

HB 0893

2004

A bill to be entitled

An act relating to determination of parentage; amending s. 63.054, F.S., to conform with the provisions of this act; amending s. 742.12, F.S.; authorizing certain unmarried biological fathers to petition for certain paternity tests for visitation purposes under certain circumstances; authorizing such fathers to petition for visitation under certain circumstances; providing for due process rights of the mother and legal father; specifying a required burden of proof; authorizing a court to order visitation under certain circumstances; limiting the effect of such order; providing a statute of limitation; providing an effective date.

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

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

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

(1) In order to preserve the right to notice and consent to an adoption under this chapter, and for the purposes of s. 742.12(8), an unmarried biological father must, as the "registrant," file a notarized claim of paternity form with the Florida Putative Father Registry maintained by the Office of Vital Statistics of the Department of Health and shall include therein confirmation of his willingness and intent to support the child for whom paternity is claimed in accordance with state

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30 law. The claim of paternity may be filed at any time prior to
31 the child's birth, but a claim of paternity may not be filed
32 after the date a petition is filed for termination of parental
33 rights.

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

36 742.12 Scientific testing to determine paternity.--

37 (8)(a) Notwithstanding s. 742.011, and for the purposes of
38 visitation only, an unmarried biological father, as defined in
39 s. 63.032(19), who has registered with the Florida Putative
40 Father Registry pursuant to s. 63.054, may petition the court to
41 require the child, the mother, and the legal father to submit to
42 scientific tests that are generally acceptable within the
43 scientific community to show a probability of paternity. If the
44 test results show a statistical probability of paternity that
45 equals or exceeds 95 percent, the unmarried biological father
46 may petition the court for visitation. The mother and legal
47 father have a right to notice and an opportunity to be heard.
48 The burden of proof is on the unmarried biological father, by
49 clear and convincing evidence. Upon a finding by the court that
50 visitation would be in the child's best interests, the court may
51 order visitation with the unmarried biological father. Such
52 order in no way confers any title or rights to the unmarried
53 biological father, nor confers illegitimate status upon the
54 minor child.

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

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