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LEGISLATIVE ACTION

Senate

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House

The Committee on Children, Families, and Elder Affairs (Grall) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (3) is added to section 63.0427,
Florida Statutes, to read:

63.0427 Agreements for continued communication or contact
between adopted child and siblings, parents, and other
relatives; contracts for postadoption contact.—

(3) (a) In lieu of, or in addition to, a postadoption



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11 communication or contact order under subsection (1), an adoptive
12 parent and a biological parent, and the adopted child, if the
13 adopted child is 12 years of age or older, may voluntarily enter
14 into a written contract for postadoption contact that permits
15 continued contact between a birth parent, siblings, and the
16 adopted child until the child reaches 18 years of age. If the
17 adopted child is 12 years of age or older, he or she must be a
18 party to the contract and is deemed to have the capacity to
19 enter into a contract for the purposes of this subsection.

20 (b) A contract for postadoption contact may provide for
21 privileges relating to the adopted child which include, but are
22 not limited to, visitation with the child; communication and
23 contact with the child, including, but not limited to, written
24 correspondence and telephone calls; the sharing of information
25 about the child; and the sharing of information about biological
26 or adoptive parents.

27 (c) A provision of a contract for postadoption contact is
28 unenforceable if the provision:

29 1. Permits contact between an adopted child and a person
30 legally restrained from such contact; or

31 2. Impairs the ability of the adoptive parents and child to
32 change residence within or outside of this state.

33 3. Objected to by the adopted child who is 12 years of age
34 or older.

35 (d) A contract for postadoption contact must include the
36 following statements in at least 14-point boldface type:

37 1. "Failure to follow the terms of this contract, or any
38 amendment thereto, does not invalidate a final adoption order."

39 2. "A disagreement between the parties to, or any action



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40 brought to enforce, this contract may not serve as the basis for
41 any action or order affecting the custody of the adopted child.”

42 (e) If the contract states the parties intend that the
43 contract shall be enforceable, the contract shall be filed with
44 the court, approved by the court in the termination of parental
45 rights and adoption proceedings in the best interest of the
46 child, and incorporated into the final judgment terminating
47 parental rights and final judgment of adoption as binding and
48 enforceable. The continuing validity of the adoption is not
49 contingent upon compliance with the terms of the contract. The
50 court shall reserve jurisdiction for the purpose of enforcing
51 the contract for postadoption contact.

52 (f) A contract for postadoption contact may be modified or
53 terminated upon the agreement of all parties to the contract. If
54 there is a disagreement among such parties as to enforcement,
55 modification, or termination of the contract, the contract may
56 be enforced, modified, or terminated in the following manner:

57 1. Any party to a contract for postadoption contact may
58 seek the enforcement of the contract. An adoptive parent or
59 child, but not a biological parent, may unilaterally seek to
60 modify or terminate the contract. The party seeking enforcement,
61 modification, or termination shall file a motion in the
62 termination of parental rights proceeding and serve the motion
63 on the other parties by the method designated in the contract.

64 2. Within 45 days of the filing of a motion under this
65 subsection, the court shall issue a case management order.

66 3. In an action to enforce, modify, or terminate a contract
67 for postadoption contact, the burden of proof is on the party
68 seeking such enforcement, modification, or termination to show



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69 that such enforcement, modification, or termination is in the
70 best interest of the child by a preponderance of the evidence.
71 The best interests of the child must be the court's primary
72 consideration in determining whether to enforce, modify, or
73 terminate the contract, but the good faith of each party, any
74 change in circumstances since the execution of the contract, and
75 the extent of each party's compliance with the contract may also
76 be considered, as well as any other evidence the court finds
77 appropriate. The court shall issue an enforcement, modification,
78 or termination order.

79 (g) During any period of time in which the adoptive parents
80 temporarily lose custody of the child, the contract for
81 postadoption contact does not terminate but may not be enforced.

82 (h) A contract for postadoption contact automatically
83 terminates upon the adopted child reaching 18 years of age.

84 Section 2. Paragraph (e) of subsection (5) of section
85 63.102, Florida Statutes, is amended to read:

86 63.102 Filing of petition for adoption or declaratory
87 statement; venue; proceeding for approval of fees and costs.—

88 (5) PRIOR APPROVAL OF FEES AND COSTS.—A proceeding for
89 prior approval of fees and costs may be commenced any time after
90 an agreement is reached between the birth mother and the
91 adoptive parents by filing a petition for declaratory statement
92 on the agreement entitled "In the Matter of the Proposed
93 Adoption of a Minor Child" in the circuit court.

94 (e) A declaratory statement as to the adoption contract,
95 regardless of when filed, shall be consolidated with any related
96 petition for adoption. The clerk of the court shall only assess
97 one filing fee that includes the adoption action, the



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98 declaratory statement petition, ~~and~~ the petition for termination
99 of parental rights, and any postadoption contract actions under
100 s. 63.0427.

101 Section 3. This act shall take effect January 1, 2026.

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103 ===== T I T L E A M E N D M E N T =====

104 And the title is amended as follows:

105 Delete everything before the enacting clause
106 and insert:

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A bill to be entitled

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An act relating to contracts for postadoption contact;
109 amending s. 63.0427, F.S.; defining the term "legal
110 relative"; authorizing certain parties to enter into a
111 written contract for postadoption contact that permits
112 contact between an adopted child and his or her legal
113 relatives; providing that certain contract provisions
114 are unenforceable; requiring that a postadoption
115 contract include certain statements; authorizing any
116 party to such contract to file the contract with the
117 court; requiring the court to make the contract a part
118 of the final adoption order; providing that the
119 continuing validity of the adoption is not contingent
120 upon compliance with the terms of the contract;
121 authorizing and providing requirements for
122 enforcement, modification, or termination of the
123 contract; prohibiting enforcement of the contract in
124 certain circumstances; providing for automatic
125 termination of the contract in certain circumstances;
126 providing an effective date.



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