

By the Committee on Judiciary; and Senator Campbell

590-2478-06

1 A bill to be entitled
2 An act relating to adoption; amending s.
3 63.054, F.S.; requiring a petitioner in a
4 proceeding for termination of parental rights
5 to provide notice to the Office of Vital
6 Statistics of the Department of Health;
7 prohibiting the office from recording a claim
8 of paternity after the date that a termination
9 of parental rights is filed; requiring the
10 department to remove a registrant's name from
11 the Florida Putative Father Registry upon a
12 finding that the registrant has no parental
13 rights; amending s. 63.062, F.S.; modifying
14 consent required for adoption; amending s.
15 63.182, F.S.; providing that the interest that
16 entitles a person to notice of an adoption must
17 be direct, financial, and immediate; providing
18 an exception; providing that a showing of an
19 indirect, inconsequential, or contingent
20 interest is wholly inadequate; providing
21 construction and applicability; providing an
22 effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Subsections (1) and (5) of section 63.054,
27 Florida Statutes, are amended to read:

28 63.054 Actions required by an unmarried biological
29 father to establish parental rights; Florida Putative Father
30 Registry.--
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1 (1) In order to preserve the right to notice and
2 consent to an adoption under this chapter, an unmarried
3 biological father must, as the "registrant," file a notarized
4 claim of paternity form with the Florida Putative Father
5 Registry maintained by the Office of Vital Statistics of the
6 Department of Health and shall include therein confirmation of
7 his willingness and intent to support the child for whom
8 paternity is claimed in accordance with state law. The claim
9 of paternity may be filed at any time prior to the child's
10 birth, but a claim of paternity may not be filed after the
11 date a petition is filed for termination of parental rights.
12 In each proceeding for termination of parental rights, the
13 petitioner shall submit to the Office of Vital Statistics of
14 the Department of Health a copy of the petition for
15 termination of parental rights. The Office of Vital Statistics
16 of the Department of Health shall not record a claim of
17 paternity after the date that a petition for termination of
18 parental rights is filed.

19 (5) The registrant may, at any time prior to the birth
20 of the child for whom paternity is claimed, execute a
21 notarized written revocation of the claim of paternity
22 previously filed with the Florida Putative Father Registry,
23 and upon receipt of such revocation, the claim of paternity
24 shall be deemed null and void. If a court determines that a
25 registrant is not the father of the minor or has no parental
26 rights, the court shall order the Department of Health to
27 remove the registrant's name from the registry.

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

30 63.062 Persons required to consent to adoption;
31 affidavit of nonpaternity; waiver of venue.--

1 (4) Any person whose consent is required under
2 ~~paragraph (1)(b), or any other man, paragraphs (1)(c) (c)~~ may
3 execute an irrevocable affidavit of nonpaternity in lieu of a
4 consent under this section and by doing so waives notice to
5 all court proceedings after the date of execution. An
6 affidavit of nonpaternity must be executed as provided in s.
7 63.082. The affidavit of nonpaternity may be executed prior to
8 the birth of the child. The person executing the affidavit
9 must receive disclosure under s. 63.085 prior to signing the
10 affidavit.

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

13 63.182 Statute of repose.--

14 (1) Notwithstanding s. 95.031 or s. 95.11 or any other
15 statute, an action or proceeding of any kind to vacate, set
16 aside, or otherwise nullify a judgment of adoption or an
17 underlying judgment terminating parental rights on any ground
18 may not be filed more than 1 year after entry of the judgment
19 terminating parental rights.

20 (2)(a) Except for the specific persons expressly
21 entitled to be given notice of an adoption in accordance with
22 this chapter, the interest that entitles a person to notice of
23 an adoption must be direct, financial, and immediate and the
24 person must show that he or she will gain or lose by the
25 direct legal operation and effect of the judgment. A showing
26 of an indirect, inconsequential, or contingent interest is
27 wholly inadequate and a person with this indirect interest
28 lacks standing to set aside a judgment of adoption.

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

1 Section 4. This act shall take effect upon becoming a
2 law.

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4 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
5 COMMITTEE SUBSTITUTE FOR
6 Senate Bill 408

7 The committee substitute makes the following changes to the
8 underlying bill:

- 9 -- Removes almost all proposed revisions to the adoption
10 code except for revisions relating to putative fathers
11 and intervention in adoption proceedings;
12 -- Provides that the petitioner--rather than the adoption
13 entity, specifically--shall provide a copy of the
14 petition for termination of parental rights to the
15 Department of Health when an action is filed;
16 -- Prohibits the Department of Health from recording a claim
17 of paternity in the Florida Putative Father Registry
18 after the filing date of a submitted petition for
19 termination of parental rights;
20 -- Provides that if a court determines that a registrant has
21 no parental rights, the court must order the Department
22 of Health to remove the registrant's name from the
23 registry;
24 -- Retains provision in the bill that clarifies that a
25 father under s. 63.062(1)(b), F.S., or any other man, may
26 execute an irrevocable affidavit of nonpaternity in lieu
27 of providing consent for adoption;
28 -- Retains provision providing that, for a person to be
29 entitled to notice and to have the ability to intervene
30 in an adoption proceeding, that person must have an
31 interest which is direct, financial, and immediate; and
-- Changes the effective date of the bill to upon becoming a
law.