Duty of adoption entity to prospective adoptive
253 parents; sanctions.—

254 (2) With the exception of an adoption by a relative or
255 stepparent, all adoptions of minor children require the use of
256 an adoption entity that will assume the responsibilities
257 provided in this section.

258 Section 5. Paragraph (c) of subsection (2) of section
259 63.042, Florida Statutes, is amended to read:

260 63.042 Who may be adopted; who may adopt.—

261 (2) The following persons may adopt:

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

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

267 2. The failure of his or her ~~the other~~ spouse to join in
268 the petition or to consent to the adoption is excused by the
269 court for good cause shown or in the best interests ~~interest~~ of
270 the child.

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

273 63.0423 Procedures with respect to surrendered infants.—

274 (1) Upon entry of final judgment terminating parental
275 rights, an adoption entity ~~A licensed child-placing agency~~ that
276 takes physical custody of an infant surrendered at a hospital,
277 emergency medical services station, or fire station pursuant to
278 s. 383.50 assumes ~~shall assume~~ responsibility for the all
279 ~~medical costs~~ and ~~all~~ other costs associated with the emergency
280 services and care of the surrendered infant from the time the
281 adoption entity ~~licensed child-placing agency~~ takes physical
282 custody of the surrendered infant.

283 (2) The adoption entity ~~licensed child-placing agency~~ shall
284 immediately seek an order from the circuit court for emergency
285 custody of the surrendered infant. The emergency custody order
286 shall remain in effect until the court orders preliminary
287 approval of placement of the surrendered infant in the
288 prospective home, at which time the prospective adoptive parents
289 become guardians pending termination of parental rights and
290 finalization of adoption or until the court orders otherwise.

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291 The guardianship of the prospective adoptive parents shall
292 remain subject to the right of the adoption entity ~~licensed~~
293 ~~child-placing agency~~ to remove the surrendered infant from the
294 placement during the pendency of the proceedings if such removal
295 is deemed by the adoption entity ~~licensed child-placing agency~~
296 to be in the best interests ~~interest~~ of the child. The adoption
297 entity ~~licensed child-placing agency~~ may immediately seek to
298 place the surrendered infant in a prospective adoptive home.

299 (3) The adoption entity ~~licensed child-placing agency~~ that
300 takes physical custody of the surrendered infant shall, within
301 24 hours thereafter, request assistance from law enforcement
302 officials to investigate and determine, through the Missing
303 Children Information Clearinghouse, the National Center for
304 Missing and Exploited Children, and any other national and state
305 resources, whether the surrendered infant is a missing child.

306 (4) The parent who surrenders the infant in accordance with
307 s. 383.50 is presumed to have consented to termination of
308 parental rights, and express consent is not required. Except
309 when there is actual or suspected child abuse or neglect, the
310 adoption entity may ~~licensed child-placing agency shall~~ not
311 attempt to pursue, search for, or notify that parent as provided
312 in s. 63.088 and chapter 49. For purposes of s. 383.50 and this
313 section, an infant who tests positive for illegal drugs,
314 narcotic prescription drugs, alcohol, or other substances that
315 would cause concern for the infant's welfare and safety if left
316 in the care of the mother, or who is born to a mother who tests
317 positive for such substances at the time of delivery, but shows
318 no other signs of child abuse or neglect, shall be treated as
319 having been properly surrendered under this section. If the

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320 department is contacted regarding an infant properly surrendered
321 under this section, the department shall provide instruction to
322 contact an adoption entity and may not become involved unless
323 reasonable efforts to contact an adoption entity to accept the
324 infant have not been successful.

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

330 (a) The court may order scientific testing to determine
331 maternity or paternity at the expense of the parent claiming
332 parental rights.

333 (b) The court shall appoint a guardian ad litem for the
334 surrendered infant and order whatever investigation, home
335 evaluation, and psychological evaluation are necessary to
336 determine what is in the best interests ~~interest~~ of the
337 surrendered infant.

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

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

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

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

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

371 (c) ~~At the preliminary hearing, The court, upon the motion~~
372 ~~of any party or upon its own motion,~~ may not order scientific
373 testing to determine the paternity or maternity of the minor
374 until such time as the court determines that a previously
375 entered judgment terminating the parental rights of that parent
376 is voidable pursuant to paragraph (a), unless all parties agree
377 that such testing is in the best interests of the child ~~if the~~

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378 ~~person seeking to set aside the judgment is alleging to be the~~
379 ~~child's birth parent but has not previously been determined by~~
380 ~~legal proceedings or scientific testing to be the birth parent.~~
381 Upon the filing of test results establishing that person's
382 maternity or paternity of the surrendered infant, the court may
383 order visitation only if it appears to be ~~as it deems~~
384 ~~appropriate and in the best interests interest~~ of the child.

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

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

391 63.0425 Grandparent's right to notice.-

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

397 Section 8. Section 63.0427, Florida Statutes, is amended to
398 read:

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

402 (1) A child whose parents have had their parental rights
403 terminated and whose custody has been awarded to the department
404 pursuant to s. 39.811, and who is the subject of a petition for
405 adoption under this chapter, shall have the right to have the
406 court consider the appropriateness of postadoption communication

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407 or contact, including, but not limited to, visits, written
408 correspondence, or telephone calls, with his or her siblings or,
409 upon agreement of the adoptive parents, with the parents who
410 have had their parental rights terminated or other specified
411 biological relatives. The court shall consider the following in
412 making such determination:

- 413 (a) Any orders of the court pursuant to s. 39.811(7).
414 (b) Recommendations of the department, the foster parents
415 if other than the adoptive parents, and the guardian ad litem.
416 (c) Statements of the prospective adoptive parents.
417 (d) Any other information deemed relevant and material by
418 the court.

419

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

430 (2) Notwithstanding ~~the provisions of~~ s. 63.162, the
431 adoptive parent may, at any time, petition for review of a
432 communication or contact order entered pursuant to subsection
433 (1), if the adoptive parent believes that the best interests of
434 the adopted child are being compromised, and the court may ~~shall~~
435 ~~have authority to~~ order the communication or contact to be

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436 terminated or modified, as the court deems to be in the best
437 interests of the adopted child; however, the court may not
438 increase contact between the adopted child and siblings, birth
439 parents, or other relatives without the consent of the adoptive
440 parent or parents. As part of the review process, the court may
441 order the parties to engage in mediation. The department shall
442 not be required to be a party to such review.

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

450 (a) The agreement was in writing and was submitted to the
451 court.

452 (b) The adoptive parents have agreed to the terms of the
453 contact agreement.

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

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

458 (e) All parties acknowledge that a dispute regarding the
459 contact agreement does not affect the validity or finality of
460 the adoption and that a breach of the agreement may not be
461 grounds to set aside the adoption or otherwise impact the
462 validity or finality of the adoption in any way.

463 (f) An adoptive parent may terminate the contact between
464 the child and the birth parent, other relative, or foster parent

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465 if the adoptive parent reasonably believes that the contact is
466 detrimental to the best interests of the child.

467 (g) In order to terminate the agreement for contact, the
468 adoptive parent must file a notice of intent to terminate the
469 contact agreement with the court that initially approved the
470 contact agreement, and provide a copy of the notice to the
471 adoption entity that placed the child, if any, and to the birth
472 parent, other relative, or foster parent of the child who is a
473 party to the agreement, outlining the reasons for termination of
474 the agreement.

475 (h) If appropriate under the circumstances of the case, the
476 court may order the parties to participate in mediation to
477 attempt to resolve the issues with the contact agreement.

478 (i) The court may modify the terms of the agreement in
479 order to serve the best interests of the child, but may not
480 increase the amount or type of contact unless the adoptive
481 parents agree to the increase in contact or change in the type
482 of contact.

483 (j) An agreement for contact entered into under this
484 subsection is enforceable even if it does not fully disclose the
485 identity of the parties to the agreement or if identifying
486 information has been redacted from the agreement.

487 Section 9. Subsections (1), (2), (3), and (6) of section
488 63.052, Florida Statutes, are amended to read:

489 63.052 Guardians designated; proof of commitment.—

490 (1) For minors who have been placed for adoption with ~~and~~
491 ~~permanently committed to~~ an adoption entity, other than an
492 intermediary, such adoption entity shall be the guardian of the
493 person of the minor and has the responsibility and authority to

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494 provide for the needs and welfare of the minor.

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

519 (3) If a minor is surrendered to an adoption entity for
520 subsequent adoption and a suitable prospective adoptive home is
521 not available pursuant to s. 63.092 at the time the minor is
522 surrendered to the adoption entity, the minor must be placed in

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523 a licensed foster care home, or with a home-study-approved
524 person or family, or with a relative until such a suitable
525 prospective adoptive home is available.

526 (6) Unless otherwise authorized by law or ordered by the
527 court, the department is not responsible for expenses incurred
528 by other adoption entities participating in a placement of a
529 minor.

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

532 63.053 Rights and responsibilities of an unmarried
533 biological father; legislative findings.—

534 (2) The Legislature finds that the interests of the state,
535 the mother, the child, and the adoptive parents described in
536 this chapter outweigh the interest of an unmarried biological
537 father who does not take action in a timely manner to establish
538 and demonstrate a relationship with his child in accordance with
539 the requirements of this chapter. An unmarried biological father
540 has the primary responsibility to protect his rights and is
541 presumed to know that his child may be adopted without his
542 consent unless he strictly complies with ~~the provisions of~~ this
543 chapter and demonstrates a prompt and full commitment to his
544 parental responsibilities.

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

547 Section 11. Subsections (1), (2), (4), and (13) of section
548 63.054, Florida Statutes, are amended to read:

549 63.054 Actions required by an unmarried biological father
550 to establish parental rights; Florida Putative Father Registry.—

551 (1) In order to preserve the right to notice and consent to

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

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

576 1. The mother identifies him to the adoption entity as a
577 potential biological father by the date she executes a consent
578 for adoption; and

579 2. He is served with a notice of intended adoption plan
580 pursuant to s. 63.062(3) and the 30-day mandatory response date

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581 is later than the date the petition for termination of parental
582 rights is filed with the court.

583 (b) If an unmarried biological father falls within the
584 exception provided by paragraph (a), the petitioner shall also
585 submit to the Office of Vital Statistics a copy of the notice of
586 intended adoption plan and proof of service of the notice on the
587 potential biological father.

588 (c) An unmarried biological father who falls within the
589 exception provided by paragraph (a) may not file a claim of
590 paternity with the registry or a paternity claim under chapter
591 742 after the 30-day mandatory response date to the notice of
592 intended adoption plan has expired. The Office of Vital
593 Statistics may not record a claim of paternity 30 days after
594 service of the notice of intended adoption plan.

595 (2) By filing a claim of paternity form with the Office of
596 Vital Statistics, the registrant expressly consents to submit to
597 and pay for DNA testing upon the request of any party, the
598 registrant, or the adoption entity with respect to the child
599 referenced in the claim of paternity.

600 (4) Upon initial registration, or at any time thereafter,
601 the registrant may designate a physical ~~an~~ address other than
602 his residential address for sending any communication regarding
603 his registration. Similarly, upon initial registration, or at
604 any time thereafter, the registrant may designate, in writing,
605 an agent or representative to receive any communication on his
606 behalf and receive service of process. The agent or
607 representative must file an acceptance of the designation, in
608 writing, in order to receive notice or service of process. The
609 failure of the designated representative or agent of the

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610 registrant to deliver or otherwise notify the registrant of
611 receipt of correspondence from the Florida Putative Father
612 Registry is at the registrant's own risk and may ~~shall~~ not serve
613 as a valid defense based upon lack of notice.

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

620 Section 12. Paragraph (b) of subsection (1), subsections
621 (2), (3), and (4), and paragraph (a) of subsection (8) of
622 section 63.062, Florida Statutes, are amended to read:

623 63.062 Persons required to consent to adoption; affidavit
624 of nonpaternity; waiver of venue.—

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

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

631 1. The minor was conceived or born while the father was
632 married to the mother;

633 2. The minor is his child by adoption;

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

637 4. He has filed an affidavit of paternity pursuant to s.
638 382.013(2)(c) or he is listed on the child's birth certificate

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639 before ~~by~~ the date a petition ~~is filed~~ for termination of
640 parental rights is filed; or

641 5. In the case of an unmarried biological father, he has
642 acknowledged in writing, signed in the presence of a competent
643 witness, that he is the father of the minor, has filed such
644 acknowledgment with the Office of Vital Statistics of the
645 Department of Health within the required timeframes, and has
646 complied with the requirements of subsection (2).

647
648 The status of the father shall be determined at the time of the
649 filing of the petition to terminate parental rights and may not
650 be modified for purposes of his obligations and rights under
651 this chapter by acts occurring after the filing of the petition
652 to terminate parental rights.

653 (2) In accordance with subsection (1), the consent of an
654 unmarried biological father shall be necessary only if the
655 unmarried biological father has complied with the requirements
656 of this subsection.

657 (a)1. With regard to a child who is placed with adoptive
658 parents more than 6 months after the child's birth, an unmarried
659 biological father must have developed a substantial relationship
660 with the child, taken some measure of responsibility for the
661 child and the child's future, and demonstrated a full commitment
662 to the responsibilities of parenthood by providing reasonable
663 and regular financial support to the child in accordance with
664 the unmarried biological father's ability, if not prevented from
665 doing so by the person or authorized agency having lawful
666 custody of the child, and either:

667 a. Regularly visited the child at least monthly, when

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668 physically and financially able to do so and when not prevented
669 from doing so by the birth mother or the person or authorized
670 agency having lawful custody of the child; or

671 b. Maintained regular communication with the child or with
672 the person or agency having the care or custody of the child,
673 when physically or financially unable to visit the child or when
674 not prevented from doing so by the birth mother or person or
675 authorized agency having lawful custody of the child.

676 ~~2. The mere fact that an unmarried biological father~~
677 ~~expresses a desire to fulfill his responsibilities towards his~~
678 ~~child which is unsupported by acts evidencing this intent does~~
679 ~~not preclude a finding by the court that the unmarried~~
680 ~~biological father failed to comply with the requirements of this~~
681 ~~subsection.~~

682 ~~2.3.~~ An unmarried biological father who openly lived with
683 the child for at least 6 months within the 1-year period
684 following the birth of the child and immediately preceding
685 placement of the child with adoptive parents and who openly held
686 himself out to be the father of the child during that period
687 shall be deemed to have developed a substantial relationship
688 with the child and to have otherwise met the requirements of
689 this paragraph.

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

696 1. Filed a notarized claim of paternity form with the

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697 Florida Putative Father Registry within the Office of Vital
698 Statistics of the Department of Health, which form shall be
699 maintained in the confidential registry established for that
700 purpose and shall be considered filed when the notice is entered
701 in the registry of notices from unmarried biological fathers.

702 2. Upon service of a notice of an intended adoption plan or
703 a petition for termination of parental rights pending adoption,
704 executed and filed an affidavit in that proceeding stating that
705 he is personally fully able and willing to take responsibility
706 for the child, setting forth his plans for care of the child,
707 and agreeing to a court order of child support and a
708 contribution to the payment of living and medical expenses
709 incurred for the mother's pregnancy and the child's birth in
710 accordance with his ability to pay.

711 3. If he had knowledge of the pregnancy, paid a fair and
712 reasonable amount of the living and medical expenses incurred in
713 connection with the mother's pregnancy and the child's birth, in
714 accordance with his financial ability and when not prevented
715 from doing so by the birth mother or person or authorized agency
716 having lawful custody of the child. The responsibility of the
717 unmarried biological father to provide financial assistance to
718 the birth mother during her pregnancy and to the child after
719 birth is not abated because support is being provided to the
720 birth mother or child by the adoption entity, a prospective
721 adoptive parent, or a third party, nor does it serve as a basis
722 to excuse the birth father's failure to provide support.

723 (c) The mere fact that a father expresses a desire to
724 fulfill his responsibilities towards his child which is
725 unsupported by acts evidencing this intent does not meet the

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726 requirements of this section.

727 (d)~~(e)~~ The petitioner shall file with the court a
728 certificate from the Office of Vital Statistics stating that a
729 diligent search has been made of the Florida Putative Father
730 Registry of notices from unmarried biological fathers described
731 in subparagraph (b)1. and that no filing has been found
732 pertaining to the father of the child in question or, if a
733 filing is found, stating the name of the putative father and the
734 time and date of filing. That certificate shall be filed with
735 the court prior to the entry of a final judgment of termination
736 of parental rights.

737 (e)~~(d)~~ An unmarried biological father who does not comply
738 with each of the conditions provided in this subsection is
739 deemed to have waived and surrendered any rights in relation to
740 the child, including the right to notice of any judicial
741 proceeding in connection with the adoption of the child, and his
742 consent to the adoption of the child is not required.

743 (3) Pursuant to chapter 48, an adoption entity shall serve
744 a notice of intended adoption plan upon any known and locatable
745 unmarried biological father who is identified to the adoption
746 entity by the mother by the date she signs her consent for
747 adoption if the child is 6 months of age or less at the time the
748 consent is executed ~~or who is identified by a diligent search of~~
749 ~~the Florida Putative Father Registry, or upon an entity whose~~
750 ~~consent is required.~~ Service of the notice of intended adoption
751 plan is not required ~~mandatory~~ when the unmarried biological
752 father signs a consent for adoption or an affidavit of
753 nonpaternity or when the child is more than 6 months of age at
754 the time of the execution of the consent by the mother. The

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755 notice may be served at any time before the child's birth or
756 before placing the child in the adoptive home. The recipient of
757 the notice may waive service of process by executing a waiver
758 and acknowledging receipt of the plan. The notice of intended
759 adoption plan must specifically state that if the unmarried
760 biological father desires to contest the adoption plan he must,
761 within 30 days after service, file with the court a verified
762 response that contains a pledge of commitment to the child in
763 substantial compliance with subparagraph (2)(b)2. and a claim of
764 paternity form with the Office of Vital Statistics, and must
765 provide the adoption entity with a copy of the verified response
766 filed with the court and the claim of paternity form filed with
767 the Office of Vital Statistics. The notice must also include
768 instructions for submitting a claim of paternity form to the
769 Office of Vital Statistics and the address to which the claim
770 must be sent. If the party served with the notice of intended
771 adoption plan is an entity whose consent is required, the notice
772 must specifically state that the entity must file, within 30
773 days after service, a verified response setting forth a legal
774 basis for contesting the intended adoption plan, specifically
775 addressing the best interests ~~interest~~ of the child.

776 (a) If the unmarried biological father or entity whose
777 consent is required fails to timely and properly file a verified
778 response with the court and, in the case of an unmarried
779 biological father, a claim of paternity form with the Office of
780 Vital Statistics, the court shall enter a default judgment
781 against the ~~any~~ unmarried biological father or entity and the
782 consent of that unmarried biological father or entity shall no
783 longer be required under this chapter and shall be deemed to

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784 have waived any claim of rights to the child. To avoid an entry
785 of a default judgment, within 30 days after receipt of service
786 of the notice of intended adoption plan:

787 1. The unmarried biological father must:

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

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

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

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

798 (b) If the mother identifies a potential unmarried
799 biological father within the timeframes required by the statute,
800 whose location is unknown, the adoption entity shall conduct a
801 diligent search pursuant to s. 63.088. If, upon completion of a
802 diligent search, the potential unmarried biological father's
803 location remains unknown and a search of the Florida Putative
804 Father Registry fails to reveal a match, the adoption entity
805 shall request in the petition for termination of parental rights
806 pending adoption that the court declare the diligent search to
807 be in compliance with s. 63.088, that the adoption entity has no
808 further obligation to provide notice to the potential unmarried
809 biological father, and that the potential unmarried biological
810 father's consent to the adoption is not required.

811 (4) Any person whose consent is required under paragraph
812 (1) (b), or any other man, may execute an irrevocable affidavit

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813 of nonpaternity in lieu of a consent under this section and by
814 doing so waives notice to all court proceedings after the date
815 of execution. An affidavit of nonpaternity must be executed as
816 provided in s. 63.082. The affidavit of nonpaternity may be
817 executed prior to the birth of the child. The person executing
818 the affidavit must receive disclosure under s. 63.085 prior to
819 signing the affidavit. For purposes of this chapter, an
820 affidavit of nonpaternity is sufficient if it contains a
821 specific denial of parental obligations and does not need to
822 deny the existence of a biological relationship.

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

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

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

829 63.063 Responsibility of parents for actions; fraud or
830 misrepresentation; contesting termination of parental rights and
831 adoption.—

832 (2) Any person injured by a fraudulent representation or
833 action in connection with an adoption may pursue civil or
834 criminal penalties as provided by law. A fraudulent
835 representation is not a defense to compliance with the
836 requirements of this chapter and is not a basis for dismissing a
837 petition for termination of parental rights or a petition for
838 adoption, for vacating an adoption decree, or for granting
839 custody to the offended party. Custody and adoption
840 determinations must be based on the best interests ~~interest~~ of
841 the child in accordance with s. 61.13.

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842 Section 14. Paragraph (d) of subsection (1), paragraphs (c)
843 and (d) of subsection (3), paragraphs (a), (d), and (e) of
844 subsection (4), and subsections (6) and (7) of section 63.082,
845 Florida Statutes, are amended to read:

846 63.082 Execution of consent to adoption or affidavit of
847 nonpaternity; family social and medical history; revocation
848 ~~withdrawal~~ of consent.-

849 (1)

850 (d) The notice and consent provisions of this chapter as
851 they relate to the father ~~birth~~ of a child ~~or to legal fathers~~
852 do not apply in cases in which the child is conceived as a
853 result of a violation of the criminal laws of this or another
854 state or country, including, but not limited to, sexual battery,
855 unlawful sexual activity with certain minors under s. 794.05,
856 lewd acts perpetrated upon a minor, or incest. A criminal
857 conviction is not required for the court to find that the child
858 was conceived as a result of a violation of the criminal laws of
859 this state or another state or country.

860 (3)

861 (c) If any person who is required to consent is unavailable
862 because the person cannot be located, an ~~the petition to~~
863 ~~terminate parental rights pending adoption must be accompanied~~
864 ~~by the~~ affidavit of diligent search required under s. 63.088
865 shall be filed.

866 (d) If any person who is required to consent is unavailable
867 because the person is deceased, the petition to terminate
868 parental rights pending adoption must be accompanied by a
869 certified copy of the death certificate. In an adoption of a
870 stepchild or a relative, the certified copy of the death

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

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

878 (d) The consent to adoption or the affidavit of
879 nonpaternity must be signed in the presence of two witnesses and
880 be acknowledged before a notary public who is not signing as one
881 of the witnesses. The notary public must legibly note on the
882 consent or the affidavit the date and time of execution. The
883 witnesses' names must be typed or printed underneath their
884 signatures. The witnesses' home or business addresses must be
885 included. The person who signs the consent or the affidavit has
886 the right to have at least one of the witnesses be an individual
887 who does not have an employment, professional, or personal
888 relationship with the adoption entity or the prospective
889 adoptive parents. The adoption entity must give reasonable
890 advance notice to the person signing the consent or affidavit of
891 the right to select a witness of his or her own choosing. The
892 person who signs the consent or affidavit must acknowledge in
893 writing on the consent or affidavit that such notice was given
894 and indicate the witness, if any, who was selected by the person
895 signing the consent or affidavit. The adoption entity must
896 include its name, address, and telephone number on the consent
897 to adoption or affidavit of nonpaternity.

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

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900 contain the following recitation of rights ~~in substantially the~~
 901 ~~following form:~~

902 CONSENT TO ADOPTION

903
 904 YOU HAVE THE RIGHT TO SELECT AT LEAST ONE PERSON WHO DOES NOT
 905 HAVE AN EMPLOYMENT, PROFESSIONAL, OR PERSONAL RELATIONSHIP WITH
 906 THE ADOPTION ENTITY OR THE PROSPECTIVE ADOPTIVE PARENTS TO BE
 907 PRESENT WHEN THIS AFFIDAVIT IS EXECUTED AND TO SIGN IT AS A
 908 WITNESS. YOU MUST ACKNOWLEDGE ON THIS FORM THAT YOU WERE
 909 NOTIFIED OF THIS RIGHT AND YOU MUST INDICATE THE WITNESS OR
 910 WITNESSES YOU SELECTED, IF ANY.

911
 912 YOU DO NOT HAVE TO SIGN THIS CONSENT FORM. YOU MAY DO ANY OF THE
 913 FOLLOWING INSTEAD OF SIGNING THIS CONSENT OR BEFORE SIGNING THIS
 914 CONSENT:

- 915
- 916 1. CONSULT WITH AN ATTORNEY;
- 917 2. HOLD, CARE FOR, AND FEED THE CHILD UNLESS OTHERWISE
- 918 LEGALLY PROHIBITED;
- 919 3. PLACE THE CHILD IN FOSTER CARE OR WITH ANY FRIEND OR
- 920 FAMILY MEMBER YOU CHOOSE WHO IS WILLING TO CARE FOR THE
- 921 CHILD;
- 922 4. TAKE THE CHILD HOME UNLESS OTHERWISE LEGALLY PROHIBITED;
- 923 AND
- 924 5. FIND OUT ABOUT THE COMMUNITY RESOURCES THAT ARE
- 925 AVAILABLE TO YOU IF YOU DO NOT GO THROUGH WITH THE
- 926 ADOPTION.

927
 928 IF YOU DO SIGN THIS CONSENT, YOU ARE GIVING UP ALL RIGHTS TO

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929 YOUR CHILD. YOUR CONSENT IS VALID, BINDING, AND IRREVOCABLE
 930 EXCEPT UNDER SPECIFIC LEGAL CIRCUMSTANCES. IF YOU ARE GIVING UP
 931 YOUR RIGHTS TO A NEWBORN CHILD WHO IS TO BE IMMEDIATELY PLACED
 932 FOR ADOPTION UPON THE CHILD'S RELEASE FROM A LICENSED HOSPITAL
 933 OR BIRTH CENTER FOLLOWING BIRTH, A WAITING PERIOD WILL BE
 934 IMPOSED UPON THE BIRTH MOTHER BEFORE SHE MAY SIGN THE CONSENT
 935 FOR ADOPTION. A BIRTH MOTHER MUST WAIT 48 HOURS FROM THE TIME OF
 936 BIRTH, OR UNTIL THE DAY THE BIRTH MOTHER HAS BEEN NOTIFIED IN
 937 WRITING, EITHER ON HER PATIENT CHART OR IN RELEASE PAPERS, THAT
 938 SHE IS FIT TO BE RELEASED FROM A LICENSED HOSPITAL OR BIRTH
 939 CENTER, WHICHEVER IS SOONER, BEFORE THE CONSENT FOR ADOPTION MAY
 940 BE EXECUTED. ANY MAN MAY EXECUTE A CONSENT AT ANY TIME AFTER THE
 941 BIRTH OF THE CHILD. ONCE YOU HAVE SIGNED THE CONSENT, IT IS
 942 VALID, BINDING, AND IRREVOCABLE AND CANNOT BE INVALIDATED
 943 ~~WITHDRAWN~~ UNLESS A COURT FINDS THAT IT WAS OBTAINED BY FRAUD OR
 944 DURESS.

945
 946 IF YOU BELIEVE THAT YOUR CONSENT WAS OBTAINED BY FRAUD OR DURESS
 947 AND YOU WISH TO INVALIDATE ~~REVOKE~~ THAT CONSENT, YOU MUST:

- 948
- 949 1. NOTIFY THE ADOPTION ENTITY, BY WRITING A LETTER, THAT
 - 950 YOU WISH TO WITHDRAW YOUR CONSENT; AND
 - 951 2. PROVE IN COURT THAT THE CONSENT WAS OBTAINED BY FRAUD OR
 - 952 DURESS.

953
 954 This statement of rights is not required for the adoption of a
 955 relative, an adult, a stepchild, or a child older than 6 months
 956 of age. A consent form for the adoption of a child older than 6
 957 months of age at the time of the execution of consent must

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958 contain a statement outlining the revocation rights provided in
959 paragraph (c).

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

965 (b) Upon execution of the consent of the parent, the
966 adoption entity shall be permitted to ~~may~~ intervene in the
967 dependency case as a party in interest and must provide the
968 court that acquired ~~having~~ jurisdiction over the minor, pursuant
969 to the shelter or dependency petition filed by the department, a
970 copy of the preliminary home study of the prospective adoptive
971 parents and any other evidence of the suitability of the
972 placement. The preliminary home study must be maintained with
973 strictest confidentiality within the dependency court file and
974 the department's file. A preliminary home study must be provided
975 to the court in all cases in which an adoption entity has
976 intervened pursuant to this section. Unless the court has
977 concerns regarding the qualifications of the home study
978 provider, or concerns that the home study may not be adequate to
979 determine the best interests of the child, the home study
980 provided by the adoption entity shall be deemed to be sufficient
981 and no additional home study needs to be performed by the
982 department.

983 (c) If an adoption entity files a motion to intervene in
984 the dependency case in accordance with this chapter, the
985 dependency court shall promptly grant a hearing to determine
986 whether the adoption entity has filed the required documents to

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987 be permitted to intervene and whether a change of placement of
988 the child is appropriate.

989 (d)~~(e)~~ Upon a determination by the court that the
990 prospective adoptive parents are properly qualified to adopt the
991 minor child and that the adoption appears to be in the best
992 interests ~~interest~~ of the minor child, the court shall
993 immediately order the transfer of custody of the minor child to
994 the prospective adoptive parents, under the supervision of the
995 adoption entity. The adoption entity shall thereafter provide
996 monthly supervision reports to the department until finalization
997 of the adoption.

998 (e)~~(d)~~ In determining whether the best interests ~~interest~~
999 of the child are ~~is~~ served by transferring the custody of the
1000 minor child to the prospective adoptive parent selected by the
1001 parent, the court shall consider the rights of the parent to
1002 determine an appropriate placement for the child, the permanency
1003 offered, the child's bonding with any potential adoptive home
1004 that the child has been residing in, and the importance of
1005 maintaining sibling relationships, if possible.

1006 (7) If a person is seeking to revoke ~~withdraw~~ consent for a
1007 child older than 6 months of age ~~who has been placed with~~
1008 ~~prospective adoptive parents~~:

1009 (a) The person seeking to revoke ~~withdraw~~ consent must, in
1010 accordance with paragraph (4) (c), notify the adoption entity in
1011 writing by certified mail, return receipt requested, within 3
1012 business days after execution of the consent. As used in this
1013 subsection, the term "business day" means any day on which the
1014 United States Postal Service accepts certified mail for
1015 delivery.

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1016 (b) Upon receiving timely written notice from a person
1017 whose consent to adoption is required of that person's desire to
1018 revoke ~~withdraw~~ consent, the adoption entity must contact the
1019 prospective adoptive parent to arrange a time certain for the
1020 adoption entity to regain physical custody of the minor, unless,
1021 upon a motion for emergency hearing by the adoption entity, the
1022 court determines in written findings that placement of the minor
1023 with the person who had legal or physical custody of the child
1024 immediately before the child was placed for adoption may
1025 endanger the minor or that the person who desires to revoke
1026 ~~withdraw~~ consent is not required to consent to the adoption, has
1027 been determined to have abandoned the child, or is otherwise
1028 subject to a determination that the person's consent is waived
1029 under this chapter.

1030 (c) If the court finds that the placement may endanger the
1031 minor, the court shall enter an order continuing the placement
1032 of the minor with the prospective adoptive parents pending
1033 further proceedings if they desire continued placement. If the
1034 prospective adoptive parents do not desire continued placement,
1035 the order must include, but need not be limited to, a
1036 determination of whether temporary placement in foster care,
1037 with the person who had legal or physical custody of the child
1038 immediately before placing the child for adoption, or with a
1039 relative is in the best interests ~~interest~~ of the child and
1040 whether an investigation by the department is recommended.

1041 (d) If the person revoking ~~withdrawing~~ consent claims to be
1042 the father of the minor but has not been established to be the
1043 father by marriage, court order, or scientific testing, the
1044 court may order scientific paternity testing and reserve ruling

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1045 on removal of the minor until the results of such testing have
1046 been filed with the court.

1047 (e) The adoption entity must return the minor within 3
1048 business days after timely and proper notification of the
1049 revocation ~~withdrawal~~ of consent or after the court determines
1050 that revocation ~~withdrawal~~ is timely and in accordance with the
1051 requirements of this chapter ~~valid and binding~~ upon
1052 consideration of an emergency motion, as filed pursuant to
1053 paragraph (b), to the physical custody of the person revoking
1054 ~~withdrawing~~ consent or the person directed by the court. If the
1055 person seeking to revoke ~~withdraw~~ consent claims to be the
1056 father of the minor but has not been established to be the
1057 father by marriage, court order, or scientific testing, the
1058 adoption entity may return the minor to the care and custody of
1059 the mother, if she desires such placement and she is not
1060 otherwise prohibited by law from having custody of the child.

1061 (f) Following the revocation period ~~for withdrawal of~~
1062 ~~consent~~ described in paragraph (a), ~~or the placement of the~~
1063 ~~child with the prospective adoptive parents, whichever occurs~~
1064 ~~later~~, consent may be set aside ~~withdrawn~~ only when the court
1065 finds that the consent was obtained by fraud or duress.

1066 (g) An affidavit of nonpaternity may be set aside ~~withdrawn~~
1067 only if the court finds that the affidavit was obtained by fraud
1068 or duress.

1069 (h) If the consent of one parent is set aside or revoked in
1070 accordance with this chapter, any other consents executed by the
1071 other parent or a third party whose consent is required for the
1072 adoption of the child may not be used by the parent whose
1073 consent was revoked or set aside to terminate or diminish the

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1074 rights of the other parent or third party whose consent was
1075 required for the adoption of the child.

1076 Section 15. Subsection (1) and paragraph (a) of subsection
1077 (2) of section 63.085, Florida Statutes, are amended, and
1078 paragraph (c) is added to subsection (2) of that section, to
1079 read:

1080 63.085 Disclosure by adoption entity.—

1081 (1) DISCLOSURE REQUIRED TO PARENTS AND PROSPECTIVE ADOPTIVE
1082 PARENTS.—Within 14 days after a person seeking to adopt a minor
1083 or a person seeking to place a minor for adoption contacts an
1084 adoption entity in person or provides the adoption entity with a
1085 mailing address, the entity must provide a written disclosure
1086 statement to that person if the entity agrees or continues to
1087 work with the person. The adoption entity shall also provide the
1088 written disclosure to the parent who did not initiate contact
1089 with the adoption entity within 14 days after that parent is
1090 identified and located. For purposes of providing the written
1091 disclosure, a person is considered to be seeking to place a
1092 minor for adoption if that person has sought information or
1093 advice from the adoption entity regarding the option of adoptive
1094 placement. The written disclosure statement must be in
1095 substantially the following form:

1096

1097 ADOPTION DISCLOSURE

1098 THE STATE OF FLORIDA REQUIRES THAT THIS FORM BE PROVIDED TO ALL
1099 PERSONS CONSIDERING ADOPTING A MINOR OR SEEKING TO PLACE A MINOR
1100 FOR ADOPTION, TO ADVISE THEM OF THE FOLLOWING FACTS REGARDING
1101 ADOPTION UNDER FLORIDA LAW:

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1103 1. The name, address, and telephone number of the adoption
1104 entity providing this disclosure is:

1105 Name:

1106 Address:

1107 Telephone Number:

1108 2. The adoption entity does not provide legal
1109 representation or advice to parents or anyone signing a consent
1110 for adoption or affidavit of nonpaternity, and parents have the
1111 right to consult with an attorney of their own choosing to
1112 advise them.

1113 3. With the exception of an adoption by a stepparent or
1114 relative, a child cannot be placed into a prospective adoptive
1115 home unless the prospective adoptive parents have received a
1116 favorable preliminary home study, including criminal and child
1117 abuse clearances.

1118 4. A valid consent for adoption may not be signed by the
1119 birth mother until 48 hours after the birth of the child, or the
1120 day the birth mother is notified, in writing, that she is fit
1121 for discharge from the licensed hospital or birth center. Any
1122 man may sign a valid consent for adoption at any time after the
1123 birth of the child.

1124 5. A consent for adoption signed before the child attains
1125 the age of 6 months is binding and irrevocable from the moment
1126 it is signed unless it can be proven in court that the consent
1127 was obtained by fraud or duress. A consent for adoption signed
1128 after the child attains the age of 6 months is valid from the
1129 moment it is signed; however, it may be revoked up to 3 business
1130 days after it was signed.

1131 6. A consent for adoption is not valid if the signature of

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1132 the person who signed the consent was obtained by fraud or
1133 duress.

1134 7. An unmarried biological father must act immediately in
1135 order to protect his parental rights. Section 63.062, Florida
1136 Statutes, prescribes that any father seeking to establish his
1137 right to consent to the adoption of his child must file a claim
1138 of paternity with the Florida Putative Father Registry
1139 maintained by the Office of Vital Statistics of the Department
1140 of Health by the date a petition to terminate parental rights is
1141 filed with the court, or within 30 days after receiving service
1142 of a Notice of Intended Adoption Plan. If he receives a Notice
1143 of Intended Adoption Plan, he must file a claim of paternity
1144 with the Florida Putative Father Registry, file a parenting plan
1145 with the court, and provide financial support to the mother or
1146 child within 30 days following service. An unmarried biological
1147 father's failure to timely respond to a Notice of Intended
1148 Adoption Plan constitutes an irrevocable legal waiver of any and
1149 all rights that the father may have to the child. A claim of
1150 paternity registration form for the Florida Putative Father
1151 Registry may be obtained from any local office of the Department
1152 of Health, Office of Vital Statistics, the Department of
1153 Children and Families, the Internet websites for these agencies,
1154 and the offices of the clerks of the Florida circuit courts. The
1155 claim of paternity form must be submitted to the Office of Vital
1156 Statistics, Attention: Adoption Unit, P.O. Box 210,
1157 Jacksonville, FL 32231.

1158 8. There are alternatives to adoption, including foster
1159 care, relative care, and parenting the child. There may be
1160 services and sources of financial assistance in the community

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1161 available to parents if they choose to parent the child.

1162 9. A parent has the right to have a witness of his or her
1163 choice, who is unconnected with the adoption entity or the
1164 adoptive parents, to be present and witness the signing of the
1165 consent or affidavit of nonpaternity.

1166 10. A parent 14 years of age or younger must have a parent,
1167 legal guardian, or court-appointed guardian ad litem to assist
1168 and advise the parent as to the adoption plan and to witness
1169 consent.

1170 11. A parent has a right to receive supportive counseling
1171 from a counselor, social worker, physician, clergy, or attorney.

1172 12. The payment of living or medical expenses by the
1173 prospective adoptive parents before the birth of the child does
1174 not, in any way, obligate the parent to sign the consent for
1175 adoption.

1176
1177 (2) DISCLOSURE TO ADOPTIVE PARENTS.—

1178 (a) At the time that an adoption entity is responsible for
1179 selecting prospective adoptive parents for a born or unborn
1180 child whose parents are seeking to place the child for adoption
1181 or whose rights were terminated pursuant to chapter 39, the
1182 adoption entity must provide the prospective adoptive parents
1183 with information concerning the background of the child to the
1184 extent such information is disclosed to the adoption entity by
1185 the parents, legal custodian, or the department. This subsection
1186 applies only if the adoption entity identifies the prospective
1187 adoptive parents and supervises the ~~physical~~ placement of the
1188 child in the prospective adoptive parents' home. If any
1189 information cannot be disclosed because the records custodian

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1190 failed or refused to produce the background information, the
1191 adoption entity has a duty to provide the information if it
1192 becomes available. An individual or entity contacted by an
1193 adoption entity to obtain the background information must
1194 release the requested information to the adoption entity without
1195 the necessity of a subpoena or a court order. In all cases, the
1196 prospective adoptive parents must receive all available
1197 information by the date of the final hearing on the petition for
1198 adoption. The information to be disclosed includes:

1199 1. A family social and medical history form completed
1200 pursuant to s. 63.162(6).

1201 2. The biological mother's medical records documenting her
1202 prenatal care and the birth and delivery of the child.

1203 3. A complete set of the child's medical records
1204 documenting all medical treatment and care since the child's
1205 birth and before placement.

1206 4. All mental health, psychological, and psychiatric
1207 records, reports, and evaluations concerning the child before
1208 placement.

1209 5. The child's educational records, including all records
1210 concerning any special education needs of the child before
1211 placement.

1212 6. Records documenting all incidents that required the
1213 department to provide services to the child, including all
1214 orders of adjudication of dependency or termination of parental
1215 rights issued pursuant to chapter 39, any case plans drafted to
1216 address the child's needs, all protective services
1217 investigations identifying the child as a victim, and all
1218 guardian ad litem reports filed with the court concerning the

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1219 child.

1220 7. Written information concerning the availability of
1221 adoption subsidies for the child, if applicable.

1222 (c) If the prospective adoptive parents waive the receipt
1223 of any of the records described in paragraph (a), a copy of the
1224 written notification of the waiver to the adoption entity shall
1225 be filed with the court.

1226 Section 16. Subsection (6) of section 63.087, Florida
1227 Statutes, is amended to read:

1228 63.087 Proceeding to terminate parental rights pending
1229 adoption; general provisions.—

1230 (6) ANSWER AND APPEARANCE REQUIRED.—An answer to the
1231 petition or any pleading requiring an answer must be filed in
1232 accordance with the Florida Family Law Rules of Procedure.
1233 Failure to file a written response to the petition constitutes
1234 grounds upon which the court may terminate parental rights.
1235 Failure to personally appear at the hearing constitutes grounds
1236 upon which the court may terminate parental rights. Any person
1237 present at the hearing to terminate parental rights pending
1238 adoption whose consent to adoption is required under s. 63.062
1239 must:

1240 (a) Be advised by the court that he or she has a right to
1241 ask that the hearing be reset for a later date so that the
1242 person may consult with an attorney; and

1243 (b) Be given an opportunity to admit or deny the
1244 allegations in the petition.

1245 Section 17. Subsection (4) of section 63.088, Florida
1246 Statutes, is amended to read:

1247 63.088 Proceeding to terminate parental rights pending

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1248 adoption; notice and service; diligent search.—

1249 (4) REQUIRED INQUIRY.—In proceedings initiated under s.
1250 63.087, the court shall conduct an inquiry of the person who is
1251 placing the minor for adoption and of any relative or person
1252 having legal custody of the minor who is present at the hearing
1253 and likely to have the following information regarding the
1254 identity of:

1255 (a) Any man to whom the mother of the minor was married at
1256 any time when conception of the minor may have occurred or at
1257 the time of the birth of the minor;

1258 (b) Any man who has filed an affidavit of paternity
1259 pursuant to s. 382.013(2)(c) before the date that a petition for
1260 termination of parental rights is filed with the court;

1261 (c) Any man who has adopted the minor;

1262 (d) Any man who has been adjudicated by a court as the
1263 father of the minor child before the date a petition for
1264 termination of parental rights is filed with the court; and

1265 (e) Any man whom the mother identified to the adoption
1266 entity as a potential biological father before the date she
1267 signed the consent for adoption.

1268
1269 The information sought under this subsection may be provided to
1270 the court in the form of a sworn affidavit by a person having
1271 personal knowledge of the facts, addressing each inquiry
1272 enumerated in this subsection, except that, if the inquiry
1273 identifies a father under paragraph (a), paragraph (b), ~~or~~
1274 paragraph (c), or paragraph (d), the inquiry may not continue
1275 further. The inquiry required under this subsection may be
1276 conducted before the birth of the minor.

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1277 Section 18. Paragraph (d) of subsection (3), paragraph (b)
1278 of subsection (4), and subsections (5) and (7) of section
1279 63.089, Florida Statutes, are amended to read:

1280 63.089 Proceeding to terminate parental rights pending
1281 adoption; hearing; grounds; dismissal of petition; judgment.—

1282 (3) GROUNDS FOR TERMINATING PARENTAL RIGHTS PENDING
1283 ADOPTION.—The court may enter a judgment terminating parental
1284 rights pending adoption if the court determines by clear and
1285 convincing evidence, supported by written findings of fact, that
1286 each person whose consent to adoption is required under s.
1287 63.062:

1288 (d) Has been properly served notice of the proceeding in
1289 accordance with the requirements of this chapter and has failed
1290 to file a written answer or personally appear at the evidentiary
1291 hearing resulting in the judgment terminating parental rights
1292 pending adoption;

1293 (4) FINDING OF ABANDONMENT.—A finding of abandonment
1294 resulting in a termination of parental rights must be based upon
1295 clear and convincing evidence that a parent or person having
1296 legal custody has abandoned the child in accordance with the
1297 definition contained in s. 63.032. A finding of abandonment may
1298 also be based upon emotional abuse or a refusal to provide
1299 reasonable financial support, when able, to a birth mother
1300 during her pregnancy.

1301 (b) The child has been abandoned when the parent of a child
1302 is incarcerated on or after October 1, 2001, in a federal,
1303 state, or county correctional institution and:

1304 1. The period of time for which the parent has been or is
1305 expected to be incarcerated will constitute a significant

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1306 portion of the child's minority. In determining whether the
1307 period of time is significant, the court shall consider the
1308 child's age and the child's need for a permanent and stable
1309 home. The period of time begins on the date that the parent
1310 enters into incarceration;

1311 2. The incarcerated parent has been determined by a court
1312 of competent jurisdiction to be a violent career criminal as
1313 defined in s. 775.084, a habitual violent felony offender as
1314 defined in s. 775.084, convicted of child abuse as defined in s.
1315 827.03, or a sexual predator as defined in s. 775.21; has been
1316 convicted of first degree or second degree murder in violation
1317 of s. 782.04 or a sexual battery that constitutes a capital,
1318 life, or first degree felony violation of s. 794.011; or has
1319 been convicted of a substantially similar offense in another
1320 jurisdiction. As used in this section, the term "substantially
1321 similar offense" means any offense that is substantially similar
1322 in elements and penalties to one of those listed in this
1323 subparagraph, and that is in violation of a law of any other
1324 jurisdiction, whether that of another state, the District of
1325 Columbia, the United States or any possession or territory
1326 thereof, or any foreign jurisdiction; or

1327 3. The court determines by clear and convincing evidence
1328 that continuing the parental relationship with the incarcerated
1329 parent would be harmful to the child and, for this reason,
1330 termination of the parental rights of the incarcerated parent is
1331 in the best interests ~~interest~~ of the child.

1332 (5) DISMISSAL OF PETITION.—If the court does not find by
1333 clear and convincing evidence that parental rights of a parent
1334 should be terminated pending adoption, the court must dismiss

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1335 the petition and that parent's parental rights that were the
1336 subject of such petition shall remain in full force under the
1337 law. The order must include written findings in support of the
1338 dismissal, including findings as to the criteria in subsection
1339 (4) if rejecting a claim of abandonment.

1340 (a) Parental rights may not be terminated based upon a
1341 consent that the court finds has been timely revoked ~~withdrawn~~
1342 under s. 63.082 or a consent to adoption or affidavit of
1343 nonpaternity that the court finds was obtained by fraud or
1344 duress.

1345 (b) The court must enter an order based upon written
1346 findings providing for the placement of the minor, but the court
1347 may not proceed to determine custody between competing eligible
1348 parties. The placement of the child should revert to the parent
1349 or guardian who had physical custody of the child at the time of
1350 the placement for adoption unless the court determines upon
1351 clear and convincing evidence that this placement is not in the
1352 best interests of the child or is not an available option for
1353 the child. The court may not change the placement of a child who
1354 has established a bonded relationship with the current caregiver
1355 without providing for a reasonable transition plan consistent
1356 with the best interests of the child. The court may direct the
1357 parties to participate in a reunification or unification plan
1358 with a qualified professional to assist the child in the
1359 transition. The court may order scientific testing to determine
1360 the paternity of the minor only if the court has determined that
1361 the consent of the alleged father would be required, unless all
1362 parties agree that such testing is in the best interests of the
1363 child. The court may not order scientific testing to determine

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1364 paternity of an unmarried biological father if the child has a
1365 father as described in s. 63.088(4)(a)-(d) whose rights have not
1366 been previously terminated at any time during which the court
1367 has jurisdiction over the minor. Further proceedings, if any,
1368 regarding the minor must be brought in a separate custody action
1369 under chapter 61, a dependency action under chapter 39, or a
1370 paternity action under chapter 742.

1371 (7) RELIEF FROM JUDGMENT TERMINATING PARENTAL RIGHTS.—

1372 (a) A motion for relief from a judgment terminating
1373 parental rights must be filed with the court originally entering
1374 the judgment. The motion must be filed within a reasonable time,
1375 but not later than 1 year after the entry of the judgment. An
1376 unmarried biological father does not have standing to seek
1377 relief from a judgment terminating parental rights if the mother
1378 did not identify him to the adoption entity before the date she
1379 signed a consent for adoption or if he was not located because
1380 the mother failed or refused to provide sufficient information
1381 to locate him.

1382 (b) No later than 30 days after the filing of a motion
1383 under this subsection, the court must conduct a preliminary
1384 hearing to determine what contact, if any, shall be permitted
1385 between a parent and the child pending resolution of the motion.
1386 Such contact shall be considered only if it is requested by a
1387 parent who has appeared at the hearing and may not be awarded
1388 unless the parent previously established a bonded relationship
1389 with the child and the parent has pled a legitimate legal basis
1390 and established a prima facie case for setting aside the
1391 judgment terminating parental rights. If the court orders
1392 contact between a parent and child, the order must be issued in

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1393 writing as expeditiously as possible and must state with
1394 specificity any provisions regarding contact with persons other
1395 than those with whom the child resides.

1396 (c) At the preliminary hearing, the court, upon the motion
1397 of any party or upon its own motion, may order scientific
1398 testing to determine the paternity of the minor if the person
1399 seeking to set aside the judgment is alleging to be the child's
1400 father and that fact has not previously been determined by
1401 legitimacy or scientific testing. The court may order visitation
1402 with a person for whom scientific testing for paternity has been
1403 ordered and who has previously established a bonded relationship
1404 with the child.

1405 (d) Unless otherwise agreed between the parties or for good
1406 cause shown, the court shall conduct a final hearing on the
1407 motion for relief from judgment within 45 days after the filing
1408 and enter its written order as expeditiously as possible
1409 thereafter.

1410 (e) If the court grants relief from the judgment
1411 terminating parental rights and no new pleading is filed to
1412 terminate parental rights, the placement of the child should
1413 revert to the parent or guardian who had physical custody of the
1414 child at the time of the original placement for adoption unless
1415 the court determines upon clear and convincing evidence that
1416 this placement is not in the best interests of the child or is
1417 not an available option for the child. The court may not change
1418 the placement of a child who has established a bonded
1419 relationship with the current caregiver without providing for a
1420 reasonable transition plan consistent with the best interests of
1421 the child. The court may direct the parties to participate in a

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1422 reunification or unification plan with a qualified professional
1423 to assist the child in the transition. The court may not direct
1424 the placement of a child with a person other than the adoptive
1425 parents without first obtaining a favorable home study of that
1426 person and any other persons residing in the proposed home and
1427 shall take whatever additional steps are necessary and
1428 appropriate for the physical and emotional protection of the
1429 child.

1430 Section 19. Subsection (3) of section 63.092, Florida
1431 Statutes, is amended to read:

1432 63.092 Report to the court of intended placement by an
1433 adoption entity; at-risk placement; preliminary study.—

1434 (3) PRELIMINARY HOME STUDY.—Before placing the minor in the
1435 intended adoptive home, a preliminary home study must be
1436 performed by a licensed child-placing agency, a child-caring
1437 agency registered under s. 409.176, a licensed professional, or
1438 agency described in s. 61.20(2), unless the adoptee is an adult
1439 or the petitioner is a stepparent or a relative. If the adoptee
1440 is an adult or the petitioner is a stepparent or a relative, a
1441 preliminary home study may be required by the court for good
1442 cause shown. The department is required to perform the
1443 preliminary home study only if there is no licensed child-
1444 placing agency, child-caring agency registered under s. 409.176,
1445 licensed professional, or agency described in s. 61.20(2), in
1446 the county where the prospective adoptive parents reside. The
1447 preliminary home study must be made to determine the suitability
1448 of the intended adoptive parents and may be completed prior to
1449 identification of a prospective adoptive minor. A favorable
1450 preliminary home study is valid for 1 year after the date of its

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1451 completion. Upon its completion, a signed copy of the home study
1452 must be provided to the intended adoptive parents who were the
1453 subject of the home study. A minor may not be placed in an
1454 intended adoptive home before a favorable preliminary home study
1455 is completed unless the adoptive home is also a licensed foster
1456 home under s. 409.175. The preliminary home study must include,
1457 at a minimum:

1458 (a) An interview with the intended adoptive parents;

1459 (b) Records checks of the department's central abuse
1460 registry and criminal records correspondence checks under s.
1461 39.0138 through the Department of Law Enforcement on the
1462 intended adoptive parents;

1463 (c) An assessment of the physical environment of the home;

1464 (d) A determination of the financial security of the
1465 intended adoptive parents;

1466 (e) Documentation of counseling and education of the
1467 intended adoptive parents on adoptive parenting;

1468 (f) Documentation that information on adoption and the
1469 adoption process has been provided to the intended adoptive
1470 parents;

1471 (g) Documentation that information on support services
1472 available in the community has been provided to the intended
1473 adoptive parents; and

1474 (h) A copy of each signed acknowledgment of receipt of
1475 disclosure required by s. 63.085.

1476
1477 If the preliminary home study is favorable, a minor may be
1478 placed in the home pending entry of the judgment of adoption. A
1479 minor may not be placed in the home if the preliminary home

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1480 study is unfavorable. If the preliminary home study is
1481 unfavorable, the adoption entity may, within 20 days after
1482 receipt of a copy of the written recommendation, petition the
1483 court to determine the suitability of the intended adoptive
1484 home. A determination as to suitability under this subsection
1485 does not act as a presumption of suitability at the final
1486 hearing. In determining the suitability of the intended adoptive
1487 home, the court must consider the totality of the circumstances
1488 in the home. A ~~No~~ minor may not be placed in a home in which
1489 there resides any person determined by the court to be a sexual
1490 predator as defined in s. 775.21 or to have been convicted of an
1491 offense listed in s. 63.089(4)(b)2.

1492 Section 20. Section 63.152, Florida Statutes, is amended to
1493 read:

1494 63.152 Application for new birth record.—Within 30 days
1495 after entry of a judgment of adoption, the clerk of the court or
1496 the adoption entity shall transmit a certified statement of the
1497 entry to the state registrar of vital statistics on a form
1498 provided by the registrar. A new birth record containing the
1499 necessary information supplied by the certificate shall be
1500 issued by the registrar on application of the adopting parents
1501 or the adopted person.

1502 Section 21. Subsection (7) of section 63.162, Florida
1503 Statutes, is amended to read:

1504 63.162 Hearings and records in adoption proceedings;
1505 confidential nature.—

1506 (7) The court may, upon petition of an adult adoptee or
1507 birth parent, for good cause shown, appoint an intermediary or a
1508 licensed child-placing agency to contact a birth parent or adult

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1509 adoptee, as applicable, who has not registered with the adoption
1510 registry pursuant to s. 63.165 and advise both ~~them~~ of the
1511 availability of the intermediary or agency and that the birth
1512 parent or adult adoptee, as applicable, wishes to establish
1513 contact same.

1514 Section 22. Paragraph (c) of subsection (2) of section
1515 63.167, Florida Statutes, is amended to read:

1516 63.167 State adoption information center.—

1517 (2) The functions of the state adoption information center
1518 shall include:

1519 (c) Operating a toll-free telephone number to provide
1520 information and referral services. The state adoption
1521 information center shall provide contact information for all
1522 adoption entities in the caller's county or, if no adoption
1523 entities are located in the caller's county, the number of the
1524 nearest adoption entity when contacted for a referral to make an
1525 adoption plan and shall rotate the order in which the names of
1526 adoption entities are provided to callers.

1527 Section 23. Paragraph (g) of subsection (1) and subsections
1528 (2) and (8) of section 63.212, Florida Statutes, are amended to
1529 read:

1530 63.212 Prohibited acts; penalties for violation.—

1531 (1) It is unlawful for any person:

1532 (g) Except an adoption entity, to advertise or offer to the
1533 public, in any way, by any medium whatever that a minor is
1534 available for adoption or that a minor is sought for adoption;
1535 and, further, it is unlawful for any person to publish or
1536 broadcast any such advertisement or assist an unlicensed person
1537 or entity in publishing or broadcasting any such advertisement

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1538 without including a Florida license number of the agency or
1539 attorney placing the advertisement.

1540 1. Only a person who is an attorney licensed to practice
1541 law in this state or an adoption entity licensed under the laws
1542 of this state may place a paid advertisement or paid listing of
1543 the person's telephone number, on the person's own behalf, in a
1544 telephone directory that:

1545 a. A child is offered or wanted for adoption; or

1546 b. The person is able to place, locate, or receive a child
1547 for adoption.

1548 2. A person who publishes a telephone directory that is
1549 distributed in this state:

1550 a. Shall include, at the beginning of any classified
1551 heading for adoption and adoption services, a statement that
1552 informs directory users that only attorneys licensed to practice
1553 law in this state and licensed adoption entities may legally
1554 provide adoption services under state law.

1555 b. May publish an advertisement described in paragraph (a)
1556 in the telephone directory only if the advertisement contains
1557 the following:

1558 (I) For an attorney licensed to practice law in this state,
1559 the person's Florida Bar number.

1560 (II) For a child placing agency licensed under the laws of
1561 this state, the number on the person's adoption entity license.

1562 (2) Any person who is a birth mother, or a woman who holds
1563 herself out to be a birth mother, who is interested in making an
1564 adoption plan and who knowingly or intentionally benefits from
1565 the payment of adoption-related expenses in connection with that
1566 adoption plan commits adoption deception if:

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1567 (a) The person knows or should have known that the person
1568 is not pregnant at the time the sums were requested or received;

1569 (b) The person accepts living expenses assistance from a
1570 prospective adoptive parent or adoption entity without
1571 disclosing that she is receiving living expenses assistance from
1572 another prospective adoptive parent or adoption entity at the
1573 same time in an effort to adopt the same child; or

1574 (c) The person knowingly makes false representations to
1575 induce the payment of living expenses and does not intend to
1576 make an adoptive placement.

1577 ~~It is unlawful for:~~

1578 ~~(a) Any person or adoption entity under this chapter to:~~

1579 ~~1. Knowingly provide false information; or~~

1580 ~~2. Knowingly withhold material information.~~

1581 ~~(b) A parent, with the intent to defraud, to accept~~
1582 ~~benefits related to the same pregnancy from more than one~~
1583 ~~adoption entity without disclosing that fact to each entity.~~

1584
1585 Any person who willfully commits adoption deception ~~violates any~~
1586 ~~provision of this subsection~~ commits a misdemeanor of the second
1587 degree, punishable as provided in s. 775.082 or s. 775.083, if
1588 the sums received by the birth mother or woman holding herself
1589 out to be a birth mother do not exceed \$300, and a felony of the
1590 third degree, punishable as provided in s. 775.082, s. 775.083,
1591 or s. 775.084, if the sums received by the birth mother or woman
1592 holding herself out to be a birth mother exceed \$300. In
1593 addition, the person is liable for damages caused by such acts
1594 or omissions, including reasonable attorney ~~attorney's~~ fees and
1595 costs incurred by the adoption entity or the prospective

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1596 adoptive parent. Damages may be awarded through restitution in
1597 any related criminal prosecution or by filing a separate civil
1598 action.

1599 (8) Unless otherwise indicated, a person who willfully and
1600 with criminal intent violates any provision of this section,
1601 excluding paragraph (1)(g), commits a felony of the third
1602 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1603 775.084. A person who willfully and with criminal intent
1604 violates paragraph (1)(g) commits a misdemeanor of the second
1605 degree, punishable as provided in s. 775.083; and each day of
1606 continuing violation shall be considered a separate offense. In
1607 addition, any person who knowingly publishes or assists with the
1608 publication of any advertisement or other publication which
1609 violates the requirements of paragraph (1)(g) commits a
1610 misdemeanor of the second degree, punishable as provided in s.
1611 775.083, and may be required to pay a fine of up to \$150 per day
1612 for each day of continuing violation.

1613 Section 24. Paragraph (b) of subsection (1), paragraphs (a)
1614 and (e) of subsection (2), and paragraphs (b), (h), and (i) of
1615 subsection (6) of section 63.213, Florida Statutes, are amended
1616 to read:

1617 63.213 Preplanned adoption agreement.—

1618 (1) Individuals may enter into a preplanned adoption
1619 arrangement as specified in this section, but such arrangement
1620 may not in any way:

1621 (b) Constitute consent of a mother to place her biological
1622 child for adoption until 48 hours after the following birth of
1623 the child and unless the court making the custody determination
1624 or approving the adoption determines that the mother was aware

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1625 of her right to rescind within the 48-hour period after the
1626 ~~following~~ birth of the child but chose not to rescind such
1627 consent. The volunteer mother's right to rescind her consent in
1628 a preplanned adoption applies only when the child is genetically
1629 related to her.

1630 (2) A preplanned adoption agreement must include, but need
1631 not be limited to, the following terms:

1632 (a) That the volunteer mother agrees to become pregnant by
1633 the fertility technique specified in the agreement, to bear the
1634 child, and to terminate any parental rights and responsibilities
1635 to the child she might have through a written consent executed
1636 at the same time as the preplanned adoption agreement, subject
1637 to a right of rescission by the volunteer mother any time within
1638 48 hours after the birth of the child, if the volunteer mother
1639 is genetically related to the child.

1640 (e) That the intended father and intended mother
1641 acknowledge that they may not receive custody or the parental
1642 rights under the agreement if the volunteer mother terminates
1643 the agreement or if the volunteer mother rescinds her consent to
1644 place her child for adoption within 48 hours after the birth of
1645 the child, if the volunteer mother is genetically related to the
1646 child.

1647 (6) As used in this section, the term:

1648 (b) "Child" means the child or children conceived by means
1649 of a fertility technique ~~an insemination~~ that is part of a
1650 preplanned adoption arrangement.

1651 (h) "Preplanned adoption arrangement" means the arrangement
1652 through which the parties enter into an agreement for the
1653 volunteer mother to bear the child, for payment by the intended

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1654 father and intended mother of the expenses allowed by this
1655 section, for the intended father and intended mother to assert
1656 full parental rights and responsibilities to the child if
1657 consent to adoption is not rescinded after birth by a ~~the~~
1658 volunteer mother who is genetically related to the child, and
1659 for the volunteer mother to terminate, subject to any ~~a~~ right of
1660 rescission, all her parental rights and responsibilities to the
1661 child in favor of the intended father and intended mother.

1662 (i) "Volunteer mother" means a female at least 18 years of
1663 age who voluntarily agrees, subject to a right of rescission if
1664 it is her biological child, that if she should become pregnant
1665 pursuant to a preplanned adoption arrangement, she will
1666 terminate her parental rights and responsibilities to the child
1667 in favor of the intended father and intended mother.

1668 Section 25. Section 63.222, Florida Statutes, is amended to
1669 read:

1670 63.222 Effect on prior adoption proceedings.—Any adoption
1671 made before July 1, 2012, ~~is the effective date of this act~~
1672 ~~shall be~~ valid, and any proceedings pending on that ~~the~~
1673 ~~effective~~ date and any subsequent amendments thereto ~~of this act~~
1674 are not affected thereby unless the amendment is designated as a
1675 remedial provision.

1676 Section 26. Section 63.2325, Florida Statutes, is amended
1677 to read:

1678 63.2325 Conditions for invalidation ~~revocation~~ of a consent
1679 to adoption or affidavit of nonpaternity.—Notwithstanding the
1680 requirements of this chapter, a failure to meet any of those
1681 requirements does not constitute grounds for invalidation
1682 ~~revocation~~ of a consent to adoption or revocation ~~withdrawal~~ of

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1683 an affidavit of nonpaternity unless the extent and circumstances
1684 of such a failure result in a material failure of fundamental
1685 fairness in the administration of due process, or the failure
1686 constitutes or contributes to fraud or duress in obtaining a
1687 consent to adoption or affidavit of nonpaternity.

1688 Section 27. This act shall take effect July 1, 2012.