

By the Committee on Children, Families, and Elder Affairs

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1 A bill to be entitled  
2 An act relating to adoptions; amending s. 63.142,  
3 F.S.; requiring that the court provide a petitioner  
4 with certain information related to postadoption  
5 services and informal change of custody; amending s.  
6 63.212, F.S.; removing the requirement that a  
7 violation of the section must be willful and with  
8 criminal intent in order for such violation to result  
9 in criminal liability; providing that a person other  
10 than an adoption entity who advertises or offers to  
11 the public that a child is available for adoption  
12 commits a felony of the third degree; amending s.  
13 409.175, F.S.; defining the term "intercountry  
14 adoption"; requiring any adoption entity that conducts  
15 intercountry adoptions to meet certain requirements;  
16 requiring such entity to maintain certain records;  
17 providing an effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

20  
21 Section 1. Subsection (4) of section 63.142, Florida  
22 Statutes, is amended to read:

23 63.142 Hearing; judgment of adoption.—

24 (4) JUDGMENT.—At the conclusion of the hearing:7

25 (a) After the court determines that the date for a parent  
26 to file an appeal of a valid judgment terminating that parent's  
27 parental rights has passed and, pursuant to the Florida Rules of  
28 Appellate Procedure, no appeal, ~~pursuant to the Florida Rules of~~  
29 ~~Appellate Procedure~~, is pending and that the adoption is in the

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30 best interest of the person to be adopted, a judgment of  
31 adoption shall be entered. A judgment terminating parental  
32 rights pending adoption is voidable and any later judgment of  
33 adoption of that minor is voidable if, upon a parent's motion  
34 for relief from judgment, the court finds that the adoption  
35 substantially fails to meet the requirements of this chapter.  
36 The motion must be filed within a reasonable time, but not later  
37 than 1 year after the date the judgment terminating parental  
38 rights was entered.

39 (b) The court shall inform the petitioner that:

40 1. Postadoption services are available if the petitioner  
41 experiences difficulty in caring for the child; and

42 2. Making an informal change of custody to a person other  
43 than a relative without appropriate court action may be a  
44 violation of s. 63.212 and constitute a criminal act.

45 Section 2. Subsection (8) of section 63.212, Florida  
46 Statutes, is amended to read:

47 63.212 Prohibited acts; penalties for violation.—

48 (8) Unless otherwise indicated, a person who ~~willfully and~~  
49 ~~with criminal intent~~ violates ~~any provision of this section,~~  
50 ~~excluding paragraph (1)(g),~~ commits a felony of the third  
51 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
52 775.084. In addition to the penalties specified in this section,  
53 ~~A person who willfully and with criminal intent violates~~  
54 ~~paragraph (1)(g) commits a misdemeanor of the second degree,~~  
55 ~~punishable as provided in s. 775.083; and each day of continuing~~  
56 ~~violation of paragraph (1)(g) is shall be~~ considered a separate  
57 offense, punishable by a fine of up to \$150 per day. ~~In~~  
58 ~~addition, any person who knowingly publishes or assists with the~~

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59 ~~publication of any advertisement or other publication which~~  
60 ~~violates the requirements of paragraph (1)(g) commits a~~  
61 ~~misdemeanor of the second degree, punishable as provided in s.~~  
62 ~~775.083, and may be required to pay a fine of up to \$150 per day~~  
63 ~~for each day of continuing violation.~~

64 Section 3. Present subsection (17) of section 409.175,  
65 Florida Statutes, is renumbered as subsection (18), and a new  
66 subsection (17) is added to that section, to read:

67 409.175 Licensure of family foster homes, residential  
68 child-caring agencies, and child-placing agencies; public  
69 records exemption.—

70 (17) (a) As used in this subsection, the term "intercountry  
71 adoption" means the process by which a person:

72 1. Adopts a child from a country other than his or her own  
73 country through permanent legal means; and

74 2. Brings that child to his or her country of residence to  
75 live permanently.

76 (b) An adoption entity as defined in s. 63.032 which  
77 conducts intercountry adoptions in this state must be  
78 accredited, approved, supervised or temporarily accredited by a  
79 United States Department of State designated accrediting entity  
80 for intercountry adoption services.

81 (c) An adoption entity as defined in s. 63.032 which  
82 provides adoption services in this state for intercountry  
83 adoption, in either incoming or outgoing cases, must comply with  
84 all federal statutes and regulations pertaining to intercountry  
85 adoptions.

86 (d) An adoption entity as defined in s. 63.032 in this  
87 state which provides intercountry adoption services for families

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88 residing in this state shall maintain a record that contains, at  
89 a minimum, the following:

90 1. All available family and medical history of the birth  
91 family;

92 2. All legal documents translated into English;

93 3. All documents required for the child to attain United  
94 States citizenship; and

95 4. All supervisory reports before and after the adoption.

96 Section 4. This act shall take effect July 1, 2014.