

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Justice Appropriations
 2 Subcommittee
 3 Representative Adkins offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

7 Section 1. Subsections (1) and (49) of section 39.01,
8 Florida Statutes, are amended to read:

9 39.01 Definitions.—When used in this chapter, unless the
10 context otherwise requires:

11 (1) "Abandoned" or "abandonment" means a situation in
 12 which the parent or legal custodian of a child or, in the
 13 absence of a parent or legal custodian, the caregiver, while
 14 being able, has made no significant contribution to the child's
 15 care and maintenance or has failed to establish or maintain a
 16 substantial and positive relationship with the child, or both.
 17 For purposes of this subsection, "establish or maintain a

Amendment No.

18 substantial and positive relationship" includes, but is not
19 limited to, frequent and regular contact with the child through
20 frequent and regular visitation or frequent and regular
21 communication to or with the child, and the exercise of parental
22 rights and responsibilities. Marginal efforts and incidental or
23 token visits or communications are not sufficient to establish
24 or maintain a substantial and positive relationship with a
25 child. A man's acknowledgement of paternity of the child does
26 not limit the period of time considered in determining whether
27 the child was abandoned. The term does not include a surrendered
28 newborn infant as described in s. 383.50, a "child in need of
29 services" as defined in chapter 984, or a "family in need of
30 services" as defined in chapter 984. The incarceration, repeated
31 incarceration, or extended incarceration of a parent, legal
32 custodian, or caregiver responsible for a child's welfare may
33 support a finding of abandonment.

34 (49) "Parent" means a woman who gives birth to a child and
35 a man whose consent to the adoption of the child would be
36 required under s. 63.062(1). If a child has been legally
37 adopted, the term "parent" means the adoptive mother or father
38 of the child. ~~The term does not include an individual whose~~
39 ~~parental relationship to the child has been legally terminated,~~
40 ~~or an alleged or prospective parent, unless the parental status~~
41 ~~falls within the terms of s. 39.503(1) or s. 63.062(1).~~ For
42 purposes of this chapter only, when the phrase "parent or legal
43 custodian" is used, it refers to rights or responsibilities of

Amendment No.

44 the parent and, only if there is no living parent with intact
45 parental rights, to the rights or responsibilities of the legal
46 custodian who has assumed the role of the parent. The term does
47 not include an individual whose parental relationship to the
48 child has been legally terminated, or an alleged or prospective
49 parent, unless:

50 (a) The parental status falls within the terms of s.
51 39.503(1) or s. 63.062(1); or

52 (b) Parental status is applied for the purpose of
53 determining whether the child has been abandoned.

54 Section 2. Subsection (6) of section 63.082, Florida
55 Statutes, is amended to read:

56 63.082 Execution of consent to adoption or affidavit of
57 nonpaternity; family social and medical history; revocation of
58 consent.—

59 (6) (a) If a parent executes a consent for adoption
60 ~~placement~~ of a minor with an adoption entity or qualified
61 prospective adoptive parents and the minor child is under the
62 supervision in the custody of the department, or otherwise
63 subject to the jurisdiction of the dependency court as a result
64 of the entry of a shelter order petition, a dependency petition,
65 or a petition for termination of parental rights pursuant to
66 chapter 39, but parental rights have not yet been terminated,
67 the adoption consent is valid, binding, and enforceable by the
68 court.

69 (b) Upon execution of the consent of the parent, the

Amendment No.

70 adoption entity shall be permitted to intervene in the
71 dependency case as a party in interest and must provide the
72 court that acquired jurisdiction over the minor, pursuant to the
73 shelter or dependency petition filed by the department, a copy
74 of the preliminary home study of the prospective adoptive
75 parents and any other evidence of the suitability of the
76 placement. The preliminary home study must be maintained with
77 strictest confidentiality within the dependency court file and
78 the department's file. A preliminary home study must be provided
79 to the court in all cases in which an adoption entity has
80 intervened pursuant to this section. Unless the court has
81 concerns regarding the qualifications of the home study
82 provider, or concerns that the home study may not be adequate to
83 determine the best interests of the child, the home study
84 provided by the adoption entity shall be deemed to be sufficient
85 and no additional home study needs to be performed by the
86 department.

87 (c) If an adoption entity files a motion to intervene in
88 the dependency case in accordance with this chapter, the
89 dependency court shall promptly grant a hearing to determine
90 whether the adoption entity has filed the required documents to
91 be permitted to intervene and whether a change of placement of
92 the child is in the best interests of the child ~~appropriate~~.
93 Absent good cause or mutual agreement of the parties, the final
94 hearing on the motion to intervene and the change of placement
95 of the child must be held within 30 days after the filing of the

Amendment No.

96 motion and a written final order shall be filed within 15 days
97 after the hearing.

98 (d) If after consideration of all relevant factors,
99 including those set forth in paragraph (e), the court determines
100 ~~Upon a determination by the court~~ that the prospective adoptive
101 parents are properly qualified to adopt the minor child and that
102 the adoption ~~is~~ appears to be in the best interests of the minor
103 child, the court shall promptly ~~immediately~~ order the transfer
104 of custody of the minor child to the prospective adoptive
105 parents, under the supervision of the adoption entity. The court
106 may establish reasonable requirements for the transfer of
107 custody in the transfer order, including a reasonable period of
108 time to transition final custody to the prospective adoptive
109 parents. The adoption entity shall thereafter provide monthly
110 supervision reports to the department until finalization of the
111 adoption. If the child has been determined to be dependent by
112 the court, the department shall provide information to the
113 prospective adoptive parents at the time they receive placement
114 of the dependent child regarding approved parent training
115 classes available within the community. The department shall
116 file with the court an acknowledgment of the parent's receipt of
117 the information regarding approved parent training classes
118 available within the community.

119 (e) In determining whether the best interests of the child
120 are served by transferring the custody of the minor child to the
121 prospective adoptive parent selected by the parent or adoption

Amendment No.

122 entity, the court shall consider and weigh all relevant factors,
123 including, but not limited to: the rights of the parent to
124 determine an appropriate placement for the child,

125 1. The permanency offered;

126 2. The established bonded relationship between the child
127 and the current caregiver in child's bonding with any potential
128 adoptive home in which that the child has been residing;

129 3. The stability of the potential adoptive home in which
130 the child has been residing as well as the desirability of
131 maintaining continuity of placement; in, and

132 4. The importance of maintaining sibling relationships, if
133 possible;

134 5. The reasonable preferences and wishes of the child, if
135 the court deems the child to be of sufficient maturity,
136 understanding, and experience to express a preference;

137 6. Whether a petition for termination of parental rights
138 has been filed pursuant to s. 39.806(1)(f), (g), or (h);

139 7. What is best for the child; and

140 8. The right of the parent to determine an appropriate
141 placement for the child.

142 (f) The adoption entity shall be responsible for keeping
143 the dependency court informed of the status of the adoption
144 proceedings at least every 90 days from the date of the order
145 changing placement of the child until the date of finalization
146 of the adoption.

147 (g) At the arraignment hearing held pursuant to s. 39.506,

Amendment No.

148 in the order that approves the case plan pursuant to s. 39.603,
149 and in the order that changes the permanency goal to adoption
150 pursuant to s. 39.621 ~~In all dependency proceedings, after it is~~
151 ~~determined that reunification is not a viable alternative and~~
152 ~~prior to the filing of a petition for termination of parental~~
153 ~~rights,~~ the court shall provide written notice to advise the
154 biological parent who is a party to the case of his or her ~~the~~
155 right to participate in a private adoption plan, including
156 written notice of the factors provided in paragraph (e).

157 Section 3. This act shall take effect July 1, 2016.

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160 **T I T L E A M E N D M E N T**

161 Remove everything before the enacting clause and insert:

162 A bill to be entitled

163 An act relating to adoption; amending s. 39.01, F.S.;
164 redefining the terms "abandoned" or "abandonment" and
165 "parent"; amending s. 63.082, F.S.; revising the
166 circumstances under which an adoption consent is
167 valid, binding, and enforceable; requiring a court to
168 determine, under certain circumstances, whether a
169 change of placement of a child is in the child's best
170 interests, rather than whether the change of placement
171 is appropriate; deleting a determination that a court
172 must consider under certain circumstances; authorizing
173 the court to establish certain requirements for the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 673 (2016)

Amendment No.

174 transfer of custody; providing factors that the court
175 shall consider and weigh under certain circumstances;
176 revising circumstances under which a court must
177 provide written notice to a parent of specified
178 information; providing an effective date.