

FOR CONSIDERATION By the Committee on Children, Families, and Elder Affairs

586-00693A-14

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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.; providing that a violation of the
7 section need not be willful and with criminal intent
8 in order for such violation to result in criminal
9 liability; providing that a person other than an
10 adoption entity who advertises or offers to the public
11 that a child is available for adoption commits a
12 felony of the third degree; amending s. 409.175, F.S.;
13 defining the term "intercountry adoption"; requiring a
14 licensed child-placing agency or an entity that
15 conducts intercountry adoptions to meet certain
16 requirements; requiring such agency or entity to
17 maintain certain records; providing an effective date.

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

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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) A licensed child-placing agency or an entity that
77 conducts intercountry adoptions in this state must be accredited
78 by one of the United States Department of State's designated
79 accrediting entities for intercountry adoption services.

80 (c) A licensed child-placing agency or an entity that
81 provides adoption services in this state for intercountry
82 adoption in countries that are parties to the Hague Convention,
83 in either incoming or outgoing cases, must meet the federal
84 regulations pertaining to intercountry adoptions in convention
85 countries.

86 (d) A licensed child-placing agency or an entity in this
87 state that 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.