

By the Committee on Children, Families, and Elder Affairs; and
Senator Grall

586-02325-25

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1 A bill to be entitled

2 An act relating to contracts for postadoption contact;
3 amending s. 63.0427, F.S.; authorizing certain parties
4 to enter into a written contract for postadoption
5 contact which permits contact between an adopted child
6 and his or her birth parent and siblings; providing
7 that certain contract provisions are unenforceable;
8 requiring that a postadoption contract include certain
9 statements; requiring that the contract be filed with,
10 approved by, and entered into a certain final judgment
11 by the court under certain circumstances; providing
12 that the continuing validity of the adoption is not
13 contingent upon compliance with the terms of the
14 contract; authorizing and providing requirements for
15 enforcement, modification, or termination of the
16 contract; prohibiting enforcement of the contract in
17 certain circumstances; providing for automatic
18 termination of the contract in certain circumstances;
19 amending s. 63.102, F.S.; including postadoption
20 contract actions in the actions for which the clerk of
21 the court shall assess one filing fee; providing an
22 effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

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

28 63.0427 Agreements for continued communication or contact
29 between adopted child and siblings, parents, and other

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30 relatives; contracts for postadoption contact.-

31 (3) (a) In lieu of, or in addition to, a postadoption
32 communication or contact order under subsection (1), an adoptive
33 parent and a biological parent, and the adopted child, if the
34 adopted child is 12 years of age or older, may voluntarily enter
35 into a written contract for postadoption contact that permits
36 continued contact between a birth parent, siblings, and the
37 adopted child until the child reaches 18 years of age. If the
38 adopted child is 12 years of age or older, he or she must be a
39 party to the contract and is deemed to have the capacity to
40 enter into a contract for the purposes of this subsection.

41 (b) A contract for postadoption contact may provide for
42 privileges relating to the adopted child which include, but are
43 not limited to, visitation with the child; communication and
44 contact with the child, including, but not limited to, written
45 correspondence and telephone calls; the sharing of information
46 about the child; and the sharing of information about biological
47 or adoptive parents.

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

50 1. Permits contact between an adopted child and a person
51 legally restrained from such contact;

52 2. Impairs the ability of the adoptive parents and child to
53 change residence within or outside of this state; or

54 3. Is objected to by the adopted child, if the adopted
55 child is 12 years of age or older.

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

58 1. "Failure to follow the terms of this contract, or any

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59 amendment thereto, does not invalidate a final adoption order.”

60 2. “A disagreement between the parties to, or any action
61 brought to enforce, this contract may not serve as the basis for
62 any action or order affecting the custody of the adopted child.”

63 (e) If the contract states the parties intend that the
64 contract shall be enforceable, the contract shall be filed with
65 the court, approved by the court in the termination of parental
66 rights and adoption proceedings in the best interest of the
67 child, and incorporated into the final judgment terminating
68 parental rights and final judgment of adoption as binding and
69 enforceable. The continuing validity of the adoption is not
70 contingent upon compliance with the terms of the contract. The
71 court shall reserve jurisdiction for the purpose of enforcing
72 the contract for postadoption contact.

73 (f) A contract for postadoption contact may be modified or
74 terminated upon the agreement of all parties to the contract. If
75 there is a disagreement among such parties as to enforcement,
76 modification, or termination of the contract, the contract may
77 be enforced, modified, or terminated in the following manner:

78 1. Any party to a contract for postadoption contact may
79 seek the enforcement of the contract. An adoptive parent or
80 child, but not a biological parent, may unilaterally seek to
81 modify or terminate the contract. The party seeking enforcement,
82 modification, or termination shall file a motion in the
83 termination of parental rights proceeding and serve the motion
84 on the other parties by the method designated in the contract.

85 2. Within 45 days after the filing of a motion under this
86 paragraph, the court shall issue a case management order.

87 3. In an action to enforce, modify, or terminate a contract

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88 for postadoption contact, the burden of proof is on the party
89 seeking enforcement, modification, or termination to show that
90 the enforcement, modification, or termination is in the best
91 interests of the child by a preponderance of the evidence. The
92 best interests of the child must be the court's primary
93 consideration in determining whether to enforce, modify, or
94 terminate the contract, but the good faith of each party, any
95 change in circumstances since the execution of the contract, and
96 the extent of each party's compliance with the contract may also
97 be considered, as well as any other evidence the court finds
98 appropriate. The court shall issue an enforcement, modification,
99 or termination order.

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

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

105 Section 2. Paragraph (e) of subsection (5) of section
106 63.102, Florida Statutes, is amended to read:

107 63.102 Filing of petition for adoption or declaratory
108 statement; venue; proceeding for approval of fees and costs.—

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

115 (e) A declaratory statement as to the adoption contract,
116 regardless of when filed, shall be consolidated with any related

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117 petition for adoption. The clerk of the court shall only assess
118 one filing fee that includes the adoption action, the
119 declaratory statement petition, ~~and~~ the petition for termination
120 of parental rights, and any postadoption contract actions under
121 s. 63.0427.

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