

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Persons-Mulicka offered the following:

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3 **Amendment (with title amendment)**

4 Between lines 803 and 804, insert:

5 **Section 18. Subsection (2) of section 63.213, Florida**
6 **Statutes, is amended to read:**

7 63.213 Preplanned adoption agreement.—

8 (2) (a) A preplanned adoption agreement is prohibited if:

9 1. The volunteer mother is a citizen or resident of a
10 foreign country of concern as defined in s. 286.101(1).

11 2. Either the intended father or intended mother is a
12 citizen or resident of a foreign country of concern as defined
13 in s. 286.101(1).

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14 (b) A preplanned adoption agreement must include, but need
15 not be limited to, the following terms:

16 1.-(a) That the volunteer mother agrees to become pregnant
17 by the fertility technique specified in the agreement, to bear
18 the child, and to terminate any parental rights and
19 responsibilities to the child she might have through a written
20 consent executed at the same time as the preplanned adoption
21 agreement, subject to a right of rescission by the volunteer
22 mother any time within 48 hours after the birth of the child, if
23 the volunteer mother is genetically related to the child.

24 2.-(b) That the volunteer mother agrees to submit to
25 reasonable medical evaluation and treatment and to adhere to
26 reasonable medical instructions about her prenatal health.

27 3.-(e) That the volunteer mother acknowledges that she is
28 aware that she will assume parental rights and responsibilities
29 for the child born to her as otherwise provided by law for a
30 mother if the intended father and intended mother terminate the
31 agreement before final transfer of custody is completed, if a
32 court determines that a parent clearly specified by the
33 preplanned adoption agreement to be the biological parent is not
34 the biological parent, or if the preplanned adoption is not
35 approved by the court pursuant to the Florida Adoption Act.

36 4.-(d) That an intended father who is also the biological
37 father acknowledges that he is aware that he will assume
38 parental rights and responsibilities for the child as otherwise

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39 provided by law for a father if the agreement is terminated for
40 any reason by any party before final transfer of custody is
41 completed or if the planned adoption is not approved by the
42 court pursuant to the Florida Adoption Act.

43 5.~~(e)~~ That the intended father and intended mother
44 acknowledge that they may not receive custody or the parental
45 rights under the agreement if the volunteer mother terminates
46 the agreement or if the volunteer mother rescinds her consent to
47 place her child for adoption within 48 hours after the birth of
48 the child, if the volunteer mother is genetically related to the
49 child.

50 6.~~(f)~~ That the intended father and intended mother may
51 agree to pay all reasonable legal, medical, psychological, or
52 psychiatric expenses of the volunteer mother related to the
53 preplanned adoption arrangement and may agree to pay the
54 reasonable living expenses and wages lost due to the pregnancy
55 and birth of the volunteer mother and reasonable compensation
56 for inconvenience, discomfort, and medical risk. No other
57 compensation, whether in cash or in kind, shall be made pursuant
58 to a preplanned adoption arrangement.

59 7.~~(g)~~ That the intended father and intended mother agree
60 to accept custody of and to assert full parental rights and
61 responsibilities for the child immediately upon the child's
62 birth, regardless of any impairment to the child.

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63 8.(h) That the intended father and intended mother shall
64 have the right to specify the blood and tissue typing tests to
65 be performed if the agreement specifies that at least one of
66 them is intended to be the biological parent of the child.

67 9.(i) That the agreement may be terminated at any time by
68 any of the parties.

69 **Section 19. Subsection (1) of section 742.15, Florida**
70 **Statutes, is amended to read:**

71 742.15 Gestational surrogacy contract.—

72 (1) (a) ~~Prior to~~ engaging in gestational surrogacy,
73 a binding and enforceable gestational surrogacy contract shall
74 be made between the commissioning couple and the gestational
75 surrogate. A contract for gestational surrogacy is shall not be
76 binding and enforceable unless the gestational surrogate is 18
77 years of age or older and the commissioning couple are legally
78 married and are both 18 years of age or older.

79 (b)1. A gestational surrogacy contract may not be entered
80 into in this state if any party to the contract is a citizen or
81 resident of a foreign country of concern as defined in s.
82 286.101(1).

83 2. A gestational surrogacy contract executed in violation
84 of this paragraph is void and unenforceable as against the
85 public policy of this state.

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

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Remove line 108 and insert:
reference; amending s. 63.213, F.S.; prohibiting
preplanned adoption agreements if a party to such
agreement is a citizen or resident of a foreign
country of concern; amending s. 742.15, F.S.;
prohibiting gestational surrogacy contracts if a party
to such contract is a citizen or resident of a foreign
country of concern; providing an effective date.

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