

Bill No. SB 408

Barcode 170880

CHAMBER ACTION

Senate

House

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The Committee on Judiciary (Campbell) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsections (1) and (5) of section 63.054, Florida Statutes, are 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, 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 law. The claim of paternity may be filed at any time prior to the child's

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1 birth, but a claim of paternity may not be filed after the
 2 date a petition is filed for termination of parental rights.
 3 In each proceeding for termination of parental rights, the
 4 petitioner shall submit to the Office of Vital Statistics of
 5 the Department of Health a copy of the petition for
 6 termination of parental rights. The Office of Vital Statistics
 7 of the Department of Health shall not record a claim of
 8 paternity after the date that a petition for termination of
 9 parental rights is filed.

10 (5) The registrant may, at any time prior to the birth
 11 of the child for whom paternity is claimed, execute a
 12 notarized written revocation of the claim of paternity
 13 previously filed with the Florida Putative Father Registry,
 14 and upon receipt of such revocation, the claim of paternity
 15 shall be deemed null and void. If a court determines that a
 16 registrant is not the father of the minor or has no parental
 17 rights, the court shall order the Department of Health to
 18 remove the registrant's name from the registry.

19 Section 2. Subsection (4) of section 63.062, Florida
 20 Statutes, is amended to read:

21 63.062 Persons required to consent to adoption;
 22 affidavit of nonpaternity; waiver of venue.--

23 (4) Any person whose consent is required under
 24 paragraph (1)(b), or any other man, paragraphs (1)(c)-(e) may
 25 execute an irrevocable affidavit of nonpaternity in lieu of a
 26 consent under this section and by doing so waives notice to
 27 all court proceedings after the date of execution. An
 28 affidavit of nonpaternity must be executed as provided in s.
 29 63.082. The affidavit of nonpaternity may be executed prior to
 30 the birth of the child. The person executing the affidavit
 31 must receive disclosure under s. 63.085 prior to signing the

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1 affidavit.

2 Section 3. Section 63.182, Florida Statutes, is
3 amended to read:

4 63.182 Statute of repose.--

5 (1) Notwithstanding s. 95.031 or s. 95.11 or any other
6 statute, an action or proceeding of any kind to vacate, set
7 aside, or otherwise nullify a judgment of adoption or an
8 underlying judgment terminating parental rights on any ground
9 may not be filed more than 1 year after entry of the judgment
10 terminating parental rights.

11 (2)(a) Except for the specific persons expressly
12 entitled to be given notice of an adoption in accordance with
13 this chapter, the interest that entitles a person to notice of
14 an adoption must be direct, financial, and immediate and the
15 person must show that he or she will gain or lose by the
16 direct legal operation and effect of the judgment. A showing
17 of an indirect, inconsequential, or contingent interest is
18 wholly inadequate and a person with this indirect interest
19 lacks standing to set aside a judgment of adoption.

20 (b) This subsection is remedial and shall apply to all
21 adoptions, including those in which a judgment of adoption has
22 already been entered.

23 Section 4. This act shall take effect upon becoming a
24 law.

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

28 And the title is amended as follows:

29 Delete everything before the enacting clause

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31 and insert:

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A bill to be entitled
An act relating to adoption; amending s.
63.054, F.S.; requiring a petitioner in a
proceeding for termination of parental rights
to provide notice to the Office of Vital
Statistics of the Department of Health;
prohibiting the office from recording a claim
of paternity after the date that a termination
of parental rights is filed; requiring the
department to remove a registrant's name from
the Florida Putative Father Registry upon a
finding that the registrant has no parental
rights; amending s. 63.062, F.S.; modifying
consent required for adoption; amending s.
63.182, F.S.; providing that the interest that
entitles a person to notice of an adoption must
be direct, financial, and immediate; providing
an exception; providing that a showing of an
indirect, inconsequential, or contingent
interest is wholly inadequate; providing
construction and applicability; providing an
effective date.