

By Senator Lawson

6-1827-04

See HB 893

1                                   A bill to be entitled  
 2           An act relating to determination of parentage;  
 3           amending s. 63.054, F.S., to conform with the  
 4           provisions of this act; amending s. 742.12,  
 5           F.S.; authorizing certain unmarried biological  
 6           fathers to petition for certain paternity tests  
 7           for visitation purposes under certain  
 8           circumstances; authorizing such fathers to  
 9           petition for visitation under certain  
 10          circumstances; providing for due process rights  
 11          of the mother and legal father; specifying a  
 12          required burden of proof; authorizing a court  
 13          to order visitation under certain  
 14          circumstances; limiting the effect of such  
 15          order; providing a statute of limitation;  
 16          providing an effective date.

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

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 20           Section 1. Subsection (1) of section 63.054, Florida  
 21 Statutes, is amended to read:

22           63.054 Actions required by an unmarried biological  
 23 father to establish parental rights; Florida Putative Father  
 24 Registry.--

25           (1) In order to preserve the right to notice and  
 26 consent to an adoption under this chapter, and for the  
 27 purposes of s. 742.12(8), an unmarried biological father must,  
 28 as the "registrant," file a notarized claim of paternity form  
 29 with the Florida Putative Father Registry maintained by the  
 30 Office of Vital Statistics of the Department of Health and  
 31 shall include therein confirmation of his willingness and

1 intent to support the child for whom paternity is claimed in  
2 accordance with state law. The claim of paternity may be filed  
3 at any time prior to the child's birth, but a claim of  
4 paternity may not be filed after the date a petition is filed  
5 for termination of parental rights.

6 Section 2. Subsection (8) is added to section 742.12,  
7 Florida Statutes, to read:

8 742.12 Scientific testing to determine paternity.--

9 (8)(a) Notwithstanding s. 742.011, and for the  
10 purposes of visitation only, an unmarried biological father,  
11 as defined in s. 63.032(19), who has registered with the  
12 Florida Putative Father Registry pursuant to s. 63.054, may  
13 petition the court to require the child, the mother, and the  
14 legal father to submit to scientific tests that are generally  
15 acceptable within the scientific community to show a  
16 probability of paternity. If the test results show a  
17 statistical probability of paternity that equals or exceeds 95  
18 percent, the unmarried biological father may petition the  
19 court for visitation. The mother and legal father have a right  
20 to notice and an opportunity to be heard. The burden of proof  
21 is on the unmarried biological father, by clear and convincing  
22 evidence. Upon a finding by the court that visitation would be  
23 in the child's best interests, the court may order visitation  
24 with the unmarried biological father. Such order in no way  
25 confers any title or rights to the unmarried biological  
26 father, nor confers illegitimate status upon the minor child.

27 (b) Notwithstanding any other provision of law, an  
28 action or proceeding by an unmarried biological father for  
29 visitation may not be filed more than 2 years after the  
30 child's birth.

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1           Section 3. This act shall take effect upon becoming a  
2 law.  
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