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

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

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21 Section 1. Subsections (1) and (5) of section 63.054,
22 Florida Statutes, are amended to read:

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

26 (1) In order to preserve the right to notice and consent
27 to an adoption under this chapter, an unmarried biological
28 father must, as the "registrant," file a notarized claim of

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29 paternity form with the Florida Putative Father Registry
30 maintained by the Office of Vital Statistics of the Department
31 of Health and shall include therein confirmation of his
32 willingness and intent to support the child for whom paternity
33 is claimed in accordance with state law. The claim of paternity
34 may be filed at any time prior to the child's birth, but a claim
35 of paternity may not be filed after the date a petition is filed
36 for termination of parental rights. In each proceeding for
37 termination of parental rights, the petitioner shall submit to
38 the Office of Vital Statistics of the Department of Health a
39 copy of the petition for termination of parental rights. The
40 Office of Vital Statistics of the Department of Health shall not
41 record a claim of paternity after the date that a petition for
42 termination of parental rights is filed.

43 (5) The registrant may, at any time prior to the birth of
44 the child for whom paternity is claimed, execute a notarized
45 written revocation of the claim of paternity previously filed
46 with the Florida Putative Father Registry, and upon receipt of
47 such revocation, the claim of paternity shall be deemed null and
48 void. If a court determines that a registrant is not the father
49 of the minor or has no parental rights, the court shall order
50 the Department of Health to remove the registrant's name from
51 the registry.

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

54 63.062 Persons required to consent to adoption; affidavit
55 of nonpaternity; waiver of venue.--

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56 (4) Any person whose consent is required under paragraph
 57 (1)(b), or any other man, ~~paragraphs (1)(c)–(e)~~ may execute an
 58 irrevocable affidavit of nonpaternity in lieu of a consent under
 59 this section and by doing so waives notice to all court
 60 proceedings after the date of execution. An affidavit of
 61 nonpaternity must be executed as provided in s. 63.082. The
 62 affidavit of nonpaternity may be executed prior to the birth of
 63 the child. The person executing the affidavit must receive
 64 disclosure under s. 63.085 prior to signing the affidavit.

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

67 63.182 Statute of repose.--

68 (1) Notwithstanding s. 95.031 or s. 95.11 or any other
 69 statute, an action or proceeding of any kind to vacate, set
 70 aside, or otherwise nullify a judgment of adoption or an
 71 underlying judgment terminating parental rights on any ground
 72 may not be filed more than 1 year after entry of the judgment
 73 terminating parental rights.

74 (2)(a) Except for the specific persons expressly entitled
 75 to be given notice of an adoption in accordance with this
 76 chapter, the interest that entitles a person to notice of an
 77 adoption must be direct, financial, and immediate and the person
 78 must show that he or she will gain or lose by the direct legal
 79 operation and effect of the judgment. A showing of an indirect,
 80 inconsequential, or contingent interest is wholly inadequate and
 81 a person with this indirect interest lacks standing to set aside
 82 a judgment of adoption.

83 (b) This subsection is remedial and shall apply to all

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84 adoptions, including those in which a judgment of adoption has
85 already been entered.

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