

By Senator Rodriguez

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1 A bill to be entitled
2 An act relating to adoption; amending s. 63.032, F.S.;
3 revising the definitions of the terms "abandoned" and
4 "parent"; amending s. 63.037, F.S.; exempting certain
5 adoption proceedings from specified requirements if
6 certain documentation is contained in the court's
7 file; making technical changes; amending s. 63.0423,
8 F.S.; providing requirements for an adoption entity,
9 rather than a licensed child-placing agency, relating
10 to surrendered infants; requiring a certain finding by
11 the court before a judgment terminating parental
12 rights may be granted; amending s. 63.052, F.S.;
13 providing when an adoption entity, rather than an
14 intermediary, becomes the designated guardian of the
15 person for a child; requiring a child to be placed
16 with an intermediary, rather than with a relative,
17 under certain circumstances; making technical changes;
18 amending s. 63.062, F.S.; revising consent
19 requirements for unmarried biological fathers;
20 providing requirements for a notice of intended
21 adoption plan and service of such notice on an
22 unmarried biological father; revising the methods by
23 which a notice of a petition to adopt an adult may be
24 completed; providing construction; making technical
25 changes; amending s. 63.082, F.S.; providing that a
26 consent to adoption may identify a specific adoptive
27 parent; providing that a parent's identified or
28 nonidentified consent is valid, binding, and
29 enforceable; authorizing an adoption entity to

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30 intervene after the execution of consent and filing of
31 a preliminary home study; revising the factors a court
32 must consider in determining whether to transfer
33 custody of a child; specifying persons who must be
34 notified upon a revocation of consent; requiring the
35 court to enter an order maintaining certain placement
36 of the child under certain circumstances; providing
37 that a denied petition to terminate parental rights
38 may not be used in certain ways; providing that an
39 identified or nonidentified consent may not be treated
40 as a surrender of parental rights to the department or
41 the court in the absence of the express written
42 consent of the parent; making technical changes;
43 amending s. 63.085, F.S.; revising the requirements of
44 a certain required disclosure; requiring that a copy
45 of certain documents be filed with the court; making
46 technical changes; amending s. 63.087, F.S.; requiring
47 the clerk of court to issue a separate case number for
48 a petition for adoption and providing that such
49 petition may not be maintained in a specified court
50 file; authorizing a copy of a consent to adoption to
51 be filed with a petition for termination of parental
52 rights; revising and providing requirements for such
53 petitions; making technical changes; amending s.
54 63.089, F.S.; revising the factors a court must
55 consider in determining a finding of abandonment;
56 amending s. 63.122, F.S.; requiring that a certain
57 notice of hearing be given as prescribed in the
58 Florida Family Law Rules of Procedure; amending s.

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59 63.132, F.S.; specifying that certain fees are hourly
60 fees; making technical changes; amending s. 63.212,
61 F.S.; providing that a person contemplating adoption
62 of a child may make specified payments to the mother
63 of the child for a specified period of time regardless
64 of whether the medical needs of the mother require
65 such support; amending s. 39.812, F.S.; conforming a
66 cross-reference; providing an effective date.

67

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

69

70 Section 1. Subsections (1) and (12) of section 63.032,
71 Florida Statutes, are amended to read:

72 63.032 Definitions.—As used in this chapter, the term:

73 (1) "Abandoned" means a situation in which a ~~the~~ parent or
74 a person having legal custody of a child, while being able,
75 makes little or no provision for the child's support or makes
76 little or no effort to communicate with the child, which
77 situation is sufficient to evince rejection of ~~an intent to~~
78 ~~reject~~ parental responsibilities. If, in the opinion of the
79 court, the efforts of such parent or person having legal custody
80 of the child to support and communicate with the child are only
81 marginal efforts that do not evince a settled purpose to assume
82 all parental duties, the court may declare the child to be
83 abandoned. In making this decision, the court may consider the
84 conduct of a father toward ~~towards~~ the child's mother during her
85 pregnancy.

86 (12) "Parent" means a woman who gives birth to a child and
87 who is not a gestational surrogate as defined in s. 742.13 or a

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88 man whose consent to the adoption of the child would be required
89 under s. 63.062(1). If a child has been legally adopted, the
90 term "parent" means the adoptive mother or father of the child.
91 The term does not include an individual whose parental
92 relationship to the child has been legally terminated, an
93 unmarried biological father, or an alleged or prospective
94 parent.

95 Section 2. Section 63.037, Florida Statutes, is amended to
96 read:

97 63.037 Proceedings applicable to cases resulting from a
98 termination of parental rights under chapter 39.—A case in which
99 a child ~~minor~~ becomes available for adoption after the parental
100 rights of each parent have been terminated by a judgment entered
101 under ~~pursuant to~~ chapter 39 is ~~shall be~~ governed by s. 39.812
102 and this chapter. Adoption proceedings initiated under chapter
103 39 are exempt from the following provisions of this chapter:
104 requirement for search of the Florida Putative Father Registry
105 provided in s. 63.054(7), if a search was previously completed
106 and documentation of the search is contained in the court's case
107 file maintained in the dependency proceeding; disclosure
108 requirements for the adoption entity provided in s. 63.085(1);
109 general provisions governing termination of parental rights
110 pending adoption provided in s. 63.087; notice and service
111 provisions governing termination of parental rights pending
112 adoption provided in s. 63.088; and procedures for terminating
113 parental rights pending adoption provided in s. 63.089.

114 Section 3. Subsections (1) through (5) and (10) of section
115 63.0423, Florida Statutes, are amended to read:

116 63.0423 Procedures with respect to surrendered infants.—

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117 (1) Upon entry of final judgment terminating parental
118 rights, an adoption entity ~~a licensed child-placing agency~~ that
119 takes physical custody of an infant surrendered at a hospital,
120 emergency medical services station, or fire station under
121 ~~pursuant to~~ s. 383.50 assumes responsibility for the medical and
122 other costs associated with the emergency services and care of
123 the surrendered infant from the time the adoption entity
124 ~~licensed child-placing agency~~ takes physical custody of the
125 surrendered infant.

126 (2) The adoption entity ~~licensed child-placing agency~~ shall
127 immediately seek an order from the circuit court for emergency
128 custody of the surrendered infant. The emergency custody order
129 remains ~~shall remain~~ in effect until the court orders
130 preliminary approval of placement of the surrendered infant in a
131 ~~the~~ prospective adoptive home, at which time the prospective
132 adoptive parent is the guardian of the surrendered infant
133 ~~parents become guardians~~ pending termination of parental rights
134 and finalization of adoption or until the court orders
135 otherwise. The adoption entity may remove the surrendered infant
136 from the guardianship of the prospective adoptive parent ~~parents~~
137 ~~shall remain subject to the right of the licensed child-placing~~
138 ~~agency to remove the surrendered infant from the placement~~
139 during the pendency of the proceedings if such removal is deemed
140 by the adoption entity ~~licensed child-placing agency~~ to be in
141 the best interests of the child and in accordance with s.
142 63.052. The adoption entity ~~licensed child-placing agency~~ may
143 immediately seek to place the surrendered infant in a
144 prospective adoptive home.

145 (3) The adoption entity ~~licensed child-placing agency~~ that

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146 takes physical custody of the surrendered infant shall, within
147 24 hours thereafter, request assistance from law enforcement
148 officials to investigate and determine, through the Missing
149 Children Information Clearinghouse, the National Center for
150 Missing and Exploited Children, and any other national and state
151 resources, whether the surrendered infant is a missing child.

152 (4) The parent who surrenders the infant in accordance with
153 s. 383.50 is presumed to have consented to termination of
154 parental rights, and express consent is not required. Unless
155 ~~Except when~~ there is actual or suspected child abuse or neglect,
156 the adoption entity may ~~licensed child placing agency shall~~ not
157 attempt to pursue, search for, or notify that parent as provided
158 in s. 63.088 and chapter 49. For purposes of s. 383.50 and this
159 section, an infant who tests positive for illegal drugs,
160 narcotic prescription drugs, alcohol, or other substances, but
161 shows no other signs of child abuse or neglect, must ~~shall~~ be
162 placed in the custody of an adoption entity ~~a licensed child-~~
163 ~~placing agency~~. Such a placement does not eliminate the
164 reporting requirement under s. 383.50(7). When the department is
165 contacted regarding an infant properly surrendered under this
166 section and s. 383.50, the department shall provide instruction
167 to contact an adoption entity ~~a licensed child-placing agency~~
168 and may not take custody of the infant unless reasonable efforts
169 to contact an adoption entity ~~a licensed child-placing agency~~ to
170 accept the infant have ~~not~~ been unsuccessful ~~successful~~.

171 (5) A petition for termination of parental rights under
172 this section may not be filed until 30 days after the date the
173 infant was surrendered in accordance with s. 383.50. The court
174 may not grant a judgment terminating ~~a petition for termination~~

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175 ~~of~~ parental rights ~~may not be granted~~ until the court finds that
 176 a parent has failed to reclaim or claim the surrendered infant
 177 within the time period specified in s. 383.50.

178 (10) Except to the extent expressly provided in this
 179 section, proceedings initiated by an adoption entity ~~a licensed~~
 180 ~~child-placing agency~~ for the termination of parental rights and
 181 subsequent adoption of a newborn infant left at a hospital,
 182 emergency medical services station, or fire station in
 183 accordance with s. 383.50 must ~~shall~~ be conducted under ~~pursuant~~
 184 ~~to~~ this chapter.

185 Section 4. Section 63.052, Florida Statutes, is amended to
 186 read:

187 63.052 Guardians designated; proof of commitment.—

188 (1) (a) Except as provided in paragraph (b), an adoption
 189 entity is the guardian of the person for a child who has minors
 190 ~~who have been placed for adoption with an adoption entity, other~~
 191 ~~than an intermediary, such adoption entity shall be the guardian~~
 192 ~~of the person of the minor~~ and has the responsibility and
 193 authority to provide for the needs and welfare of the child
 194 minor.

195 (b) (2) An adoption entity is the guardian of the person for
 196 a child who has minors who have been voluntarily surrendered to
 197 an adoption entity intermediary through an execution of a
 198 consent to adoption, ~~the intermediary shall be responsible for~~
 199 ~~the minor~~ until ~~the time~~ a court orders preliminary approval of
 200 placement of the child minor in a the prospective adoptive
 201 home. After such order, which time the prospective adoptive
 202 parent is the guardian of the person for the child ~~parents shall~~
 203 ~~become guardians~~ pending finalization of adoption, subject to

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204 the adoption entity's ~~intermediary's~~ right and responsibility to
205 remove the child from the prospective adoptive home if the
206 removal is deemed by the adoption entity ~~intermediary~~ to be in
207 the best interests of the child. The adoption entity
208 ~~intermediary~~ may not remove the child without a court order
209 unless the child is in danger of imminent harm. The adoption
210 entity is not ~~intermediary does not become~~ responsible for the
211 ~~minor~~ child's medical bills that were incurred before taking
212 physical custody of the child after the execution of adoption
213 consents. Notwithstanding the guardianship provisions in this
214 section, the requirements of s. 627.6578 relating to insurance
215 coverage for adopted and foster children remain in effect ~~Prior~~
216 ~~to the court's entry of an order granting preliminary approval~~
217 ~~of the placement, the intermediary shall have the responsibility~~
218 ~~and authority to provide for the needs and welfare of the minor.~~
219 A child ~~minor~~ may not be placed in a prospective adoptive home
220 until that home has received a favorable preliminary home study,
221 as provided in s. 63.092, completed and approved within 1 year
222 before such placement in the prospective home. ~~The provisions of~~
223 ~~s. 627.6578 shall remain in effect notwithstanding the~~
224 ~~guardianship provisions in this section.~~

225 ~~(2)(3)~~ If a child ~~minor~~ is surrendered to an adoption
226 entity for subsequent adoption and a suitable prospective
227 adoptive home with a favorable home study as provided in s.
228 63.092 is not available ~~pursuant to s. 63.092~~ at the time the
229 child ~~minor~~ is surrendered to the adoption entity, the child
230 ~~minor~~ must be placed in a licensed foster care home, with a
231 person or family that has received a favorable preliminary home
232 study as required under paragraph (1)(b) ~~pursuant to subsection~~

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233 ~~(2)~~, or with an intermediary ~~a relative~~ until a suitable
234 prospective adoptive home is available.

235 (3)~~(4)~~ If a child ~~minor~~ is voluntarily surrendered to an
236 adoption entity for subsequent adoption and the adoption does
237 not become final within 180 days after termination of parental
238 rights, the adoption entity must report to the court on the
239 status of the child ~~minor~~ and the court may at that time proceed
240 under s. 39.701 or take action reasonably necessary to protect
241 the best interest of the child ~~minor~~.

242 (4)~~(5)~~ The recital in a written consent, answer, or
243 recommendation filed by an adoption entity that the child ~~minor~~
244 has been permanently committed to the adoption entity or that
245 the adoption entity is duly licensed is ~~shall be~~ prima facie
246 proof of such commitment. A consent for adoption signed by an
247 adoption entity does not need to ~~not~~ comply with s. 63.082.

248 (5)~~(6)~~ Unless otherwise authorized by law or ordered by the
249 court, the department is not responsible for expenses incurred
250 by other adoption entities participating in a placement of a
251 child ~~minor~~.

252 (6)~~(7)~~ The court retains jurisdiction of a child ~~minor~~ who
253 has been placed for adoption until the adoption is final. After
254 a child ~~minor~~ is placed with an adoption entity or a prospective
255 adoptive parent, the court may review the status of the child
256 ~~minor~~ and the progress toward permanent adoptive placement.

257 Section 5. Section 63.062, Florida Statutes, is amended to
258 read:

259 63.062 Persons required to consent to adoption; affidavit
260 of nonpaternity; waiver of venue.—

261 (1) Unless supported by one or more of the grounds

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262 enumerated under s. 63.089(3), a petition to terminate parental
263 rights pending adoption may be granted only if written consent
264 has been executed as provided in s. 63.082 after the birth of
265 the child ~~minor~~ or notice has been served under s. 63.088 to:

266 (a) The mother of the child ~~minor~~.

267 (b) The father of the child ~~minor~~, if:

268 1. The child ~~minor~~ was conceived or born while the father
269 was married to the mother;

270 2. The child ~~minor~~ is the father's ~~his~~ child by adoption;

271 3. The child ~~minor~~ has been adjudicated by the court to be
272 the father's ~~his~~ child before the date a petition for
273 termination of parental rights is filed;

274 4. The father ~~He~~ has filed an affidavit of paternity under
275 ~~pursuant to~~ s. 382.013(2) (c) or he is listed on the child's
276 birth certificate before the date a petition for termination of
277 parental rights is filed; or

278 5. In the case of an unmarried biological father, he has
279 acknowledged in writing, signed in the presence of a competent
280 witness, that he is the father of the child ~~minor~~, has filed
281 such acknowledgment with the Office of Vital Statistics of the
282 Department of Health within the required timeframes, and has
283 strictly complied with the requirements of subsection (2).

284
285 The status of the father must ~~shall~~ be determined at the time of
286 the filing of the petition to terminate parental rights and may
287 not be modified, except as otherwise provided in s.
288 63.0423(9) (a), for purposes of his obligations and rights under
289 this chapter by acts occurring after the filing of the petition
290 to terminate parental rights.

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291 (c) The child ~~minor~~, if 12 years of age or older, unless
292 the court finds that it is not in the best interest of the child
293 to require his or her ~~minor dispenses with the minor's~~ consent.

294 (d) Any person lawfully entitled to custody of the child
295 ~~minor~~ if required by the court.

296 (e) The court having jurisdiction to determine custody of
297 the child ~~minor~~, if the person having physical custody of the
298 child ~~minor~~ does not have authority to consent to the adoption.

299 (2) In accordance with subsection (1), the consent of an
300 unmarried biological father is ~~shall be~~ necessary only if the
301 unmarried biological father has complied with all of the
302 requirements of this subsection.

303 (a)1. With regard to a child who is placed with an adoptive
304 parent ~~parents~~ more than 6 months after the child's birth, an
305 unmarried biological father must have developed a substantial
306 relationship with the child, taken ~~some measure of~~
307 responsibility for the child and the child's future, and
308 demonstrated a full commitment to the responsibilities of
309 parenthood by providing reasonable and regular financial support
310 for the child's educational, medical, and living expenses ~~to the~~
311 ~~child~~ in accordance with the unmarried biological father's
312 ability, if not prevented from doing so by the person or
313 authorized agency having lawful custody of the child, and
314 either:

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

319 b. Maintained regular communication with the child or with

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320 the person or agency having the care or custody of the child,
321 when physically or financially unable to visit the child or when
322 not prevented from doing so by the birth mother or person or
323 authorized agency having lawful custody of the child.

324 2. An unmarried biological father who openly lived with the
325 child for at least 6 months within the 1-year period following
326 the birth of the child and immediately preceding placement of
327 the child with an adoptive parent ~~parents~~ and who openly held
328 himself out to be the father of the child during that period is
329 ~~shall be~~ deemed to have developed a substantial relationship
330 with the child ~~and to have otherwise met the requirements of~~
331 ~~this paragraph.~~

332 (b) With regard to a child who is 6 months of age or
333 younger at the time the child is placed for adoption ~~with the~~
334 ~~adoptive parents~~, an unmarried biological father must have
335 demonstrated a full commitment to his parental responsibility by
336 having performed all of the following acts within 30 days after
337 receipt of service of the notice of intended adoption plan ~~prior~~
338 ~~to the time the mother executes her consent for adoption:~~

339 1. Filed a notarized claim of paternity form with the
340 Florida Putative Father Registry within the Office of Vital
341 Statistics of the Department of Health, which form must ~~shall~~ be
342 maintained in the confidential registry established for that
343 purpose and is ~~shall be~~ considered filed when the notice is
344 entered in the registry of notices from unmarried biological
345 fathers.

346 2. ~~Upon service of a notice of an intended adoption plan or~~
347 ~~a petition for termination of parental rights pending adoption,~~
348 ~~executed and~~ Filed an affidavit or a verified response with the

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349 court ~~in that proceeding~~ stating that he is personally fully
350 able and willing to take responsibility for the child, setting
351 forth his plans for care of the child, and agreeing to a court
352 order of child support and a contribution to the payment of
353 living and medical expenses incurred for the mother's pregnancy
354 and the child's birth in accordance with his ability to pay.

355 3. ~~If he had knowledge of the pregnancy,~~ Paid a fair and
356 reasonable amount toward ~~of~~ the living and medical expenses of
357 the birth mother and the child incurred in connection with the
358 ~~mother's pregnancy and the child's birth,~~ in accordance with the
359 unmarried father's ~~his~~ financial ability to pay, unless ~~and when~~
360 ~~not~~ prevented from doing so by the birth mother or person or
361 authorized agency having lawful custody of the child. The
362 responsibility of the unmarried biological father to provide
363 financial assistance to the birth mother during her pregnancy
364 and to the child after birth is not abated because support is
365 being provided to the birth mother or child by the adoption
366 entity, a prospective adoptive parent, or a third party, nor
367 does it serve as a basis to excuse the birth father's failure to
368 provide support.

369
370 Offers of support are insufficient to meet the requirements of
371 this subsection.

372 ~~(e)~~ The mere fact that a father expresses a desire to
373 fulfill his responsibilities toward ~~towards~~ his child which is
374 unsupported by acts evidencing this intent does not meet the
375 requirements of this subsection ~~section~~. An unmarried biological
376 father who does not strictly comply with each of the conditions
377 provided in this subsection is not considered a "parent" under

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378 this chapter and the court shall enter a judgment finding that
379 the unmarried biological father has waived and surrendered any
380 rights in relation to the child, including the right to notice
381 of any judicial proceeding in connection with the adoption of
382 the child, and his consent to the adoption of the child is not
383 required and any claim he may have had to the child is barred.
384 Upon the entry of the court order, the adoption entity has no
385 further duties under this chapter with regard to the unmarried
386 biological father.

387 ~~(d) The petitioner shall file with the court a certificate~~
388 ~~from the Office of Vital Statistics stating that a diligent~~
389 ~~search has been made of the Florida Putative Father Registry of~~
390 ~~notices from unmarried biological fathers described in~~
391 ~~subparagraph (b)1. and that no filing has been found pertaining~~
392 ~~to the father of the child in question or, if a filing is found,~~
393 ~~stating the name of the putative father and the time and date of~~
394 ~~filing. That certificate shall be filed with the court prior to~~
395 ~~the entry of a final judgment of termination of parental rights.~~

396 ~~(c) An unmarried biological father who does not comply with~~
397 ~~each of the conditions provided in this subsection is deemed to~~
398 ~~have waived and surrendered any rights in relation to the child,~~
399 ~~including the right to notice of any judicial proceeding in~~
400 ~~connection with the adoption of the child, and his consent to~~
401 ~~the adoption of the child is not required.~~

402 (3) Pursuant to chapter 48, an adoption entity shall serve
403 a notice of intended adoption plan upon any known and locatable
404 unmarried biological father who is identified to the adoption
405 entity by the mother by the date she signs her consent for
406 adoption if the child is 6 months of age or less at the time the

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407 consent is executed. Service of the notice of intended adoption
408 plan is not required when the unmarried biological father signs
409 a consent for adoption or an affidavit of nonpaternity or when
410 the child is more than 6 months of age at the time of the
411 execution of the consent by the mother. The notice may be served
412 at any time before the child's birth or, after the child's birth
413 only if the mother identifies him to the adoption entity as a
414 potential biological father by the date she executes a consent
415 for adoption before placing the child in the adoptive home. The
416 recipient of the notice may waive service of process by
417 executing a waiver and acknowledging receipt of the plan.

418 (a) The notice of intended adoption plan must specifically
419 state that if the unmarried biological father desires to contest
420 the adoption plan he must, within 30 days after service, file
421 with the court a verified response that contains a pledge of
422 commitment to the child in substantial compliance with
423 subparagraph (2)(b)2., file ~~and~~ a claim of paternity form with
424 the Office of Vital Statistics, and ~~must~~ provide to the adoption
425 entity a fair and reasonable amount of support for the benefit
426 of the birth mother and child ~~with a copy of the verified~~
427 ~~response filed with the court and the claim of paternity form~~
428 ~~filed with the Office of Vital Statistics.~~

429 (b) The notice must also include instructions for
430 submitting a claim of paternity form to the Office of Vital
431 Statistics and the address to which the claim must be sent.

432 (c) The unmarried biological father must provide the
433 adoption entity with a copy of the verified response filed with
434 the court and the claim of paternity form filed with the Office
435 of Vital Statistics ~~If the party served with the notice of~~

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436 ~~intended adoption plan is an entity whose consent is required,~~
437 ~~the notice must specifically state that the entity must file,~~
438 ~~within 30 days after service, a verified response setting forth~~
439 ~~a legal basis for contesting the intended adoption plan,~~
440 ~~specifically addressing the best interests of the child.~~

441 ~~(a) If the unmarried biological father or entity whose~~
442 ~~consent is required fails to timely and properly file a verified~~
443 ~~response with the court and, in the case of an unmarried~~
444 ~~biological father, a claim of paternity form with the Office of~~
445 ~~Vital Statistics, the court shall enter a default judgment~~
446 ~~against the unmarried biological father or entity and the~~
447 ~~consent of that unmarried biological father or entity shall no~~
448 ~~longer be required under this chapter and shall be deemed to~~
449 ~~have waived any claim of rights to the child. To avoid an entry~~
450 ~~of a default judgment, within 30 days after receipt of service~~
451 ~~of the notice of intended adoption plan:~~

452 ~~1. The unmarried biological father must:~~

453 ~~a. File a claim of paternity with the Florida Putative~~
454 ~~Father Registry maintained by the Office of Vital Statistics;~~
455 ~~b. File a verified response with the court which contains a~~
456 ~~pledge of commitment to the child in substantial compliance with~~
457 ~~subparagraph (2) (b) 2.; and~~
458 ~~c. Provide support for the birth mother and the child.~~

459 ~~2. The entity whose consent is required must file a~~
460 ~~verified response setting forth a legal basis for contesting the~~
461 ~~intended adoption plan, specifically addressing the best~~
462 ~~interests of the child.~~

463 ~~(4)(b)~~ If the mother identifies a potential unmarried
464 biological father within the timeframes required by this section

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465 ~~the statute~~, whose location is unknown, the adoption entity must
466 ~~shall~~ conduct a diligent search under ~~pursuant to~~ s. 63.088. If,
467 upon completion of a diligent search, the potential unmarried
468 biological father's location remains unknown and a search of the
469 Florida Putative Father Registry fails to reveal a match, the
470 adoption entity must ~~shall~~ request ~~in the petition for~~
471 ~~termination of parental rights pending adoption~~ that the court
472 declare the diligent search to be in compliance with s. 63.088,
473 that the adoption entity has no further obligation to provide
474 notice to the potential unmarried biological father, and that
475 the potential unmarried biological father's consent to the
476 adoption is not required.

477 (5)~~(4)~~ Any person whose consent is required under paragraph
478 (1)(b), or any other man, may execute an irrevocable affidavit
479 of nonpaternity in lieu of a consent under this section and by
480 doing so waives notice to all court proceedings after the date
481 of execution. An affidavit of nonpaternity must be executed as
482 provided in s. 63.082. The affidavit of nonpaternity may be
483 executed before ~~prior to~~ the birth of the child. The person
484 executing the affidavit must receive disclosure under s. 63.085
485 before ~~prior to~~ signing the affidavit. For purposes of this
486 chapter, an affidavit of nonpaternity is sufficient if it
487 contains a specific denial of parental obligations and does not
488 need to deny the existence of a biological relationship.

489 (6)~~(5)~~ A person who signs a consent to adoption or an
490 affidavit of nonpaternity must be given reasonable notice of his
491 or her right to select a person who does not have an employment,
492 professional, or personal relationship with the adoption entity
493 or the prospective adoptive parent ~~parents~~ to be present when

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494 the consent to adoption or affidavit of nonpaternity is executed
495 and to sign the consent or affidavit as a witness.

496 (7)~~(6)~~ The petitioner must make good faith and diligent
497 efforts as provided under s. 63.088 to notify, and obtain
498 written consent from, the persons required to consent to
499 adoption under this section. The petitioner shall file with the
500 court a certificate from the Office of Vital Statistics stating
501 that a diligent search has been made of the Florida Putative
502 Father Registry of notices from unmarried biological fathers
503 described in subparagraph (2) (b)1. and that no filing has been
504 found pertaining to the father of the child in question or, if a
505 filing is found, stating the name of the putative father and the
506 time and date of filing. That certificate must be filed with the
507 court before the entry of a final judgment of termination of
508 parental rights.

509 (8)~~(7)~~ If parental rights to the child ~~minor~~ have
510 previously been terminated, the adoption entity with which the
511 child ~~minor~~ has been placed for subsequent adoption may provide
512 consent to the adoption. In such case, no other consent is
513 required. The consent of the department is ~~shall be~~ waived upon
514 a determination by the court that such consent is being
515 unreasonably withheld and if the petitioner has filed with the
516 court a favorable preliminary adoptive home study as required
517 under s. 63.092.

518 (9)~~(8)~~ A petition to adopt an adult may be granted if:

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

522 (b) Written notice of the final hearing on the adoption has

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523 been provided to the parents, if any, by certified mail, or
524 ~~proof of service of process, or written waiver has been filed,~~
525 ~~showing notice has been served on the parents as provided in~~
526 ~~this chapter.~~

527 (10) (a) (9) A petition for termination of parental rights
528 must be filed in the appropriate county as determined under s.
529 63.087(2). If a parent whose consent is required objects to
530 venue in the county where the action was filed, the court may
531 transfer venue to a proper venue consistent with this chapter
532 and chapter 47 unless the objecting parent has previously
533 executed a waiver of venue.

534 (b) (10) The waiver of venue must be a separate document
535 containing no consents, disclosures, or other information
536 unrelated to venue.

537 (11) This section does not preclude a claim for prebirth
538 abandonment under ss. 63.082 and 63.089.

539 Section 6. Subsection (2), paragraph (a) of subsection (3),
540 paragraphs (a), (b), and (c) of subsection (4), paragraphs (a),
541 (b), and (e) of subsection (6), and subsection (7) of section
542 63.082, Florida Statutes, are amended to read:

543 63.082 Execution of consent to adoption or affidavit of
544 nonpaternity; family social and medical history; revocation of
545 consent.—

546 (2) A consent may name or otherwise identify a specific
547 adoptive parent. A consent that does not name or otherwise
548 identify the adoptive ~~adopting~~ parent is valid if the consent
549 contains a statement by the person consenting that the consent
550 was voluntarily executed and that identification of the adoptive
551 ~~adopting~~ parent is not required for granting the consent.

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552 (3) (a) The department must provide a family social and
553 medical history form to an adoption entity that intends to place
554 a child for adoption. Forms containing, at a minimum, the same
555 information as the forms promulgated by the department must be
556 attached to the petition to terminate parental rights pending
557 adoption and must contain biological and sociological
558 information or information as to the family medical history
559 regarding the child ~~minor~~ and the parents. This form is not
560 required for adoptions of relatives, adult adoptions, or
561 adoptions of stepchildren, unless parental rights are being or
562 were terminated under ~~pursuant to~~ chapter 39. The information
563 must be filed with the court in the termination of parental
564 rights proceeding.

565 (4) (a) An affidavit of nonpaternity may be executed before
566 the birth of the child ~~minor~~; however, the consent to an
567 adoption may not be executed before the birth of the child ~~minor~~
568 except in a preplanned adoption under ~~pursuant to~~ s. 63.213.

569 (b) A consent to the adoption of a child ~~minor~~ who is to be
570 placed for adoption may be executed by the birth mother 48 hours
571 after the child's ~~minor's~~ birth or the day the birth mother is
572 notified in writing, either on her patient chart or in release
573 paperwork, that she is fit to be released from the licensed
574 hospital or birth center, whichever is earlier. A consent by any
575 man may be executed at any time after the birth of the child.
576 The consent is valid upon execution and may be withdrawn only if
577 the court finds that it was obtained by fraud or duress.

578 (c) If the child ~~minor~~ to be adopted is older than 6 months
579 of age at the time of the execution of the consent, the consent
580 to adoption is valid upon execution; however, it is subject to a

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581 revocation period of 3 business days.

582 (6) (a) If a parent executes an identified consent or a
583 nonidentified consent for adoption of a child ~~minor~~ with an
584 adoption entity or a qualified prospective adoptive parent
585 ~~parents~~ and the ~~minor~~ child is under the supervision of the
586 department, or otherwise subject to the jurisdiction of the
587 dependency court as a result of the entry of a shelter order, a
588 dependency petition, or a petition for termination of parental
589 rights pursuant to chapter 39, but parental rights have not yet
590 been terminated, the adoption consent is valid, binding, and
591 enforceable by the court.

592 (b) Upon execution of the consent of the parent and filing
593 of the preliminary home study as required in s. 63.092(3), the
594 adoption entity may ~~shall be permitted to~~ intervene in the
595 dependency case as a party of ~~in~~ interest and must provide the
596 court that acquired jurisdiction over the child ~~minor~~, pursuant
597 to the shelter order or dependency petition filed by the
598 department, a copy of the preliminary home study of the
599 prospective adoptive parent ~~parents~~ and any other evidence of
600 the suitability of the placement. The preliminary home study
601 must be maintained with strictest confidentiality within the
602 dependency court file and the department's file. A preliminary
603 home study must be provided to the court in all cases in which
604 an adoption entity has intervened pursuant to this section.
605 Unless the court has concerns regarding the qualifications of
606 the home study provider, or concerns that the home study may not
607 be adequate to determine the best interests of the child, the
608 home study provided by the adoption entity shall be deemed to be
609 sufficient and no additional home study needs to be performed by

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610 the department.

611 (e) In determining whether the best interests of the child
612 are served by transferring the custody of the ~~minor~~ child to the
613 prospective adoptive parent selected by the parent or adoption
614 entity, the court shall consider and weigh all relevant factors,
615 including, but not limited to:

616 1. The permanency offered;

617 2. The ~~established bonded~~ relationship between the child
618 and the current caregiver in any potential adoptive home in
619 which the child has been residing;

620 3. The stability of the potential adoptive home in which
621 the child has been residing as well as the desirability of
622 maintaining continuity of placement;

623 4. The importance of maintaining sibling relationships, if
624 possible;

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

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

630 7. The child's particular needs and development ~~What is~~
631 ~~best for the child;~~ and

632 8. The right of the parent to determine an appropriate
633 placement for the child.

634 (7) If a person is seeking to revoke consent for a child
635 older than 6 months of age:

636 (a) The person seeking to revoke consent must, in
637 accordance with paragraph (4)(c), notify the adoption entity, or
638 if there is not an adoption entity, the adoptive parent's

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639 attorney, or the adoptive parent if he or she is unrepresented,
640 in writing by certified mail, return receipt requested, within 3
641 business days after execution of the consent. As used in this
642 subsection, the term "business day" means any day on which the
643 United States Postal Service accepts certified mail for
644 delivery.

645 (b) Upon receiving timely written notice from a person
646 whose consent to adoption is required of that person's desire to
647 revoke consent, the adoption entity must contact the prospective
648 adoptive parent to arrange a time certain for the adoption
649 entity to regain physical custody of the child ~~minor~~, unless,
650 upon a motion for emergency hearing by the adoption entity, the
651 court determines in written findings that placement of the child
652 ~~minor~~ with the person who had legal or physical custody of the
653 child immediately before the child was placed for adoption may
654 endanger the child ~~minor~~ or that the person who desires to
655 revoke consent is not required to consent to the adoption, has
656 been determined to have abandoned the child, or is otherwise
657 subject to a determination that the person's consent is waived
658 under this chapter.

659 (c) If the court finds that the placement of the child with
660 the person who had legal or physical custody of the child
661 immediately before the child was placed for adoption may
662 endanger the child ~~minor~~, the court shall enter an order
663 continuing the placement of the child ~~minor~~ with the prospective
664 adoptive parent ~~parents~~ pending further proceedings if they
665 desire continued placement. If the prospective adoptive parent
666 does ~~parents do~~ not desire continued placement, the order must
667 include, but is ~~need~~ not ~~be~~ limited to, a determination of

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668 whether temporary placement in foster care, with the person who
669 had legal or physical custody of the child immediately before
670 placing the child for adoption, or with a relative is in the
671 best interests of the child and whether an investigation by the
672 department is recommended.

673 (d) If the person revoking consent claims to be the father
674 of the child ~~minor~~ but has not been established to be the father
675 by marriage, court order, or scientific testing, the court may
676 order scientific paternity testing and reserve ruling on removal
677 of the child ~~minor~~ until the results of such testing have been
678 filed with the court.

679 (e) The adoption entity must return the child ~~minor~~ within
680 3 business days after timely and proper notification of the
681 revocation of consent or after the court determines that
682 revocation is timely and in accordance with the requirements of
683 this chapter upon consideration of an emergency motion, as filed
684 pursuant to paragraph (b), to the physical custody of the person
685 revoking consent or the person directed by the court. If the
686 person seeking to revoke consent claims to be the father of the
687 child ~~minor~~ but has not been established to be the father by
688 marriage, court order, or scientific testing, the adoption
689 entity may return the child ~~minor~~ to the care and custody of the
690 mother, if she desires such placement and she is not otherwise
691 prohibited by law from having custody of the child.

692 (f) Following the revocation period described in paragraph
693 (a), consent may be set aside only when the court finds that the
694 consent was obtained by fraud or duress.

695 (g) An affidavit of nonpaternity may be set aside only if
696 the court finds that the affidavit was obtained by fraud or

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697 duress.

698 (h) If the consent of one parent is set aside or revoked in
699 accordance with this chapter, or if a petition to terminate
700 parental rights is denied, any other consents executed by the
701 other parent or a third party whose consent is required for the
702 adoption of the child may not be used by the parent whose
703 consent was revoked or set aside to terminate or diminish the
704 rights of the other parent or third party whose consent was
705 required for the adoption of the child. An identified or
706 nonidentified consent executed under s. 63.082 may not be
707 treated as a surrender of parental rights to the department or
708 the court in a dependency proceeding without the express written
709 consent of that parent.

710 Section 7. Subsections (1) and (3) of section 63.085,
711 Florida Statutes, are amended to read:

712 63.085 Disclosure by adoption entity.—

713 (1) DISCLOSURE REQUIRED TO PARENTS AND PROSPECTIVE ADOPTIVE
714 PARENTS.—Within 14 days after a person seeking to adopt a child
715 ~~minor~~ or a person seeking to place a child ~~minor~~ for adoption
716 contacts an adoption entity in person or provides the adoption
717 entity with a mailing address, the entity must provide a written
718 disclosure statement to that person if the entity agrees or
719 continues to work with the person. ~~The adoption entity shall~~
720 ~~also provide the written disclosure to the parent who did not~~
721 ~~initiate contact with the adoption entity within 14 days after~~
722 ~~that parent is identified and located.~~ For purposes of providing
723 the written disclosure, a person is considered to be seeking to
724 place a child ~~minor~~ for adoption if that person has sought
725 information or advice from the adoption entity regarding the

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726 option of adoptive placement. If the adoption entity agrees or
 727 continues to work with the person, the adoption entity must also
 728 provide the written disclosure to the person who did not
 729 initiate contact with the adoption entity within 14 days after
 730 such person is identified and located. The written disclosure
 731 statement must be in substantially the following form:

ADOPTION DISCLOSURE

735 THE STATE OF FLORIDA REQUIRES THAT THIS FORM BE
 736 PROVIDED TO ALL PERSONS CONSIDERING ADOPTING A CHILD
 737 ~~MINOR~~ OR SEEKING TO PLACE A CHILD ~~MINOR~~ FOR ADOPTION,
 738 TO ADVISE THEM OF THE FOLLOWING FACTS REGARDING
 739 ADOPTION UNDER FLORIDA LAW:

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

743 Name:.....
 744 Address:.....
 745 Telephone Number:.....

747 2. The adoption entity does not provide legal
 748 representation or advice to parents or anyone signing
 749 a consent for adoption or affidavit of nonpaternity,
 750 and parents have the right to consult with an attorney
 751 of their own choosing to advise them.

752 3. With the exception of an adoption by a
 753 stepparent or relative, a child cannot be placed into
 754 a prospective adoptive home unless the prospective

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755 adoptive parent has ~~parents have~~ received a favorable
756 preliminary home study, including criminal and child
757 abuse clearances.

758 4. A valid consent for adoption may not be signed
759 by the birth mother until 48 hours after the birth of
760 the child, or the day the birth mother is notified, in
761 writing, that she is fit for discharge from the
762 licensed hospital or birth center. Any man may sign a
763 valid consent for adoption at any time after the birth
764 of the child.

765 5. A consent for adoption signed when ~~before~~ the
766 child is ~~attains the age of~~ 6 months of age or younger
767 is binding and irrevocable from the moment it is
768 signed unless it can be proven in court that the
769 consent was obtained by fraud or duress. A consent for
770 adoption signed after the child attains the age of 6
771 months is valid from the moment it is signed; however,
772 it may be revoked up to 3 business days after it was
773 signed.

774 6. A consent for adoption is not valid if the
775 signature of the person who signed the consent was
776 obtained by fraud or duress.

777 7. An unmarried biological father must act
778 immediately in order to protect his parental rights.
779 Section 63.062, Florida Statutes, prescribes that any
780 father seeking to establish his right to consent to
781 the adoption of his child must file a claim of
782 paternity with the Florida Putative Father Registry
783 maintained by the Office of Vital Statistics of the

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784 Department of Health before ~~by~~ the date a petition to
785 terminate parental rights is filed with the court, or
786 within 30 days after receiving service of a Notice of
787 Intended Adoption Plan. If he receives a Notice of
788 Intended Adoption Plan, he must file a claim of
789 paternity with the Florida Putative Father Registry,
790 file a parenting plan with the court, and provide
791 financial support to the mother or child within 30
792 days after ~~following~~ service. An unmarried biological
793 father's failure to timely respond to a Notice of
794 Intended Adoption Plan constitutes an irrevocable
795 legal waiver of any and all rights that the father may
796 have to the child. A claim of paternity registration
797 form for the Florida Putative Father Registry may be
798 obtained from any local office of the Department of
799 Health, Office of Vital Statistics, the Department of
800 Children and Families, the ~~Internet~~ websites for these
801 agencies, and the offices of the clerks of the Florida
802 circuit courts. The claim of paternity form must be
803 submitted to the Office of Vital Statistics,
804 Attention: Adoption Unit, P.O. Box 210, Jacksonville,
805 FL 32231.

806 8. There are alternatives to adoption, including
807 foster care, relative care, and parenting the child.
808 There may be services and sources of financial
809 assistance in the community available to parents if
810 they choose to parent the child.

811 9. A parent has the right to have a witness of
812 his or her choice, who is unconnected with the

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813 adoption entity or the adoptive parent ~~parents~~, to be
814 present and witness the signing of the consent or
815 affidavit of nonpaternity.

816 10. A parent 14 years of age or younger must have
817 a parent, legal guardian, or court-appointed guardian
818 ad litem to assist and advise the parent as to the
819 adoption plan and to witness consent.

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

823 12. The payment of living or medical expenses by
824 the prospective adoptive parent or the adoption entity
825 ~~parents~~ before the birth of the child does not, in any
826 way, obligate the parent to sign the consent to ~~for~~
827 adoption.

828

829 (3) ACKNOWLEDGMENT OF DISCLOSURE.—The adoption entity must
830 obtain a written statement acknowledging receipt of the
831 disclosures required under this section and signed by the
832 persons receiving the disclosure or, if it is not possible to
833 obtain such an acknowledgment, the adoption entity must execute
834 an affidavit stating why an acknowledgment could not be
835 obtained. If the disclosure was delivered by certified mail,
836 return receipt requested, a return receipt signed by the person
837 from whom acknowledgment is required is sufficient to meet the
838 requirements of this subsection. A copy of the acknowledgment of
839 receipt of the disclosure must be provided to the person signing
840 it. A copy of the acknowledgment or affidavit executed by the
841 adoption entity in lieu of the acknowledgment must be maintained

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842 in the file of the adoption entity and. ~~The original~~
843 ~~acknowledgment or affidavit must be~~ filed with the court.

844 Section 8. Subsection (3) and paragraphs (b) and (e) of
845 subsection (4) of section 63.087, Florida Statutes, are amended
846 to read:

847 63.087 Proceeding to terminate parental rights pending
848 adoption; general provisions.—

849 (3) PREREQUISITE FOR ADOPTION.—A petition for adoption may
850 not be filed until after the date the court enters the judgment
851 terminating parental rights pending adoption. The clerk of the
852 court shall issue a separate case number and maintain a separate
853 court file for a petition for adoption. A petition for adoption
854 may not be maintained in the same court file as the proceeding
855 to terminate parental rights. Adoptions of relatives, adult
856 adoptions, or adoptions of stepchildren are not required to file
857 a separate termination of parental rights proceeding pending
858 adoption. In such cases, the petitioner may file a joint
859 petition for termination of parental rights and adoption,
860 attaching all required consents, affidavits, notices, and
861 acknowledgments. Unless otherwise provided by law, this chapter
862 applies to joint petitions.

863 (4) PETITION.—

864 (b) The petition may be filed by a parent or person having
865 physical custody of the child ~~minor~~. The petition may be filed
866 by an adoption entity only if a parent or person having physical
867 or legal custody who has executed a consent to adoption under
868 ~~pursuant to~~ s. 63.082 also consents in writing to the adoption
869 entity filing the petition. A copy ~~The original~~ of such consent
870 must be filed with the petition.

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871 (e) The petition must include:

872 1. The child's ~~minor's~~ name, gender, date of birth, and
873 place of birth. The petition must contain all names by which the
874 child ~~minor~~ is or has been known, excluding the child's ~~minor's~~
875 prospective adoptive name but including the child's ~~minor's~~
876 legal name at the time of the filing of the petition. ~~In the~~
877 ~~ease of an infant child whose adoptive name appears on the~~
878 ~~original birth certificate, the adoptive name shall not be~~
879 ~~included in the petition, nor shall it be included elsewhere in~~
880 ~~the termination of parental rights proceeding.~~

881 2. All information required by the Uniform Child Custody
882 Jurisdiction and Enforcement Act and the Indian Child Welfare
883 Act.

884 3. A statement of the grounds under s. 63.089 upon which
885 the petition is based.

886 4. The name, address, and telephone number of any adoption
887 entity seeking to place the child ~~minor~~ for adoption.

888 5. The name, address, and telephone number of the division
889 of the circuit court in which the petition is to be filed.

890 6. A certification that the petitioner will comply ~~of~~
891 ~~compliance~~ with the requirements of s. 63.0425 regarding notice
892 to grandparents of an impending adoption.

893 7. A copy of the original birth certificate of the child,
894 attached to the petition or filed with the court before the
895 final hearing on the petition to terminate parental rights.

896 Section 9. Paragraph (b) of subsection (2) and subsection
897 (4) of section 63.089, Florida Statutes, are amended to read:

898 63.089 Proceeding to terminate parental rights pending
899 adoption; hearing; grounds; dismissal of petition; judgment.—

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900 (2) HEARING PREREQUISITES.—The court may hold the hearing
901 only when:

902 (b) For each notice and petition that must be served under
903 ss. 63.087 and 63.088:

904 1. At least 20 days have elapsed since the date of personal
905 service and an affidavit of service has been filed with the
906 court;

907 2. At least 30 days have elapsed since the first date of
908 publication of constructive service and an affidavit of service
909 has been filed with the court; or

910 3. An affidavit of nonpaternity, consent to ~~for~~ adoption,
911 or other document that affirmatively waives service and notice
912 of the hearing has been executed and filed with the court.

913 (4) FINDING OF ABANDONMENT.—A finding of abandonment
914 resulting in a termination of parental rights must be based upon
915 clear and convincing evidence that a parent or person having
916 legal custody has abandoned the child in accordance with the
917 definition of abandoned ~~contained~~ in s. 63.032. A finding of
918 abandonment may also be based upon emotional abuse; on ~~or~~ a
919 failure ~~refusal~~ to provide reasonable financial support, when
920 able, to a birth mother during her pregnancy or to the child
921 after his or her birth; or on whether the person alleged to have
922 abandoned the child, while being able, failed to establish
923 contact with the child or accept responsibility for the child's
924 welfare.

925 (a) In making a determination of abandonment at a hearing
926 for termination of parental rights under this chapter, the court
927 shall consider, among other relevant factors not inconsistent
928 with this section, all of the following:

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929 1. Whether the actions alleged to constitute abandonment
930 demonstrate a willful disregard for the safety or welfare of the
931 child or the unborn child.~~†~~

932 2. Whether the person alleged to have abandoned the child,
933 while being able, failed to provide financial support.~~†~~

934 3. Whether the person alleged to have abandoned the child,
935 while being able, failed to pay for medical treatment.~~†~~ and

936 4. Whether the amount of support provided or medical
937 expenses paid was appropriate, taking into consideration the
938 needs of the child and relative means and resources available to
939 the person alleged to have abandoned the child.

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

943 1. The period of time for which the parent has been or is
944 expected to be incarcerated will constitute a significant
945 portion of the child's minority. In determining whether the
946 period of time is significant, the court shall consider the
947 child's age and the child's need for a permanent and stable
948 home. The period of time begins on the date that the parent
949 enters into incarceration;

950 2. The incarcerated parent has been determined by a court
951 of competent jurisdiction to be a violent career criminal as
952 defined in s. 775.084, a habitual violent felony offender as
953 defined in s. 775.084, convicted of child abuse as defined in s.
954 827.03, or a sexual predator as defined in s. 775.21; has been
955 convicted of first degree or second degree murder in violation
956 of s. 782.04 or a sexual battery that constitutes a capital,
957 life, or first degree felony violation of s. 794.011; or has

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958 been convicted of a substantially similar offense in another
959 jurisdiction. As used in this section, the term "substantially
960 similar offense" means any offense that is substantially similar
961 in elements and penalties to one of those listed in this
962 subparagraph, and that is in violation of a law of any other
963 jurisdiction, whether that of another state, the District of
964 Columbia, the United States or any possession or territory
965 thereof, or any foreign jurisdiction; or

966 3. The court determines by clear and convincing evidence
967 that continuing the parental relationship with the incarcerated
968 parent would be harmful to the child and, for this reason,
969 termination of the parental rights of the incarcerated parent is
970 in the best interests of the child.

971 Section 10. Subsection (2) of section 63.122, Florida
972 Statutes, is amended to read:

973 63.122 Notice of hearing on petition.—

974 (2) Notice of hearing must be given as prescribed by the
975 Florida Family Law Rules of ~~Civil~~ Procedure, and service of
976 process must be made as specified by law for civil actions.

977 Section 11. Subsections (1) and (3) of section 63.132,
978 Florida Statutes, are amended to read:

979 63.132 Affidavit of expenses and receipts.—

980 (1) Before the hearing on the petition for adoption, the
981 prospective adoptive parent and any adoption entity must file
982 ~~two copies of~~ an affidavit under this section.

983 (a) The affidavit must be signed by the adoption entity and
984 the prospective adoptive parent ~~parents~~. A copy of the affidavit
985 must be provided to the adoptive parent ~~parents~~ at the time the
986 affidavit is executed.

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987 (b) The affidavit must itemize all disbursements and
988 receipts of anything of value, including professional and legal
989 fees, made or agreed to be made by or on behalf of the
990 prospective adoptive parent and any adoption entity in
991 connection with the adoption or in connection with any prior
992 proceeding to terminate parental rights which involved the child
993 ~~minor~~ who is the subject of the petition for adoption. The
994 affidavit must also include, for each hourly legal or counseling
995 fee itemized, the service provided for which the hourly fee is
996 being charged, the date the service was provided, the time
997 required to provide the service if the service was charged by
998 the hour, the person or entity that provided the service, and
999 the hourly fee charged.

1000 (c) The affidavit must show any expenses or receipts
1001 incurred in connection with:

- 1002 1. The birth of the child ~~minor~~.
- 1003 2. The placement of the child ~~minor~~ with the petitioner.
- 1004 3. The medical or hospital care received by the mother or
1005 by the child ~~minor~~ during the mother's prenatal care and
1006 confinement.
- 1007 4. The living expenses of the birth mother. The living
1008 expenses must be itemized in detail to apprise the court of the
1009 exact expenses incurred.
- 1010 5. The services relating to the adoption or to the
1011 placement of the child ~~minor~~ for adoption that were received by
1012 or on behalf of the petitioner, the adoption entity, either
1013 parent, the child ~~minor~~, or any other person.

1014
1015 The affidavit must state whether any of these expenses were paid

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1016 for by collateral sources, including, but not limited to, health
1017 insurance, Medicaid, Medicare, or public assistance.

1018 (3) The court must issue a separate order approving or
1019 disapproving the fees, costs, and expenses itemized in the
1020 affidavit. The court may approve only fees, costs, and
1021 expenditures allowed under s. 63.097. The court may reject in
1022 whole or in part any fee, cost, or expenditure listed if the
1023 court finds that the expense is any of the following:

1024 (a) Contrary to this chapter.~~†~~

1025 (b) Not supported by a receipt, if requested in the record,
1026 if the expense is not a fee of the adoption entity.~~†~~~~or~~

1027 (c) Not a reasonable fee or expense, considering the
1028 requirements of this chapter and the totality of the
1029 circumstances.

1030 Section 12. Paragraph (c) of subsection (1) of section
1031 63.212, Florida Statutes, is amended to read:

1032 63.212 Prohibited acts; penalties for violation.-

1033 (1) It is unlawful for any person:

1034 (c) To sell or surrender, or to arrange for the sale or
1035 surrender of, a child ~~minor~~ to another person for money or
1036 anything of value or to receive such ~~minor~~ child for such
1037 payment or thing of value. If a child ~~minor~~ is being adopted by
1038 a relative or by a stepparent, or is being adopted through an
1039 adoption entity, this paragraph does not prohibit the person who
1040 is contemplating adopting the child from paying, under ss.
1041 63.097 and 63.132, the actual prenatal care and living expenses
1042 of the mother of the child to be adopted, or from paying, under
1043 ss. 63.097 and 63.132, the actual living and medical expenses of
1044 such mother for a reasonable time, not to exceed 6 weeks,~~if~~

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1045 ~~medical needs require such support,~~ after the birth of the child
1046 ~~minor.~~

1047 Section 13. Subsection (5) of section 39.812, Florida
1048 Statutes, is amended to read:

1049 39.812 Postdisposition relief; petition for adoption.—

1050 (5) The petition for adoption must be filed in the division
1051 of the circuit court which entered the judgment terminating
1052 parental rights, unless a motion for change of venue is granted
1053 pursuant to s. 47.122. A copy of the consent executed by the
1054 department must be attached to the petition, unless waived
1055 pursuant to s. 63.062(8) ~~s. 63.062(7)~~. The petition must be
1056 accompanied by a statement, signed by the prospective adoptive
1057 parent ~~parents~~, acknowledging receipt of all information
1058 required to be disclosed under s. 63.085 and a form provided by
1059 the department which details the social and medical history of
1060 the child and each parent and includes the social security
1061 number and date of birth for each parent, if such information is
1062 available or readily obtainable. The prospective adoptive parent
1063 ~~parents~~ may not file a petition for adoption until the judgment
1064 terminating parental rights becomes final. An adoption
1065 proceeding under this subsection is governed by chapter 63.

1066 Section 14. This act shall take effect July 1, 2023.