

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Civil Justice & Claims
2 Subcommittee

3 Representative Roth offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraphs (n), (o), and (p) of subsection (1)
8 of section 39.001, Florida Statutes, are redesignated as
9 paragraphs (o), (p), and (q), respectively, and a new paragraph
10 (n) is added to that subsection to read:

11 39.001 Purposes and intent; personnel standards and
12 screening.—

13 (1) PURPOSES OF CHAPTER.—The purposes of this chapter are:

14 (n) Whenever possible, to ensure that children have the
15 benefit of loving and caring relationships with both of their
16 parents. To that end, parents should be engaged to the fullest

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17 extent possible in the lives of their children and prospective
18 parents should be afforded a prompt, full, and fair opportunity
19 to establish a parental relationship with their children and
20 assume all parental duties. A prospective parent who is an
21 unmarried biological father has the same rights under this
22 chapter as under chapter 63. Accordingly, his interest is
23 inchoate until he demonstrates a timely and full commitment to
24 the responsibilities of parenthood. Because time is of the
25 essence under this chapter, and the time limitations belong to
26 the child and not to the parent or to any prospective parent,
27 prospective parents, including unmarried biological parents,
28 must be aware that failure to comply with the specific
29 requirements of this chapter may result in permanent elimination
30 or termination of their rights or interests as actual or
31 inchoate parents or prospective parents.

32 Section 2. Subsection (50) of section 39.01, Florida
33 Statutes, is amended, subsection (81) is renumbered as
34 subsection (82), and a new subsection (81) is added to that
35 section, to read:

36 39.01 Definitions.—When used in this chapter, unless the
37 context otherwise requires:

38 (50) "Parent" means a woman who gives birth to a child and
39 a man whose consent to the adoption of the child would be
40 required under s. 63.062(1). The term "parent" also means legal
41 father as defined in this section. If a child has been legally

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42 adopted, the term "parent" means the adoptive mother or father
43 of the child. For purposes of this chapter only, when the phrase
44 "parent or legal custodian" is used, it refers to rights or
45 responsibilities of the parent and, only if there is no living
46 parent with intact parental rights, to the rights or
47 responsibilities of the legal custodian who has assumed the role
48 of the parent. The term does not include an individual whose
49 parental relationship to the child has been legally terminated,
50 or an alleged or prospective parent, unless:

51 ~~(a) The parental status falls within the terms of s.~~
52 ~~39.503(1) or s. 63.062(1); or~~

53 ~~(b)~~ parental status is applied for the purpose of
54 determining whether the child has been abandoned.

55 (81) "Unmarried biological father" means the child's
56 biological father who is not married to the child's mother at
57 the time of conception or on the date of the birth of the child
58 and who, before the advisory hearing is held on a petition to
59 terminate parental rights, has not been adjudicated or declared
60 by a court of competent jurisdiction to be the legal father of
61 the child or has not executed an affidavit pursuant to s.
62 382.013(2)(c).

63 Section 3. Paragraph (c) of subsection (8) of section
64 39.402, Florida Statutes, is amended to read:

65 39.402 Placement in a shelter.—

66 (8)

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- 67 (c) At the shelter hearing, the court shall:
- 68 1. Appoint a guardian ad litem to represent the best
69 interest of the child, unless the court finds that such
70 representation is unnecessary;
- 71 2. Inform the parents or legal custodians of their right
72 to counsel to represent them at the shelter hearing and at each
73 subsequent hearing or proceeding, and the right of the parents
74 to appointed counsel, pursuant to the procedures set forth in s.
75 39.013;
- 76 3. Give the parents or legal custodians an opportunity to
77 be heard and to present evidence; and
- 78 4. Inquire of those present at the shelter hearing as to
79 the identity and location of the legal father. In determining
80 who the legal father of the child may be, the court shall
81 inquire under oath of those present at the shelter hearing
82 whether they have any of the following information regarding the
83 identity of any man:
- 84 a. To whom the mother of the child was married at any time
85 when conception of the child may have occurred or at the time of
86 the birth of the child.
- 87 b. Who has filed an affidavit of paternity pursuant to s.
88 382.013(2)(c) before an advisory hearing is held on a petition
89 for termination of parental rights.
- 90 c. Who has adopted the child.
- 91 d. Who has been adjudicated by a court of competent

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92 jurisdiction as the father of the child before an advisory
93 hearing is held on a petition for termination of parental
94 rights.

95 e. Whom the mother identified as the father under oath to
96 a representative of the department.

97 ~~a. Whether the mother of the child was married at the~~
98 ~~probable time of conception of the child or at the time of birth~~
99 ~~of the child.~~

100 ~~f.b. With whom~~ Whether the mother was cohabiting ~~with a~~
101 ~~male~~ at the probable time of conception of the child.

102 ~~g.e. Who claims to be the father and from whom~~ Whether the
103 mother has received payments or promises of support with respect
104 to the child or because of her pregnancy ~~from a man who claims~~
105 ~~to be the father.~~

106 ~~h.d. Whom~~ Whether the mother has named ~~any man~~ as the
107 father on the birth certificate of the child or in connection
108 with applying for or receiving public assistance.

109 ~~i.e. Who~~ Whether ~~any man~~ has acknowledged or claimed
110 paternity of the child in a jurisdiction in which the mother
111 resided at the time of or since conception of the child or in
112 which the child has resided or resides.

113 ~~j.f. Who~~ Whether ~~a man~~ is named on the birth certificate
114 of the child pursuant to s. 382.013(2).

115 ~~k.g. Who~~ Whether ~~a man~~ has been determined by a court
116 order to be the father of the child.

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117 ~~1.h. Who~~ Whether a man has been determined to be the
118 father of the child by the Department of Revenue as provided in
119 s. 409.256.

120 Section 4. Subsections (7) through (19) of section 39.502,
121 Florida Statutes, are renumbered as subsections (8) through
122 (20), respectively, subsection (1) and present subsection (9) of
123 that section are amended, and a new subsection (7) is added to
124 that section, to read:

125 39.502 Notice, process, and service.—

126 (1) Unless parental rights have been terminated, all
127 parents must be notified of all proceedings or hearings
128 involving the child. Notice in cases involving shelter hearings
129 and hearings resulting from medical emergencies must be that
130 most likely to result in actual notice to the parents. In all
131 other dependency proceedings, notice must be provided in
132 accordance with subsections (4)-(10) ~~(4)-(9)~~, except when a
133 relative requests notification pursuant to s. 39.301(14)(b), in
134 which case notice shall be provided pursuant to subsection (20)
135 ~~(19)~~.

136 (7)(a) If a child does not have a legal father, notice of
137 the petition for dependency shall be personally served upon any
138 known and locatable unmarried biological father who is
139 identified under oath before the court or who is identified by a
140 diligent search of the Florida Putative Father Registry. Service
141 of the notice of the petition for dependency is not required if

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142 the unmarried biological father signs an affidavit of
143 nonpaternity or a consent to termination of his parental rights
144 and such affidavit or consent is accepted by the department. The
145 recipient of the notice may waive service of process by
146 executing a waiver and acknowledging receipt of the notice.

147 (b) The notice of petition for dependency must
148 specifically state that if the unmarried biological father
149 desires to assert his parental rights to acquire standing to
150 contest the dependency petition he must, within 30 days after
151 service:

152 1. File a claim of paternity with the Florida Putative
153 Father Registry pursuant to instructions provided for submitting
154 a claim of paternity form to the Office of Vital Statistics,
155 including the address to which the claim must be sent.

156 2. Legally establish his parental rights to the child
157 pursuant to the laws of the state.

158 3. File a verified response with the court which contains
159 a pledge of commitment to the child, a request for the court to
160 calculate and order child support, and an agreement to submit to
161 the court's jurisdiction.

162 4. Provide support for the child as calculated by the
163 court under s. 61.30.

164 5. Seek to establish a substantial relationship with the
165 child within the parameters established by court order. An
166 unmarried biological father must develop a substantial

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167 relationship with the child by taking parental responsibility
168 for the child and the child's future; providing financial
169 support to the child in accordance with his ability, if not
170 prevented from doing so by the person or authorized agency
171 having lawful custody of the child; and establishing or
172 maintaining regular contact with the child in accordance with a
173 written court order. An order for visitation or other contact
174 may be entered by the court if the court determines that such
175 contact will not endanger the safety, well-being, or physical,
176 mental, or emotional health of the child. The court may consider
177 the results of any home study in making such determination.

178 (c) The court shall determine whether the unmarried
179 biological father took the steps necessary to assert his
180 parental rights to acquire standing to contest the dependency
181 petition pursuant to paragraph (b) and, if not, the court shall
182 enter a finding that the unmarried biological father is no
183 longer a prospective parent or participant, may not contest the
184 petition for dependency or any subsequent petition for
185 termination of parental rights, and is no longer entitled to any
186 further notice of proceedings regarding the child unless
187 otherwise ordered by the court.

188 (d) If an unmarried biological father is not identified
189 pursuant to the inquiry under section 39.503, the unmarried
190 biological father's claim that he did not receive actual notice
191 of the dependency proceeding is not a defense to a finding that

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192 the child is dependent.

193 (10)~~(9)~~ When an affidavit of diligent search has been
194 filed under subsection (9) ~~(8)~~, the petitioner shall continue to
195 search for and attempt to serve the person sought until excused
196 from further search by the court. The petitioner shall report on
197 the results of the search at each court hearing until the person
198 is identified or located or further search is excused by the
199 court.

200 Section 5. Section 39.503, Florida Statutes, is amended to
201 read:

202 39.503 Identity or location of parent unknown; special
203 procedures.—

204 (1) If the identity or location of a parent is unknown and
205 a petition for dependency or shelter is filed, the court shall
206 conduct under oath the following inquiry of the parent or legal
207 custodian who is available, or, if no parent or legal custodian
208 is available, of any relative or custodian of the child who is
209 present at the hearing and likely to have any of the following
210 information regarding the identity of any man:

211 (a) To whom the mother of the minor was married at any
212 time when conception of the child may have occurred or at the
213 time of the birth of the child.

214 (b) Who has filed an affidavit of paternity pursuant to s.
215 382.013(2)(c) before an advisory hearing is held on a petition
216 for termination of parental rights.

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217 (c) Who has adopted the child.

218 (d) Who has been adjudicated by a court of competent
219 jurisdiction as the father of the child before an advisory
220 hearing is held on a petition for termination of parental
221 rights.

222 (e) Whom the mother identified as the father under oath to
223 a representative of the department.

224 ~~(a) Whether the mother of the child was married at the~~
225 ~~probable time of conception of the child or at the time of birth~~
226 ~~of the child.~~

227 ~~(f)(b) With whom~~ Whether the mother was cohabiting ~~with a~~
228 ~~male~~ at the probable time of conception of the child.

229 ~~(g)(e) Who claims to be the father and from whom~~ Whether
230 the mother has received payments or promises of support with
231 respect to the child or because of her pregnancy ~~from a man who~~
232 ~~claims to be the father.~~

233 ~~(h)(d) Who~~ Whether the mother has named ~~any man~~ as the
234 father on the birth certificate of the child or in connection
235 with applying for or receiving public assistance.

236 ~~(i)(e) Who~~ Whether ~~any man~~ has acknowledged or claimed
237 paternity of the child in a jurisdiction in which the mother
238 resided at the time of or since conception of the child, or in
239 which the child has resided or resides.

240 ~~(j)(f) Who~~ Whether ~~a man~~ is named on the birth certificate
241 of the child pursuant to s. 382.013(2).

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242 ~~(k)-(g)~~ Who ~~Whether a man~~ has been determined by a court
243 order to be the father of the child.

244 ~~(1)-(h)~~ Who ~~Whether a man~~ has been determined to be the
245 father of the child by the Department of Revenue as provided in
246 s. 409.256.

247 (2) The information required under ~~in~~ subsection (1) may
248 be supplied to the court or the department in the form of a
249 sworn affidavit by a person having personal knowledge of the
250 facts.

251 (3) If the inquiry under subsection (1) identifies any
252 person as a parent or prospective parent, the court shall
253 require notice of the hearing to be provided to that person.

254 (4) If the inquiry under subsection (1) fails to identify
255 any person as a parent or prospective parent, the court shall so
256 find and may proceed without further notice.

257 (5) If the inquiry under subsection (1) identifies a
258 parent or prospective parent, and that person's location is
259 unknown, the court shall direct the petitioner to conduct a
260 diligent search for that person before scheduling a disposition
261 hearing regarding the dependency of the child unless the court
262 finds that the best interest of the child requires proceeding
263 without notice to the person whose location is unknown.

264 (6) If the inquiry under subsection (1) identifies an
265 unmarried biological father or an unmarried biological father is
266 identified by another means and is personally served with a

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267 petition for dependency but fails to assert his parental rights
268 as specified in s. 39.502(7), the court shall so find and may
269 proceed without further notice.

270 (7)~~(6)~~ The diligent search required by subsection (5) must
271 include, at a minimum, inquiries of all relatives of the parent
272 or prospective parent made known to the petitioner, inquiries of
273 all offices of program areas of the department likely to have
274 information about the parent or prospective parent, inquiries of
275 other state and federal agencies likely to have information
276 about the parent or prospective parent, inquiries of appropriate
277 utility and postal providers, a thorough search of at least one
278 electronic database specifically designed for locating persons,
279 a search of the Florida Putative Father Registry, and inquiries
280 of appropriate law enforcement agencies. Pursuant to s. 453 of
281 the Social Security Act, 42 U.S.C. s. 653(c)(4), the department,
282 as the state agency administering Titles IV-B and IV-E of the
283 act, shall be provided access to the federal and state parent
284 locator service for diligent search activities.

285 (8)~~(7)~~ Any agency contacted by a petitioner with a request
286 for information pursuant to subsection (7) ~~(6)~~ shall release the
287 requested information to the petitioner without the necessity of
288 a subpoena or court order.

289 (9)(a)~~(8)~~ If the inquiry and diligent search identifies a
290 prospective parent, that person must be given the opportunity to
291 become a party to the proceedings by completing a sworn

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292 affidavit of parenthood and filing it with the court or the
293 department. A prospective parent who files a sworn affidavit of
294 parenthood while the child is a dependent child but no later
295 than at the time of or before the adjudicatory hearing in any
296 termination of parental rights proceeding for the child shall be
297 considered a parent for all purposes under this section unless
298 the other parent contests the determination of parenthood. If
299 neither the known parent nor the prospective parent objects to a
300 request to establish parentage under the laws of the state, the
301 court may enter an agreed order, order the Office of Vital
302 Statistics to amend the child's birth certificate, and order the
303 petitioning parent to pay support for the child.

304 (b) If the known parent contests the recognition of the
305 prospective parent as a parent, the prospective parent may not
306 be recognized as a parent until proceedings to determine
307 maternity or paternity under chapter 742 have been concluded.
308 However, the prospective parent shall continue to receive notice
309 of hearings as a participant pending results of the chapter 742
310 proceedings to determine maternity or paternity. The dependency
311 court may hear the chapter 742 proceeding and establish
312 parentage in accordance with the procedures in that chapter,
313 including entry of an order or judgment establishing parentage.

314 (c) A prospective parent may only file a sworn affidavit
315 of parenthood when the child does not have two legally
316 recognized parents. If a child has two legally recognized

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317 parents, the prospective parent must seek to establish parentage
318 pursuant to chapter 742.

319 (d) Nothing in this subsection prevents the known parent
320 and the prospective parent from agreeing to voluntarily submit
321 to scientific testing to determine the maternity or paternity of
322 the child if the child does not already have two legally
323 recognized parents and the court determines it is in the child's
324 best interest.

325 (e) Test results are admissible in evidence and shall be
326 weighed along with other evidence of parentage unless the
327 statistical probability of parentage equals or exceeds 95
328 percent. A statistical probability of parentage that equals or
329 exceeds 95 percent creates a rebuttable presumption, as
330 described in s. 90.304, that the prospective parent is the
331 biological parent of the child. If a party fails to rebut the
332 presumption of parentage which arose from the statistical
333 probability of parentage that equals or exceeds 95 percent, the
334 court may enter a summary judgment of parentage. If the test
335 results show the prospective parent is not the biological
336 parent, the prospective parent is no longer considered a
337 participant or entitled to notice of the proceedings.

338 (f) The court shall assess the cost of the paternity
339 determination as a cost of litigation.

340 (10)-(9) If the diligent search under subsection (5) fails
341 to identify and locate a parent or prospective parent, the court

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342 shall so find and may proceed without further notice.

343 Section 6. Subsection (3) of section 39.801, Florida
344 Statutes, is amended to read:

345 39.801 Procedures and jurisdiction; notice; service of
346 process.—

347 (3) Before the court may terminate parental rights, in
348 addition to the other requirements set forth in this part, the
349 following requirements must be met:

350 (a) Notice of the date, time, and place of the advisory
351 hearing for the petition to terminate parental rights and a copy
352 of the petition must be personally served upon the following
353 persons, specifically notifying them that a petition has been
354 filed:

- 355 1. The parents of the child.
- 356 2. The legal custodians of the child.
- 357 3. If the parents who would be entitled to notice are dead
358 or unknown, a living relative of the child, unless upon diligent
359 search and inquiry no such relative can be found.
- 360 4. Any person who has physical custody of the child.
- 361 5. Any grandparent entitled to priority for adoption under
362 s. 63.0425.
- 363 6. Any prospective parent who has been identified under s.
364 39.503 or s. 39.803, unless a court order has been entered
365 pursuant to s. 39.503(4), (6), or (10) or s. 39.803(4), (6), or
366 (10) s. 39.503(4) or (9) or s. 39.803(4) or (9) which indicates

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367 no further notice is required. Except as otherwise provided in
368 this section, if there is not a legal father, notice of the
369 petition for termination of parental rights must be provided to
370 any known prospective father who is identified under oath before
371 the court or who is identified by a diligent search of the
372 Florida Putative Father Registry. Service of the notice of the
373 petition for termination of parental rights is not required if
374 the prospective father executes an affidavit of nonpaternity or
375 a consent to termination of his parental rights which is
376 accepted by the court after notice and opportunity to be heard
377 by all parties to address the best interests of the child in
378 accepting such affidavit.

379 7. The guardian ad litem for the child or the
380 representative of the guardian ad litem program, if the program
381 has been appointed.

382
383 The document containing the notice to respond or appear must
384 contain, in type at least as large as the type in the balance of
385 the document, the following or substantially similar language:

386 "FAILURE TO PERSONALLY APPEAR AT THIS ADVISORY HEARING
387 CONSTITUTES CONSENT TO THE TERMINATION OF PARENTAL RIGHTS OF
388 THIS CHILD (OR CHILDREN). IF YOU FAIL TO APPEAR ON THE DATE AND
389 TIME SPECIFIED, YOU MAY LOSE ALL LEGAL RIGHTS AS A PARENT TO THE
390 CHILD OR CHILDREN NAMED IN THE PETITION ATTACHED TO THIS
391 NOTICE."

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392 (b) If a child does not have a legal father, notice of the
393 petition for termination of parental rights shall be personally
394 served upon any known and locatable unmarried biological father
395 who is identified under oath before the court or who is
396 identified by a diligent search of the Florida Putative Father
397 Registry. Service of the notice of the petition for termination
398 of parental rights is not required if the unmarried biological
399 father signs an affidavit of nonpaternity or a consent to
400 termination of his parental rights and such affidavit or consent
401 is accepted by the department. The recipient of the notice may
402 waive service of process by executing a waiver and acknowledging
403 receipt of the notice. The notice of petition for termination of
404 parental rights must specifically state that if the unmarried
405 biological father desires to assert his parental rights to
406 acquire standing to contest the petition he must, within 30 days
407 after service:

408 1. File a claim of paternity with the Florida Putative
409 Father Registry pursuant to instructions provided for submitting
410 a claim of paternity form to the Office of Vital Statistics,
411 including the address to which the claim must be sent.

412 2. Legally establish his parental rights to the child
413 pursuant to the laws of the state.

414 3. File a verified response with the court which contains
415 a pledge of commitment to the child, a request for the court to
416 calculate and order child support, and an agreement to submit to

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417 the court's jurisdiction.

418 4. Provide support for the child as calculated by the
419 court under s. 61.30.

420 5. Seek to establish a substantial relationship with the
421 child within the parameters established by court order. A father
422 must develop a substantial relationship with the child by taking
423 parental responsibility for the child and the child's future;
424 providing financial support to the child in accordance with his
425 ability, if not prevented from doing so by the person or
426 authorized agency having lawful custody of the child; and
427 establishing or maintaining regular contact with the child in
428 accordance with a written court order. An order for visitation
429 or other contact may be entered by the court if the court
430 determines that such contact will not endanger the safety, well-
431 being, and physical, mental, or emotional health of the child.
432 The court may consider the results of any home study when making
433 such determination.

434 (c) The court shall determine whether the unmarried
435 biological father took the steps necessary to assert his
436 parental rights to acquire standing to contest the termination
437 of parental rights petition pursuant to paragraph (b) and, if
438 not, the court shall enter a finding that the unmarried
439 biological father is no longer a prospective parent or
440 participant, may not contest the petition for termination of
441 parental rights, and is no longer entitled to any further notice

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442 of proceedings regarding the child unless otherwise ordered by
443 the court.

444 (d) If an unmarried biological father is not identified
445 pursuant to the inquiry under section 39.803, the unmarried
446 biological father's claim that he did not receive actual notice
447 of the termination proceeding is not a defense to the petition
448 nor grounds that the proceeding is otherwise defective.

449 (e) ~~(b)~~ If a party required to be served with notice as
450 prescribed in paragraph (a) cannot be served, notice of hearings
451 must be given as prescribed by the rules of civil procedure, and
452 service of process must be made as specified by law or civil
453 actions.

454 (f) ~~(e)~~ Notice as prescribed by this section may be waived,
455 in the discretion of the judge, with regard to any person to
456 whom notice must be given under this subsection if the person
457 executes, before two witnesses and a notary public or other
458 officer authorized to take acknowledgments, a written surrender
459 of the child to a licensed child-placing agency or the
460 department.

461 (g) ~~(d)~~ If the person served with notice under this section
462 fails to personally appear at the advisory hearing, the failure
463 to personally appear shall constitute consent for termination of
464 parental rights by the person given notice. If a parent appears
465 for the advisory hearing and the court orders that parent to
466 personally appear at the adjudicatory hearing for the petition

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467 for termination of parental rights, stating the date, time, and
468 location of said hearing, then failure of that parent to
469 personally appear at the adjudicatory hearing shall constitute
470 consent for termination of parental rights.

471 Section 7. Section 39.803, Florida Statutes, is amended to
472 read:

473 39.803 Identity or location of parent unknown after filing
474 of termination of parental rights petition; special procedures.-

475 (1) If the identity or location of a parent is unknown and
476 a petition for termination of parental rights is filed, the
477 court shall conduct under oath the following inquiry of the
478 parent who is available, or, if no parent is available, of any
479 relative, caregiver, or legal custodian of the child who is
480 present at the hearing and likely to have the information
481 regarding the identity of any man:

482 (a) To whom the mother of the child was married at any
483 time when conception of the child may have occurred or at the
484 time of the birth of the child.

485 (b) Who has filed an affidavit of paternity pursuant to s.
486 382.013(2)(c) before an advisory hearing is held on a petition
487 for termination of parental rights.

488 (c) Who has adopted the child before an advisory hearing
489 is held on the petition for termination of parental rights.

490 (d) Who has been adjudicated by a court as the father of
491 the child before an advisory hearing is held on a petition for

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492 termination of parental rights.

493 (e) Whom the mother identified as the father under oath to
494 a representative of the department before an advisory hearing is
495 held on the petition for termination of parental rights.

496 ~~(a) Whether the mother of the child was married at the~~
497 ~~probable time of conception of the child or at the time of birth~~
498 ~~of the child.~~

499 ~~(f)(b) With whom~~ Whether the mother was cohabiting ~~with a~~
500 ~~male~~ at the probable time of conception of the child.

501 ~~(g)(e) Who claims to be the father and from whom~~ Whether
502 the mother has received payments or promises of support with
503 respect to the child or because of her pregnancy ~~from a man who~~
504 ~~claims to be the father.~~

505 ~~(h)(d) Who~~ Whether the mother has named ~~any man~~ as the
506 father on the birth certificate of the child or in connection
507 with applying for or receiving public assistance before an
508 advisory hearing is held on the petition for termination of
509 parental rights.

510 ~~(i)(e) Who~~ Whether ~~any man~~ has acknowledged or claimed
511 paternity of the child in a jurisdiction in which the mother
512 resided at the time of or since conception of the child, or in
513 which the child has resided or resides before an advisory
514 hearing is held on the petition for termination of parental
515 rights.

516 ~~(j)(f) Who~~ Whether ~~a man~~ is named on the birth certificate

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517 of the child pursuant to s. 382.013(2).

518 (k) ~~(g)~~ Who ~~Whether a man~~ has been determined by a court
519 order to be the father of the child.

520 (1) ~~(h)~~ Who ~~Whether a man~~ has been determined to be the
521 father of the child by the Department of Revenue as provided in
522 s. 409.256.

523 (2) The information required in subsection (1) may be
524 supplied to the court or the department in the form of a sworn
525 affidavit by a person having personal knowledge of the facts.

526 (3) If the inquiry under subsection (1) identifies any
527 person as a parent or prospective parent, the court shall
528 require notice of the hearing to be provided to that person.

529 (4) If the inquiry under subsection (1) fails to identify
530 any person as a parent or prospective parent, the court shall so
531 find and may proceed without further notice.

532 (5) If the inquiry under subsection (1) identifies a
533 parent or prospective parent, and that person's location is
534 unknown, the court shall direct the petitioner to conduct a
535 diligent search for that person before scheduling an
536 adjudicatory hearing regarding the petition for termination of
537 parental rights to the child unless the court finds that the
538 best interest of the child requires proceeding without actual
539 notice to the person whose location is unknown.

540 (6) If the inquiry under subsection (1) identifies an
541 unmarried biological father or an unmarried biological father is

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542 identified by another means and is personally served with a
543 petition for termination of parental rights but fails to assert
544 his parental rights as specified in s. 39.801(3)(b), the court
545 shall so find and may proceed without further notice.

546 (7)~~(6)~~ The diligent search required by subsection (5) must
547 include, at a minimum, inquiries of all known relatives of the
548 parent or prospective parent, inquiries of all offices of
549 program areas of the department likely to have information about
550 the parent or prospective parent, inquiries of other state and
551 federal agencies likely to have information about the parent or
552 prospective parent, inquiries of appropriate utility and postal
553 providers, a thorough search of at least one electronic database
554 specifically designed for locating persons, a search of the
555 Florida Putative Father Registry, and inquiries of appropriate
556 law enforcement agencies. Pursuant to s. 453 of the Social
557 Security Act, 42 U.S.C. s. 653(c)(4), the department, as the
558 state agency administering Titles IV-B and IV-E of the act,
559 shall be provided access to the federal and state parent locator
560 service for diligent search activities.

561 (8)~~(7)~~ Any agency contacted by petitioner with a request
562 for information pursuant to subsection (7) ~~(6)~~ shall release the
563 requested information to the petitioner without the necessity of
564 a subpoena or court order.

565 (9)~~(8)~~ If the inquiry and diligent search identifies a
566 prospective parent, that person must be given the opportunity to

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567 become a party to the proceedings by completing a sworn
568 affidavit of parenthood and filing it with the court or the
569 department. A prospective parent who files a sworn affidavit of
570 parenthood while the child is a dependent child but no later
571 than at the time of or before the adjudicatory hearing in the
572 termination of parental rights proceeding for the child shall be
573 considered a parent for all purposes under this section.

574 ~~(10)(9)~~ If the diligent search under subsection (5) fails
575 to identify and locate a prospective parent, the court shall so
576 find and may proceed without further notice.

577 Section 8. This act shall take effect October 1, 2018.

578

579

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

581 Remove everything before the enacting clause and insert:
582 An act relating to dependency proceedings; amending s. 39.001,
583 F.S.; providing an additional purpose of ch. 39, F.S.; amending
584 s. 39.01, F.S.; revising the definition of the term "parent" and
585 defining the term "unmarried biological father"; amending s.
586 39.402 and 39.803, F.S.; revising the types of information
587 relating to the identity and location of a child's legal father
588 that fall within the scope of a court inquiry at a shelter
589 hearing or a hearing regarding a petition for termination of
590 parental rights; amending s. 39.502, F.S.; providing for certain
591 unmarried biological fathers to receive notice of dependency

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592 hearings under certain circumstances; amending ss. 39.503, F.S.;
593 revising the types of information relating to the identity and
594 location of a child's legal father that fall within the scope of
595 a court inquiry at a dependency or shelter hearing; requiring a
596 court to take certain actions if a person fails to assert
597 parental rights; providing conditions for establishing paternity
598 in a dependency proceeding; authorizing the court to order
599 certain scientific testing to determine maternity or paternity
600 of a child; providing for assessment of costs of litigation;
601 amending s. 39.801, F.S.; requiring notice of a petition for
602 termination of parental rights to be served on an unmarried
603 biological father identified under oath or by a diligent search
604 of the Florida Putative Father Registry under certain
605 circumstances; providing conditions for contesting the petition;
606 conforming cross-references; providing an effective date.