



26 and enforceable; authorizing an adoption entity to  
27 intervene after the execution of consent and filing of  
28 a preliminary home study; revising certain factors a  
29 court must consider to transfer custody of a child;  
30 specifying persons who must be notified upon a  
31 revocation of consent; requiring the court to enter an  
32 order maintaining certain placement of the child under  
33 certain circumstances; prohibiting a denied petition  
34 to terminate parental rights to be used in certain  
35 ways; prohibiting an identified or nonidentified  
36 consent from being treated as a surrender of parental  
37 rights; amending s. 63.085, F.S.; revising the  
38 requirements of such disclosure; requiring a copy of  
39 certain documents be filed with the court; making  
40 technical changes; amending s. 63.087, F.S.; requiring  
41 the clerk of court to issue a separate case number for  
42 a petition for adoption and prohibiting such petition  
43 from being maintained in a specified case file;  
44 authorizing a consent to adoption to be filed  
45 electronically with a petition for termination of  
46 parental rights; revising and providing requirements  
47 for such petition; making technical changes; amending  
48 s. 63.088, F.S.; revising the required notice served  
49 with a petition to terminate parental rights; amending  
50 s. 63.089, F.S.; revising the factors a court must

51 consider in determining a finding of abandonment;  
52 amending s. 63.122, F.S.; requiring certain notice of  
53 hearing be given as prescribed in the Florida Family  
54 Law Rules of Procedure; amending s. 63.132, F.S.;  
55 specifying that certain fees are hourly fees; making  
56 technical changes; amending s. 63.212, F.S.; removing  
57 the requirement that a mother's medical needs requires  
58 such support in order to be paid by certain persons;  
59 amending ss. 39.4021, 39.4022, 39.4023, 39.4024,  
60 39.522, 39.812, and 63.093, F.S.; conforming cross-  
61 references; providing an effective date.

62  
63 Be It Enacted by the Legislature of the State of Florida:

64  
65 Section 1. Subsections (1) and (12) of section 63.032,  
66 Florida Statutes, are amended to read:

67 63.032 Definitions.—As used in this chapter, the term:

68 (1) "Abandoned" means a situation in which a ~~the~~ parent or  
69 person having legal custody of a child, while being able, makes  
70 little or no provision for the child's support or makes little  
71 or no effort to communicate with the child, which situation is  
72 sufficient to evince rejection of ~~an intent to reject~~ parental  
73 responsibilities. If, in the opinion of the court, the efforts  
74 of such parent or person having legal custody of the child to  
75 support and communicate with the child are only marginal efforts

76 that do not evince a settled purpose to assume all parental  
 77 duties, the court may declare the child to be abandoned. In  
 78 making this decision, the court may consider the conduct of a  
 79 father towards the child's mother during her pregnancy.

80 (12) "Parent" means a woman who gives birth to a child and  
 81 who is not a gestational surrogate as defined in s. 742.13 or a  
 82 man whose consent to the adoption of the child would be required  
 83 under s. 63.062(1). If a child has been legally adopted, the  
 84 term "parent" means the adoptive mother or father of the child.  
 85 The term does not include an individual whose parental  
 86 relationship to the child has been legally terminated, an  
 87 unmarried biological father, or an alleged or prospective  
 88 parent.

89 Section 2. Section 63.037, Florida Statutes, is amended to  
 90 read:

91 63.037 Proceedings applicable to cases resulting from a  
 92 termination of parental rights under chapter 39.—A case in which  
 93 a child ~~minor~~ becomes available for adoption after the parental  
 94 rights of each parent have been terminated by a judgment entered  
 95 under ~~pursuant to~~ chapter 39 is ~~shall be~~ governed by s. 39.812  
 96 and this chapter. Adoption proceedings initiated under chapter  
 97 39 are exempt from the following provisions of this chapter:  
 98 requirement for search of the Florida Putative Father Registry  
 99 provided in s. 63.054(7), if a search was previously completed  
 100 and documentation of the search is contained in the court's ~~case~~

101 file maintained in the dependency proceeding; disclosure  
102 requirements for the adoption entity provided in s. 63.085(1);  
103 general provisions governing termination of parental rights  
104 pending adoption provided in s. 63.087; notice and service  
105 provisions governing termination of parental rights pending  
106 adoption provided in s. 63.088; and procedures for terminating  
107 parental rights pending adoption provided in s. 63.089.

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

110 63.0423 Procedures with respect to surrendered infants.—

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

120 (2) The adoption entity ~~licensed child-placing agency~~  
121 shall immediately seek an order from the circuit court for  
122 emergency custody of the surrendered infant. The emergency  
123 custody order remains ~~shall remain~~ in effect until the court  
124 orders preliminary approval of placement of the surrendered  
125 infant in the prospective home, at which time the prospective

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126 adoptive parents become guardians pending termination of  
127 parental rights and finalization of adoption or until the court  
128 orders otherwise. The guardianship of the prospective adoptive  
129 parents remains ~~shall remain~~ subject to the right of the  
130 adoption entity ~~licensed child-placing agency~~ to remove the  
131 surrendered infant from the placement during the pendency of the  
132 proceedings if such removal is deemed by the adoption entity  
133 ~~licensed child-placing agency~~ to be in the best interests of the  
134 child and the removal is in accordance with s. 63.052. The  
135 adoption entity ~~licensed child-placing agency~~ may immediately  
136 seek to place the surrendered infant in a prospective adoptive  
137 home.

138 (3) The adoption entity ~~licensed child-placing agency~~ that  
139 takes physical custody of the surrendered infant must ~~shall~~,  
140 within 24 hours thereafter, request assistance from law  
141 enforcement officials to investigate and determine, through the  
142 Missing Children Information Clearinghouse, the National Center  
143 for Missing and Exploited Children, and any other national and  
144 state resources, whether the surrendered infant is a missing  
145 child.

146 (4) The parent who surrenders the infant in accordance  
147 with s. 383.50 is presumed to have consented to termination of  
148 parental rights, and express consent is not required. Except  
149 when there is actual or suspected child abuse or neglect, the  
150 adoption entity ~~may licensed child-placing agency shall~~ not

151 attempt to pursue, search for, or notify that parent as provided  
152 in s. 63.088 and chapter 49. For purposes of s. 383.50 and this  
153 section, an infant who tests positive for illegal drugs,  
154 narcotic prescription drugs, alcohol, or other substances, but  
155 shows no other signs of child abuse or neglect, must ~~shall~~ be  
156 placed in the custody of an adoption entity ~~a licensed child-~~  
157 ~~placing agency~~. Such a placement does not eliminate the  
158 reporting requirement under s. 383.50(7). When the department is  
159 contacted regarding an infant properly surrendered under this  
160 section and s. 383.50, the department must ~~shall~~ provide  
161 instruction to contact an adoption entity ~~a licensed child-~~  
162 ~~placing agency~~ and may not take custody of the infant unless  
163 reasonable efforts to contact an adoption entity ~~a licensed~~  
164 ~~child-placing agency~~ to accept the infant have not been  
165 successful.

166 (5) A petition for termination of parental rights under  
167 this section may not be filed until 30 days after the date the  
168 infant was surrendered in accordance with s. 383.50. The court  
169 may not grant a judgment terminating ~~a petition for termination~~  
170 ~~of parental rights may not be granted~~ until the court finds that  
171 a parent has failed to reclaim or claim the surrendered infant  
172 within the time period specified in s. 383.50.

173 (10) Except to the extent expressly provided in this  
174 section, proceedings initiated by an adoption entity ~~a licensed~~  
175 ~~child-placing agency~~ for the termination of parental rights and

176 subsequent adoption of a newborn infant left at a hospital,  
 177 emergency medical services station, or fire station in  
 178 accordance with s. 383.50 must ~~shall~~ be conducted under ~~pursuant~~  
 179 ~~to~~ this chapter.

180 Section 4. Section 63.052, Florida Statutes, is amended to  
 181 read:

182 63.052 Guardians designated; proof of commitment.—

183 (1) (a) Except as provided in paragraph (b), if a child ~~for~~  
 184 ~~minors who is~~ is ~~have been~~ placed for adoption with an adoption  
 185 entity, ~~other than an intermediary,~~ such adoption entity is  
 186 ~~shall be~~ the guardian of the person of the child ~~minor~~ and has  
 187 the responsibility and authority to provide for the needs and  
 188 welfare of the child ~~minor~~.

189 (b)(2) ~~If a child~~ For minors who is ~~have been~~ voluntarily  
 190 surrendered to an adoption entity ~~intermediary~~ through an  
 191 execution of a consent to adoption, the adoption entity is  
 192 ~~intermediary shall be~~ responsible for the child ~~minor~~ until the  
 193 time a court orders preliminary approval of placement of the  
 194 child ~~minor~~ in the prospective adoptive home, after which time  
 195 the prospective adoptive parents ~~shall become~~ the child's  
 196 guardians pending finalization of adoption, subject to the  
 197 adoption entity's ~~intermediary's~~ right and responsibility to  
 198 remove the child from the prospective adoptive home if the  
 199 removal is deemed by the adoption entity ~~intermediary~~ to be in  
 200 the best interests of the child. The adoption entity



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

218 ~~(2)-(3)~~ If a child ~~minor~~ is surrendered to an adoption  
 219 entity for subsequent adoption and a suitable prospective  
 220 adoptive home is not available under ~~pursuant to~~ s. 63.092 at  
 221 the time the child ~~minor~~ is surrendered to the adoption entity,  
 222 the child ~~minor~~ must be placed in a licensed foster care home,  
 223 with a person or family that has received a favorable  
 224 preliminary home study as required under ~~pursuant to~~ subsection  
 225 ~~(1)-(2)~~, or with an intermediary ~~a relative~~ until a suitable

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226 prospective adoptive home is available.

227 ~~(3)-(4)~~ If a child ~~minor~~ is voluntarily surrendered to an  
228 adoption entity for subsequent adoption and the adoption does  
229 not become final within 180 days after termination of parental  
230 rights, the adoption entity must report to the court on the  
231 status of the child ~~minor~~ and the court may at that time proceed  
232 under s. 39.701 or take action reasonably necessary to protect  
233 the best interest of the child ~~minor~~.

234 ~~(4)-(5)~~ The recital in a written consent, answer, or  
235 recommendation filed by an adoption entity that the child ~~minor~~  
236 has been permanently committed to the adoption entity or that  
237 the adoption entity is duly licensed is ~~shall be~~ prima facie  
238 proof of such commitment. A consent for adoption signed by an  
239 adoption entity does not need to not comply with s. 63.082.

240 ~~(5)-(6)~~ Unless otherwise authorized by law or ordered by  
241 the court, the department is not responsible for expenses  
242 incurred by other adoption entities participating in a placement  
243 of a child ~~minor~~.

244 ~~(6)-(7)~~ The court retains jurisdiction of a child ~~minor~~ who  
245 has been placed for adoption until the adoption is final. After  
246 a child ~~minor~~ is placed with an adoption entity or prospective  
247 adoptive parent, the court may review the status of the child  
248 ~~minor~~ and the progress toward permanent adoptive placement.

249 Section 5. Section 63.062, Florida Statutes, is amended to  
250 read:

251           63.062 Persons required to consent to adoption; affidavit  
 252 of nonpaternity; waiver of venue.—

253           (1) Unless supported by one or more of the grounds  
 254 enumerated under s. 63.089(3), a petition to terminate parental  
 255 rights pending adoption may be granted only if written consent  
 256 has been executed as provided in s. 63.082 after the birth of  
 257 the child ~~minor~~ or notice has been served under s. 63.088 to:

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

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

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

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

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

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

270           5. In the case of an unmarried biological father, he has  
 271 acknowledged in writing, signed in the presence of a competent  
 272 witness, that he is the father of the child ~~minor~~, has filed  
 273 such acknowledgment with the Office of Vital Statistics of the  
 274 Department of Health within the required timeframes, and has  
 275 strictly complied with the requirements of subsection (2).

276  
 277 The status of the father must ~~shall~~ be determined at the time of  
 278 the filing of the petition to terminate parental rights and may  
 279 not be modified, except as otherwise provided in s.

280 63.0423(9) (a), for purposes of his obligations and rights under  
 281 this chapter by acts occurring after the filing of the petition  
 282 to terminate parental rights.

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

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

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

291 (2) In accordance with subsection (1), the consent of an  
 292 unmarried biological father is ~~shall be~~ necessary only if the  
 293 unmarried biological father has complied with all of the  
 294 requirements of this subsection.

295 (a)1. With regard to a child who is placed with adoptive  
 296 parents more than 6 months after the child's birth, an unmarried  
 297 biological father must have developed a substantial relationship  
 298 with the child, taken ~~some measure of~~ responsibility for the  
 299 child and the child's future, and demonstrated a full commitment  
 300 to the responsibilities of parenthood by providing reasonable

301 and regular financial support for the child's educational,  
 302 medical, and living expenses ~~to the child~~ in accordance with the  
 303 unmarried biological father's ability, if not prevented from  
 304 doing so by the person or authorized agency having lawful  
 305 custody of the child, and either:

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

310 b. Maintained regular communication with the child or with  
 311 the person or agency having the care or custody of the child,  
 312 when physically or financially unable to visit the child or when  
 313 not prevented from doing so by the birth mother or person or  
 314 authorized agency having lawful custody of the child.

315 2. An unmarried biological father who openly lived with  
 316 the child for at least 6 months within the 1-year period  
 317 following the birth of the child and immediately preceding  
 318 placement of the child with adoptive parents and who openly held  
 319 himself out to be the father of the child during that period is  
 320 ~~shall be~~ deemed to have developed a substantial relationship  
 321 with the child ~~and to have otherwise met the requirements of~~  
 322 ~~this paragraph.~~

323 (b) With regard to a child who is 6 months of age or  
 324 younger at the time the child is placed for adoption ~~with the~~  
 325 ~~adoptive parents,~~ an unmarried biological father must have

326 demonstrated a full commitment to his parental responsibility by  
327 having performed all of the following acts within 30 days after  
328 receipt of service of the notice of intended adoption plan ~~prior~~  
329 ~~to the time the mother executes her consent for adoption:~~

330 1. Filed a notarized claim of paternity form with the  
331 Florida Putative Father Registry within the Office of Vital  
332 Statistics of the Department of Health, which form must ~~shall~~ be  
333 maintained in the confidential registry established for that  
334 purpose and is ~~shall be~~ considered filed when the notice is  
335 entered in the registry of notices from unmarried biological  
336 fathers.

337 2. ~~Upon service of a notice of an intended adoption plan~~  
338 ~~or a petition for termination of parental rights pending~~  
339 ~~adoption, executed and~~ Filed an affidavit or a verified response  
340 with the court in that proceeding stating that he is personally  
341 fully able and willing to take responsibility for the child,  
342 setting forth his plans for care of the child, and agreeing to a  
343 court order of child support and a contribution to the payment  
344 of living and medical expenses incurred for the mother's  
345 pregnancy and the child's birth in accordance with his ability  
346 to pay.

347 3. ~~If he had knowledge of the pregnancy,~~ Paid a fair and  
348 reasonable amount of the living and medical expenses for the  
349 birth mother and the child ~~incurred in connection with the~~  
350 ~~mother's pregnancy and the child's birth,~~ in accordance with the

351 unmarried biological father's ~~his~~ financial ability and when not  
352 prevented from doing so by the birth mother or person or  
353 authorized agency having lawful custody of the child. The  
354 responsibility of the unmarried biological father to provide  
355 financial assistance to the birth mother during her pregnancy  
356 and to the child after birth is not abated because support is  
357 being provided to the birth mother or child by the adoption  
358 entity, a prospective adoptive parent, or a third party, nor  
359 does it serve as a basis to excuse the birth father's failure to  
360 provide support.

361  
362 Offers of support are insufficient to meet the requirements of  
363 this subsection.

364 ~~(e)~~ The mere fact that a father expresses a desire to  
365 fulfill his responsibilities towards his child which is  
366 unsupported by acts evidencing this intent does not meet the  
367 requirements of this subsection ~~section~~. An unmarried biological  
368 father who does not strictly comply with each of the conditions  
369 provided in this subsection is not considered a "parent" under  
370 this chapter and the court shall enter a judgment finding that  
371 the unmarried biological father has waived and surrendered any  
372 rights in relation to the child, including the right to notice  
373 of any judicial proceeding in connection with the adoption of  
374 the child, and his consent to the adoption of the child is not  
375 required and any claim he may have had to the child is barred.

376 Upon the entry of the court order, the adoption entity has no  
377 further duties under this chapter with regard to the unmarried  
378 biological father.

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

388 ~~(e) An unmarried biological father who does not comply~~  
389 ~~with each of the conditions provided in this subsection is~~  
390 ~~deemed to have waived and surrendered any rights in relation to~~  
391 ~~the child, including the right to notice of any judicial~~  
392 ~~proceeding in connection with the adoption of the child, and his~~  
393 ~~consent to the adoption of the child is not required.~~

394 (3) Pursuant to chapter 48, an adoption entity shall serve  
395 a notice of intended adoption plan upon any known and locatable  
396 unmarried biological father who is identified to the adoption  
397 entity by the mother by the date she signs her consent for  
398 adoption if the child is 6 months of age or less at the time the  
399 consent is executed. Service of the notice of intended adoption  
400 plan is not required when the unmarried biological father signs



401 a consent for adoption or an affidavit of nonpaternity or when  
402 the child is more than 6 months of age at the time of the  
403 execution of the consent by the mother. The notice may be served  
404 at any time before the child's birth or after the child's birth  
405 only if the mother identifies him to the adoption entity as a  
406 potential biological father by the date she executes a consent  
407 for adoption before placing the child in the adoptive home. The  
408 recipient of the notice may waive service of process by  
409 executing a waiver and acknowledging receipt of the plan.

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

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

424 (c) The unmarried biological father must provide the  
425 adoption entity with a copy of the verified response filed with

426 the court and the claim of paternity form filed with the Office  
427 of Vital Statistics ~~If the party served with the notice of~~  
428 ~~intended adoption plan is an entity whose consent is required,~~  
429 ~~the notice must specifically state that the entity must file,~~  
430 ~~within 30 days after service, a verified response setting forth~~  
431 ~~a legal basis for contesting the intended adoption plan,~~  
432 ~~specifically addressing the best interests of the child.~~

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

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

445 ~~a. File a claim of paternity with the Florida Putative~~  
446 ~~Father Registry maintained by the Office of Vital Statistics;~~

447 ~~b. File a verified response with the court which contains~~  
448 ~~a pledge of commitment to the child in substantial compliance~~  
449 ~~with subparagraph (2)(b)2.; and~~

450 ~~c. Provide support for the birth mother and the child.~~

451 ~~2. The entity whose consent is required must file a~~  
452 ~~verified response setting forth a legal basis for contesting the~~  
453 ~~intended adoption plan, specifically addressing the best~~  
454 ~~interests of the child.~~

455 (4)(b) If the mother identifies a potential unmarried  
456 biological father within the timeframes required by this section  
457 ~~the statute~~, whose location is unknown, the adoption entity must  
458 ~~shall~~ conduct a diligent search under ~~pursuant to~~ s. 63.088. If,  
459 upon completion of a diligent search, the potential unmarried  
460 biological father's location remains unknown and a search of the  
461 Florida Putative Father Registry fails to reveal a match, the  
462 adoption entity must ~~shall~~ request ~~in the petition for~~  
463 ~~termination of parental rights pending adoption~~ that the court  
464 declare the diligent search to be in compliance with s. 63.088,  
465 that the adoption entity has no further obligation to provide  
466 notice to the potential unmarried biological father, and that  
467 the potential unmarried biological father's consent to the  
468 adoption is not required.

469 (5)(4) Any person whose consent is required under  
470 paragraph (1)(b), or any other man, may execute an irrevocable  
471 affidavit of nonpaternity in lieu of a consent under this  
472 section and by doing so waives notice to all court proceedings  
473 after the date of execution. An affidavit of nonpaternity must  
474 be executed as provided in s. 63.082. The affidavit of  
475 nonpaternity may be executed before ~~prior to~~ the birth of the

476 child. The person executing the affidavit must receive  
477 disclosure under s. 63.085 before ~~prior to~~ signing the  
478 affidavit. For purposes of this chapter, an affidavit of  
479 nonpaternity is sufficient if it contains a specific denial of  
480 parental obligations and does not need to deny the existence of  
481 a biological relationship.

482 ~~(6)~~<sup>(5)</sup> A person who signs a consent to adoption or an  
483 affidavit of nonpaternity must be given reasonable notice of his  
484 or her right to select a person who does not have an employment,  
485 professional, or personal relationship with the adoption entity  
486 or the prospective adoptive parents to be present when the  
487 consent to adoption or affidavit of nonpaternity is executed and  
488 to sign the consent or affidavit as a witness.

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

501 parental rights.

502 (8)~~(7)~~ If parental rights to the child ~~minor~~ have  
503 previously been terminated, the adoption entity with which the  
504 child ~~minor~~ has been placed for subsequent adoption may provide  
505 consent to the adoption. In such case, no other consent is  
506 required. The consent of the department is ~~shall be~~ waived upon  
507 a determination by the court that such consent is being  
508 unreasonably withheld and if the petitioner has filed with the  
509 court a favorable preliminary adoptive home study as required  
510 under s. 63.092.

511 (9)~~(8)~~ A petition to adopt an adult may be granted if:

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

515 (b) Written notice of the final hearing on the adoption  
516 has been provided to the parents, if any, by certified mail, ~~or~~  
517 ~~proof of service of process, or written waiver has been filed,~~  
518 ~~showing notice has been served on the parents as provided in~~  
519 ~~this chapter.~~

520 (10) ~~(a)~~~~(9)~~ A petition for termination of parental rights  
521 must be filed in the appropriate county as determined under s.  
522 63.087(2). If a parent whose consent is required objects to  
523 venue in the county where the action was filed, the court may  
524 transfer venue to a proper venue consistent with this chapter  
525 and chapter 47 unless the objecting parent has previously

526 | executed a waiver of venue.

527 |       ~~(b)(10)~~ The waiver of venue must be a separate document  
528 | containing no consents, disclosures, or other information  
529 | unrelated to venue.

530 |       (11) This section does not preclude a claim for prebirth  
531 | abandonment under ss. 63.032 and 63.089.

532 |       Section 6. Subsection (2), paragraph (a) of subsection  
533 | (3), paragraphs (a), (b), and (c) of subsection (4), paragraphs  
534 | (a), (b), and (e) of subsection (6) and subsection (7) of  
535 | section 63.082, Florida Statutes, are amended to read:

536 |       63.082 Execution of consent to adoption or affidavit of  
537 | nonpaternity; family social and medical history; revocation of  
538 | consent.—

539 |       (2) A consent may name or otherwise identify a specific  
540 | adopting parent. A consent that does not name or otherwise  
541 | identify the adopting parent is valid if the consent contains a  
542 | statement by the person consenting that the consent was  
543 | voluntarily executed and that identification of the adopting  
544 | parent is not required for granting the consent.

545 |       (3)(a) The department must provide a family social and  
546 | medical history form to an adoption entity that intends to place  
547 | a child for adoption. Forms containing, at a minimum, the same  
548 | information as the forms promulgated by the department must be  
549 | attached to the petition to terminate parental rights pending  
550 | adoption and must contain biological and sociological

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551 information or information as to the family medical history  
552 regarding the child ~~minor~~ and the parents. This form is not  
553 required for adoptions of relatives, adult adoptions, or  
554 adoptions of stepchildren, unless parental rights are being or  
555 were terminated under ~~pursuant to~~ chapter 39. The information  
556 must be filed with the court in the termination of parental  
557 rights proceeding.

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

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

572 (c) If the child ~~minor~~ to be adopted is older than 6  
573 months of age at the time of the execution of the consent, the  
574 consent to adoption is valid upon execution; however, it is  
575 subject to a revocation period of 3 business days.

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

586 (b) Upon execution of the consent of the parent and filing  
587 of the preliminary home study as required in s. 63.092(3), the  
588 adoption entity shall be permitted to intervene in the  
589 dependency case as a party of ~~in~~ interest and must provide the  
590 court that acquired jurisdiction over the minor, pursuant to the  
591 shelter order or dependency petition filed by the department, a  
592 copy of the preliminary home study of the prospective adoptive  
593 parents and any other evidence of the suitability of the  
594 placement. The preliminary home study must be maintained with  
595 strictest confidentiality within the dependency court file and  
596 the department's file. A preliminary home study must be provided  
597 to the court in all cases in which an adoption entity has  
598 intervened pursuant to this section. Unless the court has  
599 concerns regarding the qualifications of the home study  
600 provider, or concerns that the home study may not be adequate to



601 determine the best interests of the child, the home study  
 602 provided by the adoption entity shall be deemed to be sufficient  
 603 and no additional home study needs to be performed by the  
 604 department.

605 (e) In determining whether the best interests of the child  
 606 are served by transferring the custody of the minor child to the  
 607 prospective adoptive parent selected by the parent or adoption  
 608 entity, the court shall consider and weigh all relevant factors,  
 609 including, but not limited to all of the following:

- 610 1. The permanency offered.†
- 611 2. The established bonded relationship between the child  
 612 and the current caregiver in any potential adoptive home in  
 613 which the child has been residing.†
- 614 3. The stability of the potential adoptive home in which  
 615 the child has been residing as well as the desirability of  
 616 maintaining continuity of placement.†
- 617 4. The importance of maintaining sibling relationships, if  
 618 possible.†
- 619 5. The reasonable preferences and wishes of the child, if  
 620 the court deems the child to be of sufficient maturity,  
 621 understanding, and experience to express a preference.†
- 622 6. Whether a petition for termination of parental rights  
 623 has been filed pursuant to s. 39.806(1)(f), (g), or (h).†
- 624 7. The child's particular needs and development. ~~What is~~  
 625 ~~best for the child; and~~

626           8. The right of the parent to determine an appropriate  
627 placement for the child.

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

630           (a) The person seeking to revoke consent must, in  
631 accordance with paragraph (4)(c), notify the adoption entity, or  
632 if there is not an adoption entity, the adoptive parent's  
633 attorney, or the adoptive parents if they are unrepresented, in  
634 writing by certified mail, return receipt requested, within 3  
635 business days after execution of the consent. As used in this  
636 subsection, the term "business day" means any day on which the  
637 United States Postal Service accepts certified mail for  
638 delivery.

639           (b) Upon receiving timely written notice from a person  
640 whose consent to adoption is required of that person's desire to  
641 revoke consent, the adoption entity must contact the prospective  
642 adoptive parent to arrange a time certain for the adoption  
643 entity to regain physical custody of the child ~~minor~~, unless,  
644 upon a motion for emergency hearing by the adoption entity, the  
645 court determines in written findings that placement of the child  
646 ~~minor~~ with the person who had legal or physical custody of the  
647 child immediately before the child was placed for adoption may  
648 endanger the child ~~minor~~ or that the person who desires to  
649 revoke consent is not required to consent to the adoption, has  
650 been determined to have abandoned the child, or is otherwise

651 subject to a determination that the person's consent is waived  
 652 under this chapter.

653 (c) If the court finds that the placement of the child  
 654 with the person who had legal or physical custody of the child  
 655 immediately before the child was placed for adoption may  
 656 endanger the child ~~minor~~, the court must ~~shall~~ enter an order  
 657 continuing the placement of the child ~~minor~~ with the prospective  
 658 adoptive parents pending further proceedings if they desire  
 659 continued placement. If the prospective adoptive parents do not  
 660 desire continued placement, the order must include, but is ~~need~~  
 661 ~~be~~ limited to, a determination of whether temporary  
 662 placement in foster care, with the person who had legal or  
 663 physical custody of the child immediately before placing the  
 664 child for adoption, or with a relative is in the best interests  
 665 of the child and whether an investigation by the department is  
 666 recommended.

667 (d) If the person revoking consent claims to be the father  
 668 of the child ~~minor~~ but has not been established to be the father  
 669 by marriage, court order, or scientific testing, the court may  
 670 order scientific paternity testing and reserve ruling on removal  
 671 of the child ~~minor~~ until the results of such testing have been  
 672 filed with the court.

673 (e) The adoption entity must return the child ~~minor~~ within  
 674 3 business days after timely and proper notification of the  
 675 revocation of consent or after the court determines that

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676 revocation is timely and in accordance with the requirements of  
677 this chapter upon consideration of an emergency motion, as filed  
678 pursuant to paragraph (b), to the physical custody of the person  
679 revoking consent or the person directed by the court. If the  
680 person seeking to revoke consent claims to be the father of the  
681 child ~~minor~~ but has not been established to be the father by  
682 marriage, court order, or scientific testing, the adoption  
683 entity may return the child ~~minor~~ to the care and custody of the  
684 mother, if she desires such placement and she is not otherwise  
685 prohibited by law from having custody of the child.

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

689 (g) An affidavit of nonpaternity may be set aside only if  
690 the court finds that the affidavit was obtained by fraud or  
691 duress.

692 (h) If the consent of one parent is set aside or revoked  
693 in accordance with this chapter, or if a petition to terminate  
694 parental rights is denied, any other consents executed by the  
695 other parent or a third party whose consent is required for the  
696 adoption of the child may not be used by the parent whose  
697 consent was revoked or set aside to terminate or diminish the  
698 rights of the other parent or third party whose consent was  
699 required for the adoption of the child. An identified or  
700 nonidentified consent executed under s. 63.083 may not be

701 treated as a surrender of parental rights to the department or  
 702 the court in a dependency proceeding without the express written  
 703 consent of that parent.

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

706 63.085 Disclosure by adoption entity.—

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

726 disclosure statement must be in substantially the following  
727 form:

728 ADOPTION DISCLOSURE

729 THE STATE OF FLORIDA REQUIRES THAT THIS FORM BE PROVIDED TO ALL  
730 PERSONS CONSIDERING ADOPTING A CHILD ~~MINOR~~ OR SEEKING TO PLACE A  
731 CHILD ~~MINOR~~ FOR ADOPTION, TO ADVISE THEM OF THE FOLLOWING FACTS  
732 REGARDING ADOPTION UNDER FLORIDA LAW:

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

735 Name: .....

736 Address: .....

737 Telephone Number: .....

738 2. The adoption entity does not provide legal  
739 representation or advice to parents or anyone signing a  
740 consent for adoption or affidavit of nonpaternity, and  
741 parents have the right to consult with an attorney of their  
742 own choosing to advise them.

743 3. With the exception of an adoption by a stepparent or  
744 relative, a child cannot be placed into a prospective  
745 adoptive home unless the prospective adoptive parents have  
746 received a favorable preliminary home study, including  
747 criminal and child abuse clearances.

748 4. A valid consent for adoption may not be signed by the  
749 birth mother until 48 hours after the birth of the child,  
750 or the day the birth mother is notified, in writing, that

751 she is fit for discharge from the licensed hospital or  
752 birth center. Any man may sign a valid consent for adoption  
753 at any time after the birth of the child.

754 5. A consent for adoption signed when ~~before~~ the child is  
755 ~~attains the age of~~ 6 months of age or younger is binding  
756 and irrevocable from the moment it is signed unless it can  
757 be proven in court that the consent was obtained by fraud  
758 or duress. A consent for adoption signed after the child  
759 attains the age of 6 months is valid from the moment it is  
760 signed; however, it may be revoked up to 3 business days  
761 after it was signed.

762 6. A consent for adoption is not valid if the signature of  
763 the person who signed the consent was obtained by fraud or  
764 duress.

765 7. An unmarried biological father must act immediately in  
766 order to protect his parental rights. Section 63.062,  
767 Florida Statutes, prescribes that any father seeking to  
768 establish his right to consent to the adoption of his child  
769 must file a claim of paternity with the Florida Putative  
770 Father Registry maintained by the Office of Vital  
771 Statistics of the Department of Health before ~~by~~ the date a  
772 petition to terminate parental rights is filed with the  
773 court, or within 30 days after receiving service of a  
774 Notice of Intended Adoption Plan. If he receives a Notice  
775 of Intended Adoption Plan, he must file a claim of

776 paternity with the Florida Putative Father Registry, file a  
777 parenting plan with the court, and provide financial  
778 support to the mother or child within 30 days after  
779 ~~following~~ service. An unmarried biological father's failure  
780 to timely respond to a Notice of Intended Adoption Plan  
781 constitutes an irrevocable legal waiver of any and all  
782 rights that the father may have to the child. A claim of  
783 paternity registration form for the Florida Putative Father  
784 Registry may be obtained from any local office of the  
785 Department of Health, Office of Vital Statistics, the  
786 Department of Children and Families, the Internet websites  
787 for these agencies, and the offices of the clerks of the  
788 Florida circuit courts. The claim of paternity form must be  
789 submitted to the Office of Vital Statistics, Attention:  
790 Adoption Unit, P.O. Box 210, Jacksonville, FL 32231.

791 8. There are alternatives to adoption, including foster  
792 care, relative care, and parenting the child. There may be  
793 services and sources of financial assistance in the  
794 community available to parents if they choose to parent the  
795 child.

796 9. A parent has the right to have a witness of his or her  
797 choice, who is unconnected with the adoption entity or the  
798 adoptive parents, to be present and witness the signing of  
799 the consent or affidavit of nonpaternity.

800 10. A parent 14 years of age or younger must have a



801 parent, legal guardian, or court-appointed guardian ad  
802 litem to assist and advise the parent as to the adoption  
803 plan and to witness consent.

804 11. A parent has a right to receive supportive counseling  
805 from a counselor, social worker, physician, clergy, or  
806 attorney.

807 12. The payment of living or medical expenses by the  
808 prospective adoptive parents or the adoption entity before  
809 the birth of the child does not, in any way, obligate the  
810 parent to sign the consent to ~~for~~ adoption.

811 (3) ACKNOWLEDGMENT OF DISCLOSURE.—The adoption entity must  
812 obtain a written statement acknowledging receipt of the  
813 disclosures required under this section and signed by the  
814 persons receiving the disclosure or, if it is not possible to  
815 obtain such an acknowledgment, the adoption entity must execute  
816 an affidavit stating why an acknowledgment could not be  
817 obtained. If the disclosure was delivered by certified mail,  
818 return receipt requested, a return receipt signed by the person  
819 from whom acknowledgment is required is sufficient to meet the  
820 requirements of this subsection. A copy of the acknowledgment of  
821 receipt of the disclosure must be provided to the person signing  
822 it. A copy of the acknowledgment or affidavit executed by the  
823 adoption entity in lieu of the acknowledgment must be maintained  
824 in the file of the adoption entity and. ~~The original~~  
825 ~~acknowledgment or affidavit must~~ be filed with the court.

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

829 63.087 Proceeding to terminate parental rights pending  
 830 adoption; general provisions.—

831 (3) PREREQUISITE FOR ADOPTION.—A petition for adoption may  
 832 not be filed until after the date the court enters the judgment  
 833 terminating parental rights pending adoption. The clerk of the  
 834 court shall issue a separate case number and maintain a separate  
 835 court file for a petition for adoption. A petition for adoption  
 836 may not be maintained in the same court file as the proceeding  
 837 to terminate parental rights. Adoptions of relatives, adult  
 838 adoptions, or adoptions of stepchildren are not required to file  
 839 a separate termination of parental rights proceeding pending  
 840 adoption. In such cases, the petitioner may file a joint  
 841 petition for termination of parental rights and adoption,  
 842 attaching all required consents, affidavits, notices, and  
 843 acknowledgments. Unless otherwise provided by law, this chapter  
 844 applies to joint petitions.

845 (4) PETITION.—

846 (b) The petition may be filed by a parent or person having  
 847 physical custody of the child ~~minor~~. The petition may be filed  
 848 by an adoption entity only if a parent or person having physical  
 849 or legal custody who has executed a consent to adoption under  
 850 ~~pursuant to~~ s. 63.082 also consents in writing to the adoption

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851 entity filing the petition. A copy ~~The original~~ of such consent  
852 must be filed with the petition.

853 (e) The petition must include:

854 1. The child's ~~minor's~~ name, gender, date of birth, and  
855 place of birth. The petition must contain all names by which the  
856 child ~~minor~~ is or has been known, excluding the child's ~~minor's~~  
857 prospective adoptive name but including the child's ~~minor's~~  
858 legal name at the time of the filing of the petition. ~~In the~~  
859 ~~case of an infant child whose adoptive name appears on the~~  
860 ~~original birth certificate, the adoptive name shall not be~~  
861 ~~included in the petition, nor shall it be included elsewhere in~~  
862 ~~the termination of parental rights proceeding.~~

863 2. All information required by the Uniform Child Custody  
864 Jurisdiction and Enforcement Act and the Indian Child Welfare  
865 Act.

866 3. A statement of the grounds under s. 63.089 upon which  
867 the petition is based.

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

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

872 6. A certification that the petitioner will comply ~~of~~  
873 ~~compliance~~ with the requirements of s. 63.0425 regarding notice  
874 to grandparents of an impending adoption.

875 7. A copy of the original birth certificate of the child

876 must be attached to the petition or filed with the court before  
 877 the final hearing on the petition to terminate parental rights.

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

880 63.089 Proceeding to terminate parental rights pending  
 881 adoption; hearing; grounds; dismissal of petition; judgment.—

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

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

886 1. At least 20 days have elapsed since the date of  
 887 personal service and an affidavit of service has been filed with  
 888 the court;

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

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

895 (4) FINDING OF ABANDONMENT.—A finding of abandonment  
 896 resulting in a termination of parental rights must be based upon  
 897 clear and convincing evidence that a parent or person having  
 898 legal custody has abandoned the child in accordance with the  
 899 definition of abandoned ~~contained~~ in s. 63.032. A finding of  
 900 abandonment may also be based upon emotional abuse; ~~or~~ a failure

901 ~~refusal~~ to provide reasonable financial support, when able, to a  
 902 birth mother during her pregnancy or to the child after his or  
 903 her birth; or on whether the person alleged to have abandoned  
 904 the child, while being able, failed to establish contact with  
 905 the child or accept responsibility for the child's welfare.

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

910 1. Whether the actions alleged to constitute abandonment  
 911 demonstrate a ~~willful~~ disregard for the safety or welfare of the  
 912 child or the unborn child.~~;~~

913 2. Whether the person alleged to have abandoned the child,  
 914 while being able, failed to provide financial support.~~;~~

915 3. Whether the person alleged to have abandoned the child,  
 916 while being able, failed to pay for medical treatment.~~;~~~~and~~

917 4. Whether the amount of support provided or medical  
 918 expenses paid was appropriate, taking into consideration the  
 919 needs of the child and relative means and resources available to  
 920 the person alleged to have abandoned the child.

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

924 1. The period of time for which the parent has been or is  
 925 expected to be incarcerated will constitute a significant

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926 | portion of the child's minority. In determining whether the  
927 | period of time is significant, the court shall consider the  
928 | child's age and the child's need for a permanent and stable  
929 | home. The period of time begins on the date that the parent  
930 | enters into incarceration;

931 |         2. The incarcerated parent has been determined by a court  
932 | of competent jurisdiction to be a violent career criminal as  
933 | defined in s. 775.084, a habitual violent felony offender as  
934 | defined in s. 775.084, convicted of child abuse as defined in s.  
935 | 827.03, or a sexual predator as defined in s. 775.21; has been  
936 | convicted of first degree or second degree murder in violation  
937 | of s. 782.04 or a sexual battery that constitutes a capital,  
938 | life, or first degree felony violation of s. 794.011; or has  
939 | been convicted of a substantially similar offense in another  
940 | jurisdiction. As used in this section, the term "substantially  
941 | similar offense" means any offense that is substantially similar  
942 | in elements and penalties to one of those listed in this  
943 | subparagraph, and that is in violation of a law of any other  
944 | jurisdiction, whether that of another state, the District of  
945 | Columbia, the United States or any possession or territory  
946 | thereof, or any foreign jurisdiction; or

947 |         3. The court determines by clear and convincing evidence  
948 | that continuing the parental relationship with the incarcerated  
949 | parent would be harmful to the child and, for this reason,  
950 | termination of the parental rights of the incarcerated parent is

951 in the best interests of the child.

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

954 63.122 Notice of hearing on petition.—

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

958 Section 11. Subsection (1) and paragraph (b) of subsection  
 959 (3) of section 63.132, Florida Statutes, are amended to read:

960 63.132 Affidavit of expenses and receipts.—

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

964 (a) The affidavit must be signed by the adoption entity  
 965 and the prospective adoptive parents. A copy of the affidavit  
 966 must be provided to the adoptive parents at the time the  
 967 affidavit is executed.

968 (b) The affidavit must itemize all disbursements and  
 969 receipts of anything of value, including professional and legal  
 970 fees, made or agreed to be made by or on behalf of the  
 971 prospective adoptive parent and any adoption entity in  
 972 connection with the adoption or in connection with any prior  
 973 proceeding to terminate parental rights which involved the child  
 974 ~~minor~~ who is the subject of the petition for adoption. The  
 975 affidavit must also include, for each hourly legal or counseling

976 fee itemized, the service provided for which the hourly fee is  
 977 being charged, the date the service was provided, the time  
 978 required to provide the service ~~if the service was charged by~~  
 979 ~~the hour~~, the person or entity that provided the service, and  
 980 the hourly fee charged.

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

- 983 1. The birth of the child ~~minor~~.
- 984 2. The placement of the child ~~minor~~ with the petitioner.
- 985 3. The medical or hospital care received by the mother or  
 986 by the child ~~minor~~ during the mother's prenatal care and  
 987 confinement.
- 988 4. The living expenses of the birth mother. The living  
 989 expenses must be itemized in detail to apprise the court of the  
 990 exact expenses incurred.
- 991 5. The services relating to the adoption or to the  
 992 placement of the child ~~minor~~ for adoption that were received by  
 993 or on behalf of the petitioner, the adoption entity, either  
 994 parent, the child ~~minor~~, or any other person.

995  
 996 The affidavit must state whether any of these expenses were paid  
 997 for by collateral sources, including, but not limited to, health  
 998 insurance, Medicaid, Medicare, or public assistance.

999 (3) The court must issue a separate order approving or  
 1000 disapproving the fees, costs, and expenses itemized in the



1001 affidavit. The court may approve only fees, costs, and  
 1002 expenditures allowed under s. 63.097. The court may reject in  
 1003 whole or in part any fee, cost, or expenditure listed if the  
 1004 court finds that the expense is:

1005 (b) Not supported by a receipt, if requested ~~in the~~  
 1006 ~~record~~, if the expense is not a fee of the adoption entity; or

1007 Section 12. Paragraph (c) of subsection (1) of section  
 1008 63.212, Florida Statutes, is amended to read:

1009 63.212 Prohibited acts; penalties for violation.—

1010 (1) It is unlawful for any person:

1011 (c) To sell or surrender, or to arrange for the sale or  
 1012 surrender of, a child ~~minor~~ to another person for money or  
 1013 anything of value or to receive such ~~minor~~ child for such  
 1014 payment or thing of value. If a child ~~minor~~ is being adopted by  
 1015 a relative or by a stepparent, or is being adopted through an  
 1016 adoption entity, this paragraph does not prohibit the person who  
 1017 is contemplating adopting the child from paying, under ss.  
 1018 63.097 and 63.132, the actual prenatal care and living expenses  
 1019 of the mother of the child to be adopted, or from paying, under  
 1020 ss. 63.097 and 63.132, the actual living and medical expenses of  
 1021 such mother for a reasonable time, not to exceed 6 weeks, ~~if~~  
 1022 ~~medical needs require such support~~, after the birth of the child  
 1023 ~~minor~~.

1024 Section 13. Paragraph (c) of subsection (2) of section  
 1025 39.4021, Florida Statutes, is amended to read:

1026 | 39.4021 Priority placement for out-of-home placements.—  
 1027 | (2) PLACEMENT PRIORITY.—  
 1028 | (c) Except as otherwise provided for in this chapter, a  
 1029 | change to a child's physical or legal placement after the child  
 1030 | has been sheltered but before the child has achieved permanency  
 1031 | must be made in compliance with this section. Placements made  
 1032 | pursuant to s. 63.083 ~~s. 63.082(6)~~ are exempt from this section.  
 1033 | Section 14. Paragraph (d) of subsection (5) of section  
 1034 | 39.4022, Florida Statutes, is amended to read:  
 1035 | 39.4022 Multidisciplinary teams; staffings; assessments;  
 1036 | report.—  
 1037 | (5) SCOPE OF MULTIDISCIPLINARY TEAM.—  
 1038 | (d) This section does not apply to placements made  
 1039 | pursuant to s. 63.083 ~~s. 63.082(6)~~.  
 1040 | Section 15. Subsection (6) of section 39.4023, Florida  
 1041 | Statutes, is amended to read:  
 1042 | 39.4023 Placement and education transitions; transition  
 1043 | plans.—  
 1044 | (6) EXEMPTION.—Placements made pursuant to s. 63.083 ~~s.~~  
 1045 | ~~63.082(6)~~ are exempt from this section.  
 1046 | Section 16. Subsection (7) of section 39.4024, Florida  
 1047 | Statutes, is amended to read:  
 1048 | 39.4024 Placement of siblings; visitation; continuing  
 1049 | contact.—  
 1050 | (7) EXEMPTION.—Placements made pursuant to s. 63.083 ~~s.~~

1051 ~~63.082(6)~~ are exempt from this section.

1052 Section 17. Paragraph (b) of subsection (2) and paragraph  
 1053 (a) of subsection (3) of section 39.522, Florida Statutes, are  
 1054 amended to read:

1055 39.522 Postdisposition change of custody.—

1056 (2)

1057 (b) Upon the admission of a need for a change or after  
 1058 such hearing, the court shall enter an order changing the  
 1059 placement, modifying the conditions of protective supervision,  
 1060 or continuing the conditions of protective supervision as  
 1061 ordered. The standard for changing custody of the child shall be  
 1062 the best interests of the child. When determining whether a  
 1063 change of legal custody or placement is in the best interests of  
 1064 the child, the court shall consider the factors listed in s.  
 1065 39.01375 and the report filed by the multidisciplinary team, if  
 1066 applicable, unless the change of custody or placement is made  
 1067 pursuant to s. 63.083 ~~s. 63.082(6)~~. The court shall also  
 1068 consider the priority of placements established under s. 39.4021  
 1069 when making a decision regarding the best interest of the child  
 1070 in out-of-home care.

1071 (3)(a) For purposes of this subsection, the term "change  
 1072 in physical custody" means a change by the department or  
 1073 community-based care lead agency to the child's physical  
 1074 residential address, regardless of whether such change requires  
 1075 a court order to change the legal custody of the child. However,

1076 | this term does not include a change in placement made pursuant  
 1077 | to s. 63.083 ~~s. 63.082(6)~~.

1078 |         Section 18. Subsection (5) of section 39.812, Florida  
 1079 | Statutes, is amended to read:

1080 |             39.812 Postdisposition relief; petition for adoption.—

1081 |             (5) The petition for adoption must be filed in the  
 1082 | division of the circuit court which entered the judgment  
 1083 | terminating parental rights, unless a motion for change of venue  
 1084 | is granted pursuant to s. 47.122. A copy of the consent executed  
 1085 | by the department must be attached to the petition, unless  
 1086 | waived pursuant to s. 63.062(8) ~~s. 63.062(7)~~. The petition must  
 1087 | be accompanied by a statement, signed by the prospective  
 1088 | adoptive parents, acknowledging receipt of all information  
 1089 | required to be disclosed under s. 63.085 and a form provided by  
 1090 | the department which details the social and medical history of  
 1091 | the child and each parent and includes the social security  
 1092 | number and date of birth for each parent, if such information is  
 1093 | available or readily obtainable. The prospective adoptive  
 1094 | parents may not file a petition for adoption until the judgment  
 1095 | terminating parental rights becomes final. An adoption  
 1096 | proceeding under this subsection is governed by chapter 63.

1097 |         Section 19. Subsection (5) of section 63.093, Florida  
 1098 | Statutes, is amended to read:

1099 |             63.093 Adoption of children from the child welfare  
 1100 | system.—

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1101 (5) At the conclusion of the adoptive home study and  
1102 preparation process, a decision shall be made about the  
1103 prospective adoptive parent's appropriateness to adopt. This  
1104 decision shall be reflected in the final recommendation included  
1105 in the adoptive home study. If the recommendation is for  
1106 approval, the adoptive parent application file must be submitted  
1107 to the community-based care lead agency or its subcontracted  
1108 agency for approval. The community-based care lead agency or its  
1109 subcontracted agency must approve or deny the home study within  
1110 14 business days after receipt of the recommendation.

1111  
1112 Notwithstanding subsections (1) and (2), this section does not  
1113 apply to a child adopted through the process provided in s.  
1114 63.083 ~~s. 63.082(6)~~.

1115 Section 20. This act shall take effect July 1, 2023.