

By Senator Bean

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1                                   A bill to be entitled  
2       An act relating to dependency proceedings; amending s.  
3       39.001, F.S.; providing an additional purpose of ch.  
4       39, F.S.; amending s. 39.01, F.S.; revising the  
5       definition of the term "parent" and defining the term  
6       "unmarried biological father"; amending s. 39.402 and  
7       39.803, F.S.; revising the types of information  
8       relating to the identity and location of a child's  
9       legal father that fall within the scope of a court  
10      inquiry at a shelter hearing or a hearing regarding a  
11      petition for termination of parental rights; amending  
12      s. 39.502, F.S.; providing for certain unmarried  
13      biological fathers to receive notice of dependency  
14      hearings under certain circumstances; amending ss.  
15      39.503, F.S.; revising the types of information  
16      relating to the identity and location of a child's  
17      legal father that fall within the scope of a court  
18      inquiry at a dependency or shelter hearing; requiring  
19      a court to take certain actions if a person fails to  
20      assert parental rights; providing conditions for  
21      establishing paternity in a dependency proceeding;  
22      authorizing the court to order certain scientific  
23      testing to determine maternity or paternity of a  
24      child; providing for assessment of costs of  
25      litigation; amending s. 39.801, F.S.; requiring notice  
26      of a petition for termination of parental rights to be  
27      served on an unmarried biological father identified  
28      under oath or by a diligent search of the Florida  
29      Putative Father Registry under certain circumstances;

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30 providing conditions for contesting the petition;  
31 conforming cross-references; amending s. 409.1662,  
32 F.S.; requiring the Department of Children and  
33 Families to include certain information regarding  
34 adoptions in outcome-based agreements between lead  
35 agencies and their subcontracted providers; providing  
36 an effective date.

37  
38 Be It Enacted by the Legislature of the State of Florida:

39  
40 Section 1. Paragraphs (n), (o), and (p) of subsection (1)  
41 of section 39.001, Florida Statutes, are redesignated as  
42 paragraphs (o), (p), and (q), respectively, and a new paragraph  
43 (n) is added to that subsection to read:

44 39.001 Purposes and intent; personnel standards and  
45 screening.—

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

47 (n) Whenever possible, to ensure that children have the  
48 benefit of loving and caring relationships with both of their  
49 parents. To that end, parents should be engaged to the fullest  
50 extent possible in the lives of their children and prospective  
51 parents should be afforded a prompt, full, and fair opportunity  
52 to establish a parental relationship with their children and  
53 assume all parental duties. A prospective parent who is an  
54 unmarried biological father has the same rights under this  
55 chapter as under chapter 63. Accordingly, his interest is  
56 inchoate until he demonstrates a timely and full commitment to  
57 the responsibilities of parenthood. Because time is of the  
58 essence under this chapter, and the time limitations belong to

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59 the child and not to the parent or to any prospective parent,  
 60 prospective parents, including unmarried biological parents,  
 61 must be aware that failure to comply with the specific  
 62 requirements of this chapter may result in permanent elimination  
 63 or termination of their rights or interests as actual or  
 64 inchoate parents or prospective parents.

65 Section 2. Subsection (50) of section 39.01, Florida  
 66 Statutes, is amended, subsection (81) is renumbered as  
 67 subsection (82), and a new subsection (81) is added to that  
 68 section, to read:

69 39.01 Definitions.—When used in this chapter, unless the  
 70 context otherwise requires:

71 (50) "Parent" means a woman who gives birth to a child and  
 72 a man whose consent to the adoption of the child would be  
 73 required under s. 63.062(1). The term "parent" also means legal  
 74 father as defined in this section. If a child has been legally  
 75 adopted, the term "parent" means the adoptive mother or father  
 76 of the child. For purposes of this chapter only, when the phrase  
 77 "parent or legal custodian" is used, it refers to rights or  
 78 responsibilities of the parent and, only if there is no living  
 79 parent with intact parental rights, to the rights or  
 80 responsibilities of the legal custodian who has assumed the role  
 81 of the parent. The term does not include an individual whose  
 82 parental relationship to the child has been legally terminated,  
 83 or an alleged or prospective parent, unless:

84 ~~(a) The parental status falls within the terms of s.~~  
 85 ~~39.503(1) or s. 63.062(1); or~~

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

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88           (81) "Unmarried biological father" means the child's  
89 biological father who is not married to the child's mother at  
90 the time of conception or on the date of the birth of the child  
91 and who, before the advisory hearing is held on a petition to  
92 terminate parental rights, has not been adjudicated or declared  
93 by a court of competent jurisdiction to be the legal father of  
94 the child or has not executed an affidavit pursuant to s.  
95 382.013(2)(c).

96           Section 3. Paragraph (c) of subsection (8) of section  
97 39.402, Florida Statutes, is amended to read:

98           39.402 Placement in a shelter.—

99           (8)

100           (c) At the shelter hearing, the court shall:

101           1. Appoint a guardian ad litem to represent the best  
102 interest of the child, unless the court finds that such  
103 representation is unnecessary;

104           2. Inform the parents or legal custodians of their right to  
105 counsel to represent them at the shelter hearing and at each  
106 subsequent hearing or proceeding, and the right of the parents  
107 to appointed counsel, pursuant to the procedures set forth in s.  
108 39.013;

109           3. Give the parents or legal custodians an opportunity to  
110 be heard and to present evidence; and

111           4. Inquire of those present at the shelter hearing as to  
112 the identity and location of the legal father. In determining  
113 who the legal father of the child may be, the court shall  
114 inquire under oath of those present at the shelter hearing  
115 whether they have any of the following information regarding the  
116 identity of any man:

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117 a. To whom the mother of the child was married at any time  
118 when conception of the child may have occurred or at the time of  
119 the birth of the child.

120 b. Who has filed an affidavit of paternity pursuant to s.  
121 382.013(2)(c) before an advisory hearing is held on a petition  
122 for termination of parental rights.

123 c. Who has adopted the child.

124 d. Who has been adjudicated by a court of competent  
125 jurisdiction as the father of the child before an advisory  
126 hearing is held on a petition for termination of parental  
127 rights.

128 e. Whom the mother identified as the father under oath to a  
129 representative of the department.

130 ~~a. Whether the mother of the child was married at the~~  
131 ~~probable time of conception of the child or at the time of birth~~  
132 ~~of the child.~~

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

135 ~~g.e. Who claims to be the father and from whom~~ Whether ~~the~~  
136 ~~mother has received payments or promises of support with respect~~  
137 ~~to the child or because of her pregnancy from a man who claims~~  
138 ~~to be the father.~~

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

142 ~~i.e. Who~~ Whether ~~any man~~ has acknowledged or claimed  
143 paternity of the child in a jurisdiction in which the mother  
144 resided at the time of or since conception of the child or in  
145 which the child has resided or resides.

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

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

150 ~~l.h.~~ Who ~~Whether a man~~ has been determined to be the father  
151 of the child by the Department of Revenue as provided in s.  
152 409.256.

153 Section 4. Subsections (7) through (19) of section 39.502,  
154 Florida Statutes, are renumbered as subsections (8) through  
155 (20), respectively, subsection (1) and present subsection (9) of  
156 that section are amended, and a new subsection (7) is added to  
157 that section, to read:

158 39.502 Notice, process, and service.—

159 (1) Unless parental rights have been terminated, all  
160 parents must be notified of all proceedings or hearings  
161 involving the child. Notice in cases involving shelter hearings  
162 and hearings resulting from medical emergencies must be that  
163 most likely to result in actual notice to the parents. In all  
164 other dependency proceedings, notice must be provided in  
165 accordance with subsections (4)-(10) ~~(4)-(9)~~, except when a  
166 relative requests notification pursuant to s. 39.301(14)(b), in  
167 which case notice shall be provided pursuant to subsection (20)  
168 ~~(19)~~.

169 (7) (a) Notice of the petition for dependency shall be  
170 individually served upon any known and locatable unmarried  
171 biological father who is identified under oath before the court  
172 or who is identified by a diligent search of the Florida  
173 Putative Father Registry. Service of the notice of the petition  
174 for dependency is not required if the unmarried biological

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175 father signs an affidavit of nonpaternity or a consent to  
176 termination of his parental rights and such affidavit or consent  
177 is accepted by the department. The recipient of the notice may  
178 waive service of process by executing a waiver and acknowledging  
179 receipt of the notice.

180 (b) The notice of petition for dependency must specifically  
181 state that if the unmarried biological father desires to assert  
182 his parental rights to acquire standing to contest the  
183 dependency petition he must, within 30 days after service:

184 1. File a claim of paternity with the Florida Putative  
185 Father Registry pursuant to instructions provided for submitting  
186 a claim of paternity form to the Office of Vital Statistics,  
187 including the address to which the claim must be sent.

188 2. Legally establish his parental rights to the child  
189 pursuant to the laws of the state.

190 3. File a verified response with the court which contains a  
191 pledge of commitment to the child, a request for the court to  
192 calculate and order child support, and an agreement to submit to  
193 the court's jurisdiction.

194 4. Provide support for the child as calculated by the court  
195 under s. 61.30.

196 5. Seek to establish a substantial relationship with the  
197 child within the parameters established by court order. An  
198 unmarried biological father must develop a substantial  
199 relationship with the child by taking parental responsibility  
200 for the child and the child's future; providing financial  
201 support to the child in accordance with his ability, if not  
202 prevented from doing so by the person or authorized agency  
203 having lawful custody of the child; and establishing or

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204 maintaining regular contact with the child in accordance with a  
205 written court order. An order for visitation or other contact  
206 may be entered by the court if the court determines that such  
207 contact will not endanger the safety, well-being, or physical,  
208 mental, or emotional health of the child. The court may consider  
209 the results of any home study in making such determination.

210 (c) The court shall determine whether the unmarried  
211 biological father took the steps necessary to assert his  
212 parental rights to acquire standing to contest the dependency  
213 petition pursuant to paragraph (b) and, if not, the court shall  
214 enter a finding that the unmarried biological father is no  
215 longer a prospective parent or participant, may not contest the  
216 petition for dependency or any subsequent petition for  
217 termination of parental rights, and is no longer entitled to any  
218 further notice of proceedings regarding the child unless  
219 otherwise ordered by the court.

220 (d) If an unmarried biological father is not identified  
221 pursuant to the inquiry under this section, the unmarried  
222 biological father's claim that he did not receive actual notice  
223 of the dependency proceeding is not a defense to a finding that  
224 the child is dependent.

225 (10) ~~(9)~~ When an affidavit of diligent search has been filed  
226 under subsection (9) ~~(8)~~, the petitioner shall continue to  
227 search for and attempt to serve the person sought until excused  
228 from further search by the court. The petitioner shall report on  
229 the results of the search at each court hearing until the person  
230 is identified or located or further search is excused by the  
231 court.

232 Section 5. Section 39.503, Florida Statutes, is amended to



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233 read:

234 39.503 Identity or location of parent unknown; special  
235 procedures.—

236 (1) If the identity or location of a parent is unknown and  
237 a petition for dependency or shelter is filed, the court shall  
238 conduct under oath the following inquiry of the parent or legal  
239 custodian who is available, or, if no parent or legal custodian  
240 is available, of any relative or custodian of the child who is  
241 present at the hearing and likely to have any of the following  
242 information regarding the identity of any man:

243 (a) To whom the mother of the minor was married at any time  
244 when conception of the child may have occurred or at the time of  
245 the birth of the child.

246 (b) Who has filed an affidavit of paternity pursuant to s.  
247 382.013(2)(c) before an advisory hearing is held on a petition  
248 for termination of parental rights.

249 (c) Who has adopted the child.

250 (d) Who has been adjudicated by a court of competent  
251 jurisdiction as the father of the child before an advisory  
252 hearing is held on a petition for termination of parental  
253 rights.

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

256 ~~(a) Whether the mother of the child was married at the~~  
257 ~~probable time of conception of the child or at the time of birth~~  
258 ~~of the child.~~

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

261 ~~(g)(e)~~ (g) Who claims to be the father and from whom ~~Whether~~

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262 the mother has received payments or promises of support with  
263 respect to the child or because of her pregnancy ~~from a man who~~  
264 ~~claims to be the father.~~

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

268 (i) ~~(e)~~ Who ~~Whether any man~~ has acknowledged or claimed  
269 paternity of the child in a jurisdiction in which the mother  
270 resided at the time of or since conception of the child, or in  
271 which the child has resided or resides.

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

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

276 (l) ~~(h)~~ Who ~~Whether a man~~ has been determined to be the  
277 father of the child by the Department of Revenue as provided in  
278 s. 409.256.

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

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

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

288 (5) If the inquiry under subsection (1) identifies a parent  
289 or prospective parent, and that person's location is unknown,  
290 the court shall direct the petitioner to conduct a diligent

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291 search for that person before scheduling a disposition hearing  
292 regarding the dependency of the child unless the court finds  
293 that the best interest of the child requires proceeding without  
294 notice to the person whose location is unknown.

295 (6) If the inquiry under subsection (1) identifies an  
296 unmarried biological father or an unmarried biological father is  
297 identified by another means and is individually served with a  
298 petition for dependency but fails to assert his parental rights  
299 as specified in s. 39.502(7), the court shall so find and may  
300 proceed without further notice.

301 (7)~~(6)~~ The diligent search required by subsection (5) must  
302 include, at a minimum, inquiries of all relatives of the parent  
303 or prospective parent made known to the petitioner, inquiries of  
304 all offices of program areas of the department likely to have  
305 information about the parent or prospective parent, inquiries of  
306 other state and federal agencies likely to have information  
307 about the parent or prospective parent, inquiries of appropriate  
308 utility and postal providers, a thorough search of at least one  
309 electronic database specifically designed for locating persons,  
310 a search of the Florida Putative Father Registry, and inquiries  
311 of appropriate law enforcement agencies. Pursuant to s. 453 of  
312 the Social Security Act, 42 U.S.C. s. 653(c)(4), the department,  
313 as the state agency administering Titles IV-B and IV-E of the  
314 act, shall be provided access to the federal and state parent  
315 locator service for diligent search activities.

316 (8)~~(7)~~ Any agency contacted by a petitioner with a request  
317 for information pursuant to subsection (7) ~~(6)~~ shall release the  
318 requested information to the petitioner without the necessity of  
319 a subpoena or court order.

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320        (9) (a) ~~(8)~~ If the inquiry and diligent search identifies a  
321 prospective parent, that person must be given the opportunity to  
322 become a party to the proceedings by completing a sworn  
323 affidavit of parenthood and filing it with the court or the  
324 department. A prospective parent who files a sworn affidavit of  
325 parenthood while the child is a dependent child but no later  
326 than at the time of or before the adjudicatory hearing in any  
327 termination of parental rights proceeding for the child shall be  
328 considered a parent for all purposes under this section unless  
329 the other parent contests the determination of parenthood. If  
330 neither the known parent nor the prospective parent objects to a  
331 request to establish parentage under the laws of the state, the  
332 court may enter an agreed order, order the Office of Vital  
333 Statistics to amend the child's birth certificate, and order the  
334 petitioning parent to pay support for the child.

335        (b) If the known parent contests the recognition of the  
336 prospective parent as a parent, the prospective parent may not  
337 be recognized as a parent until proceedings to determine  
338 maternity or paternity under chapter 742 have been concluded.  
339 However, the prospective parent shall continue to receive notice  
340 of hearings as a participant pending results of the chapter 742  
341 proceedings to determine maternity or paternity. The dependency  
342 court may hear the chapter 742 proceeding and establish  
343 parentage in accordance with the procedures in that chapter,  
344 including entry of an order or judgment establishing parentage.

345        (c) A prospective parent may only file a sworn affidavit of  
346 parenthood when the child does not have two legally recognized  
347 parents. If a child has two legally recognized parents, the  
348 prospective parent must seek to establish parentage pursuant to

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349 chapter 742.

350 (d) Nothing in this subsection prevents the known parent  
351 and the prospective parent from agreeing to voluntarily submit  
352 to scientific testing to determine the maternity or paternity of  
353 the child if the child does not already have two legally  
354 recognized parents and the court determines it is in the child's  
355 best interest.

356 (e) Test results are admissible in evidence and shall be  
357 weighed along with other evidence of parentage unless the  
358 statistical probability of parentage equals or exceeds 95  
359 percent. A statistical probability of parentage that equals or  
360 exceeds 95 percent creates a rebuttable presumption, as  
361 described in s. 90.304, that the alleged parent is the  
362 biological parent of the child. If a party fails to rebut the  
363 presumption of parentage which arose from the statistical  
364 probability of parentage that equals or exceeds 95 percent, the  
365 court may enter a summary judgment of parentage. If the test  
366 results show the alleged parent is not the biological parent,  
367 the prospective parent is no longer considered a participant or  
368 entitled to notice of the proceedings.

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

371 (10) ~~(9)~~ If the diligent search under subsection (5) fails  
372 to identify and locate a parent or prospective parent, the court  
373 shall so find and may proceed without further notice.

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

376 39.801 Procedures and jurisdiction; notice; service of  
377 process.-

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

381 (a) Notice of the date, time, and place of the advisory  
382 hearing for the petition to terminate parental rights and a copy  
383 of the petition must be personally served upon the following  
384 persons, specifically notifying them that a petition has been  
385 filed:

386 1. The parents of the child.

387 2. The legal custodians of the child.

388 3. If the parents who would be entitled to notice are dead  
389 or unknown, a living relative of the child, unless upon diligent  
390 search and inquiry no such relative can be found.

391 4. Any person who has physical custody of the child.

392 5. Any grandparent entitled to priority for adoption under  
393 s. 63.0425.

394 6. Any prospective parent who has been identified under s.  
395 39.503 or s. 39.803, unless a court order has been entered  
396 pursuant to s. 39.503(4), (6), or (10) or s. 39.803(4), (6), or  
397 (10) ~~s. 39.503(4) or (9) or s. 39.803(4) or (9)~~ which indicates  
398 no further notice is required. Except as otherwise provided in  
399 this section, if there is not a legal father, notice of the  
400 petition for termination of parental rights must be provided to  
401 any known prospective father who is identified under oath before  
402 the court or who is identified by a diligent search of the  
403 Florida Putative Father Registry. Service of the notice of the  
404 petition for termination of parental rights is not required if  
405 the prospective father executes an affidavit of nonpaternity or  
406 a consent to termination of his parental rights which is

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407 accepted by the court after notice and opportunity to be heard  
408 by all parties to address the best interests of the child in  
409 accepting such affidavit.

410 7. The guardian ad litem for the child or the  
411 representative of the guardian ad litem program, if the program  
412 has been appointed.

413

414 The document containing the notice to respond or appear must  
415 contain, in type at least as large as the type in the balance of  
416 the document, the following or substantially similar language:

417 "FAILURE TO PERSONALLY APPEAR AT THIS ADVISORY HEARING  
418 CONSTITUTES CONSENT TO THE TERMINATION OF PARENTAL RIGHTS OF  
419 THIS CHILD (OR CHILDREN). IF YOU FAIL TO APPEAR ON THE DATE AND  
420 TIME SPECIFIED, YOU MAY LOSE ALL LEGAL RIGHTS AS A PARENT TO THE  
421 CHILD OR CHILDREN NAMED IN THE PETITION ATTACHED TO THIS  
422 NOTICE."

423 (b) Notice of the petition for termination of parental  
424 rights shall be individually served upon any known and locatable  
425 unmarried biological father who is identified under oath before  
426 the court or who is identified by a diligent search of the  
427 Florida Putative Father Registry. Service of the notice of the  
428 petition for termination of parental rights is not required if  
429 the unmarried biological father signs an affidavit of  
430 nonpaternity or a consent to termination of his parental rights  
431 and such affidavit or consent is accepted by the department. The  
432 recipient of the notice may waive service of process by  
433 executing a waiver and acknowledging receipt of the notice. The  
434 notice of petition for termination of parental rights must  
435 specifically state that if the unmarried biological father

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436 desires to assert his parental rights to acquire standing to  
437 contest the petition he must, within 30 days after service:

438 1. File a claim of paternity with the Florida Putative  
439 Father Registry pursuant to instructions provided for submitting  
440 a claim of paternity form to the Office of Vital Statistics,  
441 including the address to which the claim must be sent.

442 2. Legally establish his parental rights to the child  
443 pursuant to the laws of the state.

444 3. File a verified response with the court which contains a  
445 pledge of commitment to the child, a request for the court to  
446 calculate and order child support, and an agreement to submit to  
447 the court's jurisdiction.

448 4. Provide support for the child as calculated by the court  
449 under s. 61.30.

450 5. Seek to establish a substantial relationship with the  
451 child within the parameters established by court order. A father  
452 must develop a substantial relationship with the child by taking  
453 parental responsibility for the child and the child's future;  
454 providing financial support to the child in accordance with his  
455 ability, if not prevented from doing so by the person or  
456 authorized agency having lawful custody of the child; and  
457 establishing or maintaining regular contact with the child in  
458 accordance with a written court order. An order for visitation  
459 or other contact may be entered by the court if the court  
460 determines that such contact will not endanger the safety, well-  
461 being, and physical, mental, or emotional health of the child.  
462 The court may consider the results of any home study when making  
463 such determination.

464 (c) The court shall determine whether the unmarried



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465 biological father took the steps necessary to assert his  
466 parental rights to acquire standing to contest the dependency  
467 petition pursuant to paragraph (b) and, if not, the court shall  
468 enter a finding that the unmarried biological father is no  
469 longer a prospective parent or participant, may not contest the  
470 petition for termination of parental rights, and is no longer  
471 entitled to any further notice of proceedings regarding the  
472 child unless otherwise ordered by the court.

473 (d) If an unmarried biological father is not identified  
474 pursuant to the inquiry under this section, the unmarried  
475 biological father's claim that he did not receive actual notice  
476 of the termination proceeding is not a defense to the petition  
477 nor grounds that the proceeding is otherwise defective.

478 (e) ~~(b)~~ If a party required to be served with notice as  
479 prescribed in paragraph (a) cannot be served, notice of hearings  
480 must be given as prescribed by the rules of civil procedure, and  
481 service of process must be made as specified by law or civil  
482 actions.

483 (f) ~~(e)~~ Notice as prescribed by this section may be waived,  
484 in the discretion of the judge, with regard to any person to  
485 whom notice must be given under this subsection if the person  
486 executes, before two witnesses and a notary public or other  
487 officer authorized to take acknowledgments, a written surrender  
488 of the child to a licensed child-placing agency or the  
489 department.

490 (g) ~~(d)~~ If the person served with notice under this section  
491 fails to personally appear at the advisory hearing, the failure  
492 to personally appear shall constitute consent for termination of  
493 parental rights by the person given notice. If a parent appears

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494 for the advisory hearing and the court orders that parent to  
495 personally appear at the adjudicatory hearing for the petition  
496 for termination of parental rights, stating the date, time, and  
497 location of said hearing, then failure of that parent to  
498 personally appear at the adjudicatory hearing shall constitute  
499 consent for termination of parental rights.

500 Section 7. Section 39.803, Florida Statutes, is amended to  
501 read:

502 39.803 Identity or location of parent unknown after filing  
503 of termination of parental rights petition; special procedures.-

504 (1) If the identity or location of a parent is unknown and  
505 a petition for termination of parental rights is filed, the  
506 court shall conduct under oath the following inquiry of the  
507 parent who is available, or, if no parent is available, of any  
508 relative, caregiver, or legal custodian of the child who is  
509 present at the hearing and likely to have the information  
510 regarding the identity of any man:

511 (a) To whom the mother of the child was married at any time  
512 when conception of the child may have occurred or at the time of  
513 the birth of the child.

514 (b) Who has filed an affidavit of paternity pursuant to s.  
515 382.013(2)(c) before an advisory hearing is held on a petition  
516 for termination of parental rights.

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

519 (d) Who has been adjudicated by a court as the father of  
520 the child before an advisory hearing is held on a petition for  
521 termination of parental rights.

522 (e) Whom the mother identified as the father under oath to

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523 a representative of the department before an advisory hearing is  
524 held on the petition for termination of parental rights.

525 ~~(a) Whether the mother of the child was married at the~~  
526 ~~probable time of conception of the child or at the time of birth~~  
527 ~~of the child.~~

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

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

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

539 ~~(i)(e)~~ Who ~~Whether any man~~ has acknowledged or claimed  
540 paternity of the child in a jurisdiction in which the mother  
541 resided at the time of or since conception of the child, or in  
542 which the child has resided or resides before an advisory  
543 hearing is held on the petition for termination of parental  
544 rights.

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

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

549 ~~(l)(h)~~ Who ~~Whether a man~~ has been determined to be the  
550 father of the child by the Department of Revenue as provided in  
551 s. 409.256.

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

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

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

561 (5) If the inquiry under subsection (1) identifies a parent  
562 or prospective parent, and that person's location is unknown,  
563 the court shall direct the petitioner to conduct a diligent  
564 search for that person before scheduling an adjudicatory hearing  
565 regarding the petition for termination of parental rights to the  
566 child unless the court finds that the best interest of the child  
567 requires proceeding without actual notice to the person whose  
568 location is unknown.

569 (6) If the inquiry under subsection (1) identifies an  
570 unmarried biological father or an unmarried biological father is  
571 identified by another means and is individually served with a  
572 petition for termination of parental rights but fails to assert  
573 his parental rights as specified in s. 39.801(3)(b), the court  
574 shall so find and may proceed without further notice.

575 (7)~~(6)~~ The diligent search required by subsection (5) must  
576 include, at a minimum, inquiries of all known relatives of the  
577 parent or prospective parent, inquiries of all offices of  
578 program areas of the department likely to have information about  
579 the parent or prospective parent, inquiries of other state and  
580 federal agencies likely to have information about the parent or

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581 prospective parent, inquiries of appropriate utility and postal  
582 providers, a thorough search of at least one electronic database  
583 specifically designed for locating persons, a search of the  
584 Florida Putative Father Registry, and inquiries of appropriate  
585 law enforcement agencies. Pursuant to s. 453 of the Social  
586 Security Act, 42 U.S.C. s. 653(c)(4), the department, as the  
587 state agency administering Titles IV-B and IV-E of the act,  
588 shall be provided access to the federal and state parent locator  
589 service for diligent search activities.

590 (8)~~(7)~~ Any agency contacted by petitioner with a request  
591 for information pursuant to subsection (7) ~~(6)~~ shall release the  
592 requested information to the petitioner without the necessity of  
593 a subpoena or court order.

594 (9)~~(8)~~ If the inquiry and diligent search identifies a  
595 prospective parent, that person must be given the opportunity to  
596 become a party to the proceedings by completing a sworn  
597 affidavit of parenthood and filing it with the court or the  
598 department. A prospective parent who files a sworn affidavit of  
599 parenthood while the child is a dependent child but no later  
600 than at the time of or before the adjudicatory hearing in the  
601 termination of parental rights proceeding for the child shall be  
602 considered a parent for all purposes under this section.

603 (10)~~(9)~~ If the diligent search under subsection (5) fails  
604 to identify and locate a prospective parent, the court shall so  
605 find and may proceed without further notice.

606 Section 8. Paragraph (b) of subsection (2) of section  
607 409.1662, Florida Statutes, is amended to read:

608 409.1662 Children within the child welfare system; adoption  
609 incentive program.—

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610 (2) ADMINISTRATION OF THE PROGRAM.—

611 (b) Using the information from the baseline assessment, the  
612 department shall annually negotiate outcome-based agreements  
613 with lead agencies and their subcontracted providers. The  
614 agreements must establish measurable outcome targets to increase  
615 the number of adoptions resulting in permanent placements that  
616 enhance children's well-being. The agreements must ~~will~~ define  
617 the method for measuring performance and for determining the  
618 level of performance required to earn the incentive payment, and  
619 the amount of the incentive payment which may be earned for each  
620 target. The agreements must ensure that any placement for  
621 adoption by an adoption entity pursuant to s. 63.082(6) is  
622 credited to the lead agency and its subcontractor as if the lead  
623 agency or its subcontractor had made the placement.

624 Section 9. This act shall take effect October 1, 2018.