



820270

LEGISLATIVE ACTION

Senate

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House

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The Committee on Children, Families, and Elder Affairs (Bean) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

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

39.001 Purposes and intent; personnel standards and screening.—



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11 (1) PURPOSES OF CHAPTER.—The purposes of this chapter are:  
12 (n) Whenever possible, to ensure that children have the  
13 benefit of loving and caring relationships with both of their  
14 parents. To that end, parents should be engaged to the fullest  
15 extent possible in the lives of their children and prospective  
16 parents should be afforded a prompt, full, and fair opportunity  
17 to establish a parental relationship with their children and  
18 assume all parental duties. A prospective parent who is an  
19 unmarried biological father has the same rights under this  
20 chapter as under chapter 63. Accordingly, his interest is  
21 inchoate until he demonstrates a timely and full commitment to  
22 the responsibilities of parenthood. Because time is of the  
23 essence under this chapter, and the time limitations belong to  
24 the child and not to the parent or to any prospective parent,  
25 prospective parents, including unmarried biological parents,  
26 must be aware that failure to comply with the specific  
27 requirements of this chapter may result in permanent elimination  
28 or termination of their rights or interests as actual or  
29 inchoate parents or prospective parents.

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

34 39.01 Definitions.—When used in this chapter, unless the  
35 context otherwise requires:

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



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

49 ~~(a) The parental status falls within the terms of s.~~  
50 ~~39.503(1) or s. 63.062(1); or~~

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

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

61 Section 3. Paragraph (c) of subsection (8) of section  
62 39.402, Florida Statutes, is amended to read:

63 39.402 Placement in a shelter.—

64 (8)

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

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



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69           2. Inform the parents or legal custodians of their right to  
70 counsel to represent them at the shelter hearing and at each  
71 subsequent hearing or proceeding, and the right of the parents  
72 to appointed counsel, pursuant to the procedures set forth in s.  
73 39.013;

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

76           4. Inquire of those present at the shelter hearing as to  
77 the identity and location of the legal father. In determining  
78 who the legal father of the child may be, the court shall  
79 inquire under oath of those present at the shelter hearing  
80 whether they have any of the following information regarding the  
81 identity of any man:

82           a. To whom the mother of the child was married at any time  
83 when conception of the child may have occurred or at the time of  
84 the birth of the child.

85           b. Who has filed an affidavit of paternity pursuant to s.  
86 382.013(2)(c) before an advisory hearing is held on a petition  
87 for termination of parental rights.

88           c. Who has adopted the child.

89           d. Who has been adjudicated by a court of competent  
90 jurisdiction as the father of the child before an advisory  
91 hearing is held on a petition for termination of parental  
92 rights.

93           e. Whom the mother identified as the father under oath to a  
94 representative of the department.

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



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

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

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

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

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

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

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

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

123 39.502 Notice, process, and service.—

124 (1) Unless parental rights have been terminated, all  
125 parents must be notified of all proceedings or hearings  
126 involving the child. Notice in cases involving shelter hearings



127 and hearings resulting from medical emergencies must be that  
128 most likely to result in actual notice to the parents. In all  
129 other dependency proceedings, notice must be provided in  
130 accordance with subsections (4)-(10) ~~(4)-(9)~~, except when a  
131 relative requests notification pursuant to s. 39.301(14)(b), in  
132 which case notice shall be provided pursuant to subsection (20)  
133 ~~(19)~~.

134 (7) (a) If a child does not have a legal father, notice of  
135 the petition for dependency shall be personally served upon any  
136 known and locatable unmarried biological father who is  
137 identified under oath before the court or who is identified by a  
138 diligent search of the Florida Putative Father Registry. Service  
139 of the notice of the petition for dependency is not required if  
140 the unmarried biological father signs an affidavit of  
141 nonpaternity or a consent to termination of his parental rights  
142 and such affidavit or consent is accepted by the department. The  
143 recipient of the notice may waive service of process by  
144 executing a waiver and acknowledging receipt of the notice.

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

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

153 2. Legally establish his parental rights to the child  
154 pursuant to the laws of the state.

155 3. File a verified response with the court which contains a



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156 pledge of commitment to the child, a request for the court to  
157 calculate and order child support, and an agreement to submit to  
158 the court's jurisdiction.

159 4. Provide support for the child as calculated by the court  
160 under s. 61.30.

161 5. Seek to establish a substantial relationship with the  
162 child within the parameters established by court order. An  
163 unmarried biological father must develop a substantial  
164 relationship with the child by taking parental responsibility  
165 for the child and the child's future; providing financial  
166 support to the child in accordance with his ability, if not  
167 prevented from doing so by the person or authorized agency  
168 having lawful custody of the child; and establishing or  
169 maintaining regular contact with the child in accordance with a  
170 written court order. An order for visitation or other contact  
171 may be entered by the court if the court determines that such  
172 contact will not endanger the safety, well-being, or physical,  
173 mental, or emotional health of the child. The court may consider  
174 the results of any home study in making such determination.

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



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

190           (10) ~~(9)~~ When an affidavit of diligent search has been filed  
191 under subsection ~~(9)~~ ~~(8)~~, the petitioner shall continue to  
192 search for and attempt to serve the person sought until excused  
193 from further search by the court. The petitioner shall report on  
194 the results of the search at each court hearing until the person  
195 is identified or located or further search is excused by the  
196 court.

197           Section 5. Section 39.503, Florida Statutes, is amended to  
198 read:

199           39.503 Identity or location of parent unknown; special  
200 procedures.—

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

208           (a) To whom the mother of the minor was married at any time  
209 when conception of the child may have occurred or at the time of  
210 the birth of the child.

211           (b) Who has filed an affidavit of paternity pursuant to s.  
212 382.013(2) (c) before an advisory hearing is held on a petition  
213 for termination of parental rights.





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- 214           (c) Who has adopted the child.
- 215           (d) Who has been adjudicated by a court of competent  
216 jurisdiction as the father of the child before an advisory  
217 hearing is held on a petition for termination of parental  
218 rights.
- 219           (e) Whom the mother identified as the father under oath to  
220 a representative of the department.
- 221           ~~(a) Whether the mother of the child was married at the~~  
222 ~~probable time of conception of the child or at the time of birth~~  
223 ~~of the child.~~
- 224           (f)~~(b)~~ With whom ~~Whether~~ the mother was cohabiting ~~with a~~  
225 ~~male~~ at the probable time of conception of the child.
- 226           (g)~~(e)~~ Who claims to be the father and from whom ~~Whether~~  
227 the mother has received payments or promises of support with  
228 respect to the child or because of her pregnancy ~~from a man who~~  
229 ~~claims to be the father.~~
- 230           (h)~~(d)~~ Who ~~Whether~~ the mother has named ~~any man~~ as the  
231 father on the birth certificate of the child or in connection  
232 with applying for or receiving public assistance.
- 233           (i)~~(e)~~ Who ~~Whether any man~~ has acknowledged or claimed  
234 paternity of the child in a jurisdiction in which the mother  
235 resided at the time of or since conception of the child, or in  
236 which the child has resided or resides.
- 237           (j)~~(f)~~ Who ~~Whether a man~~ is named on the birth certificate  
238 of the child pursuant to s. 382.013(2).
- 239           (k)~~(g)~~ Who ~~Whether a man~~ has been determined by a court  
240 order to be the father of the child.
- 241           (l)~~(h)~~ Who ~~Whether a man~~ has been determined to be the  
242 father of the child by the Department of Revenue as provided in



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243 s. 409.256.

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

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

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

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

260 (6) If the inquiry under subsection (1) identifies an  
261 unmarried biological father or an unmarried biological father is  
262 identified by another means and is personally served with a  
263 petition for dependency but fails to assert his parental rights  
264 as specified in s. 39.502(7), the court shall so find and may  
265 proceed without further notice.

266 (7) ~~(6)~~ The diligent search required by subsection (5) must  
267 include, at a minimum, inquiries of all relatives of the parent  
268 or prospective parent made known to the petitioner, inquiries of  
269 all offices of program areas of the department likely to have  
270 information about the parent or prospective parent, inquiries of  
271 other state and federal agencies likely to have information



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272 about the parent or prospective parent, inquiries of appropriate  
273 utility and postal providers, a thorough search of at least one  
274 electronic database specifically designed for locating persons,  
275 a search of the Florida Putative Father Registry, and inquiries  
276 of appropriate law enforcement agencies. Pursuant to s. 453 of  
277 the Social Security Act, 42 U.S.C. s. 653(c)(4), the department,  
278 as the state agency administering Titles IV-B and IV-E of the  
279 act, shall be provided access to the federal and state parent  
280 locator service for diligent search activities.

281 (8)~~(7)~~ Any agency contacted by a petitioner with a request  
282 for information pursuant to subsection (7) ~~(6)~~ shall release the  
283 requested information to the petitioner without the necessity of  
284 a subpoena or court order.

285 (9) (a)~~(8)~~ If the inquiry and diligent search identifies a  
286 prospective parent, that person must be given the opportunity to  
287 become a party to the proceedings by completing a sworn  
288 affidavit of parenthood and filing it with the court or the  
289 department. A prospective parent who files a sworn affidavit of  
290 parenthood while the child is a dependent child but no later  
291 than at the time of or before the adjudicatory hearing in any  
292 termination of parental rights proceeding for the child shall be  
293 considered a parent for all purposes under this section unless  
294 the other parent contests the determination of parenthood. If  
295 neither the known parent nor the prospective parent objects to a  
296 request to establish parentage under the laws of the state, the  
297 court may enter an agreed order, order the Office of Vital  
298 Statistics to amend the child's birth certificate, and order the  
299 petitioning parent to pay support for the child.

300 (b) If the known parent contests the recognition of the



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

310 (c) A prospective parent may only file a sworn affidavit of  
311 parenthood when the child does not have two legally recognized  
312 parents. If a child has two legally recognized parents, the  
313 prospective parent must seek to establish parentage pursuant to  
314 chapter 742.

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

321 (e) Test results are admissible in evidence and shall be  
322 weighed along with other evidence of parentage unless the  
323 statistical probability of parentage equals or exceeds 95  
324 percent. A statistical probability of parentage that equals or  
325 exceeds 95 percent creates a rebuttable presumption, as  
326 described in s. 90.304, that the prospective parent is the  
327 biological parent of the child. If a party fails to rebut the  
328 presumption of parentage which arose from the statistical  
329 probability of parentage that equals or exceeds 95 percent, the



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330 court may enter a summary judgment of parentage. If the test  
331 results show the prospective parent is not the biological  
332 parent, the prospective parent is no longer considered a  
333 participant or entitled to notice of the proceedings.

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

336 (10)-(9) If the diligent search under subsection (5) fails  
337 to identify and locate a parent or prospective parent, the court  
338 shall so find and may proceed without further notice.

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

341 39.801 Procedures and jurisdiction; notice; service of  
342 process.—

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

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

- 351 1. The parents of the child.
- 352 2. The legal custodians of the child.
- 353 3. If the parents who would be entitled to notice are dead  
354 or unknown, a living relative of the child, unless upon diligent  
355 search and inquiry no such relative can be found.
- 356 4. Any person who has physical custody of the child.
- 357 5. Any grandparent entitled to priority for adoption under  
358 s. 63.0425.



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359           6. Any prospective parent who has been identified under s.  
360 39.503 or s. 39.803, unless a court order has been entered  
361 pursuant to s. 39.503(4), (6), or (10) or s. 39.803(4), (6), or  
362 (10) s. 39.503(4) or (9) or s. 39.803(4) or (9) which indicates  
363 no further notice is required. Except as otherwise provided in  
364 this section, if there is not a legal father, notice of the  
365 petition for termination of parental rights must be provided to  
366 any known prospective father who is identified under oath before  
367 the court or who is identified by a diligent search of the  
368 Florida Putative Father Registry. Service of the notice of the  
369 petition for termination of parental rights is not required if  
370 the prospective father executes an affidavit of nonpaternity or  
371 a consent to termination of his parental rights which is  
372 accepted by the court after notice and opportunity to be heard  
373 by all parties to address the best interests of the child in  
374 accepting such affidavit.

375           7. The guardian ad litem for the child or the  
376 representative of the guardian ad litem program, if the program  
377 has been appointed.

378  
379 The document containing the notice to respond or appear must  
380 contain, in type at least as large as the type in the balance of  
381 the document, the following or substantially similar language:  
382 "FAILURE TO PERSONALLY APPEAR AT THIS ADVISORY HEARING  
383 CONSTITUTES CONSENT TO THE TERMINATION OF PARENTAL RIGHTS OF  
384 THIS CHILD (OR CHILDREN). IF YOU FAIL TO APPEAR ON THE DATE AND  
385 TIME SPECIFIED, YOU MAY LOSE ALL LEGAL RIGHTS AS A PARENT TO THE  
386 CHILD OR CHILDREN NAMED IN THE PETITION ATTACHED TO THIS  
387 NOTICE."



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

404       1. File a claim of paternity with the Florida Putative  
405 Father Registry pursuant to instructions provided for submitting  
406 a claim of paternity form to the Office of Vital Statistics,  
407 including the address to which the claim must be sent.

408       2. Legally establish his parental rights to the child  
409 pursuant to the laws of the state.

410       3. File a verified response with the court which contains a  
411 pledge of commitment to the child, a request for the court to  
412 calculate and order child support, and an agreement to submit to  
413 the court's jurisdiction.

414       4. Provide support for the child as calculated by the court  
415 under s. 61.30.

416       5. Seek to establish a substantial relationship with the



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

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

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

445 (e) ~~(b)~~ If a party required to be served with notice as





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446 prescribed in paragraph (a) cannot be served, notice of hearings  
447 must be given as prescribed by the rules of civil procedure, and  
448 service of process must be made as specified by law or civil  
449 actions.

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

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

467 Section 7. Section 39.803, Florida Statutes, is amended to  
468 read:

469 39.803 Identity or location of parent unknown after filing  
470 of termination of parental rights petition; special procedures.—

471 (1) If the identity or location of a parent is unknown and  
472 a petition for termination of parental rights is filed, the  
473 court shall conduct under oath the following inquiry of the  
474 parent who is available, or, if no parent is available, of any



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475 relative, caregiver, or legal custodian of the child who is  
476 present at the hearing and likely to have the information  
477 regarding the identity of any man:

478 (a) To whom the mother of the child was married at any time  
479 when conception of the child may have occurred or at the time of  
480 the birth of the child.

481 (b) Who has filed an affidavit of paternity pursuant to s.  
482 382.013(2)(c) before an advisory hearing is held on a petition  
483 for termination of parental rights.

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

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

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

492 ~~(a) Whether the mother of the child was married at the~~  
493 ~~probable time of conception of the child or at the time of birth~~  
494 ~~of the child.~~

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

497 ~~(g)(c) Who claims to be the father and from whom Whether~~  
498 the mother has received payments or promises of support with  
499 respect to the child or because of her pregnancy ~~from a man who~~  
500 ~~claims to be the father.~~

501 ~~(h)(d) Who Whether~~ the mother has named ~~any man~~ as the  
502 father on the birth certificate of the child or in connection  
503 with applying for or receiving public assistance before an



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504 advisory hearing is held on the petition for termination of  
505 parental rights.

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

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

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

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

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

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

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

528 (5) If the inquiry under subsection (1) identifies a parent  
529 or prospective parent, and that person's location is unknown,  
530 the court shall direct the petitioner to conduct a diligent  
531 search for that person before scheduling an adjudicatory hearing  
532 regarding the petition for termination of parental rights to the



533 child unless the court finds that the best interest of the child  
534 requires proceeding without actual notice to the person whose  
535 location is unknown.

536 (6) If the inquiry under subsection (1) identifies an  
537 unmarried biological father or an unmarried biological father is  
538 identified by another means and is personally served with a  
539 petition for termination of parental rights but fails to assert  
540 his parental rights as specified in s. 39.801(3)(b), the court  
541 shall so find and may proceed without further notice.

542 (7)-(6) The diligent search required by subsection (5) must  
543 include, at a minimum, inquiries of all known relatives of the  
544 parent or prospective parent, inquiries of all offices of  
545 program areas of the department likely to have information about  
546 the parent or prospective parent, inquiries of other state and  
547 federal agencies likely to have information about the parent or  
548 prospective parent, inquiries of appropriate utility and postal  
549 providers, a thorough search of at least one electronic database  
550 specifically designed for locating persons, a search of the  
551 Florida Putative Father Registry, and inquiries of appropriate  
552 law enforcement agencies. Pursuant to s. 453 of the Social  
553 Security Act, 42 U.S.C. s. 653(c)(4), the department, as the  
554 state agency administering Titles IV-B and IV-E of the act,  
555 shall be provided access to the federal and state parent locator  
556 service for diligent search activities.

557 (8)-(7) Any agency contacted by petitioner with a request  
558 for information pursuant to subsection (7) -(6) shall release the  
559 requested information to the petitioner without the necessity of  
560 a subpoena or court order.

561 (9)-(8) If the inquiry and diligent search identifies a



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562 prospective parent, that person must be given the opportunity to  
563 become a party to the proceedings by completing a sworn  
564 affidavit of parenthood and filing it with the court or the  
565 department. A prospective parent who files a sworn affidavit of  
566 parenthood while the child is a dependent child but no later  
567 than at the time of or before the adjudicatory hearing in the  
568 termination of parental rights proceeding for the child shall be  
569 considered a parent for all purposes under this section.

570 ~~(10)~~(9) If the diligent search under subsection (5) fails  
571 to identify and locate a prospective parent, the court shall so  
572 find and may proceed without further notice.

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

574  
575 ===== T I T L E A M E N D M E N T =====

576 And the title is amended as follows:

577 Delete everything before the enacting clause  
578 and insert:

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



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