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§§ 61.1302 to 68

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Cumulative Annual Pocket Part

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EFFECTIVE DATES OF LAWS

PREFACE

The Pocket Parts for the volumes of West's Florida Statutes Annotated bring to date the text of all Florida laws of a general and permanent nature, through the 2018 Second Regular Session of the Twenty-Fifth Legislature.

The arrangement and classification of laws conform to that of Florida Statutes 2018, prepared under the direction and supervision of the Division of Law Revision and Information.

The supplementary annotations from the decisions of the State and Federal Courts construing the Statutes include cases published on Westlaw as of July 5, 2018. Opinions of the Attorney General are included through 2018-04.

Contact Us

For additional information or research assistance call the West reference attorneys at 1-800-REF-ATTY (1-800-733-2889). Contact our U.S. legal editorial department directly with your questions and suggestions by e-mail at editors.us-legal@tr.com.

The following table shows the date of adjournment and the general effective date of laws enacted in sessions of the legislature beginning with the year 1945.

Year	Session	Adjournment Date	Effective Date
1945	Regular	9-2-45	7-31-45
1946	Extra	7-24-46	6-30-45
1947	Regular	6-3-47	5-3-47
1948	Extra	8-28-48	11-16-48
1949	Regular	7-3-49	6-3-49
1950	Extra	6-24-50	11-23-49
1951	Regular	6-1-51	7-31-51
1952	Regular	6-5-52	8-30-52
1953	Regular	6-3-53	8-3-53
1954	1st Extra	6-1-54	8-30-54
1954	2nd Extra	11-6-54	1-3-57
1957	Regular	6-1-57	8-7-57
1957	Extra	10-9-57	12-3-57
1959	Regular	6-2-59	8-3-59
1961	Regular	6-2-61	8-1-61
1962	1st Extra	6-11-62	10-16-62
1962	2nd Extra	11-28-62	1-27-63
1963	Extra	2-7-63	4-6-63
1963	Regular	6-23-63	8-19-63
1965	Regular	6-4-65	8-3-65
1965	1st Extra	8-24-65	8-3-65
1966	2nd Extra	7-14-66	8-12-66

State Healthcare Laws Library FAC Rule 64V-1.017, Rescinding Vital Records.

Treatises and Practice Aids

23 Florida Practice Series § 6:4, Historical Perspective—Biological Father's Constitutional Rights and Responsibilities—Florida Courts.

23 Florida Practice Series § 6:5, Parental Rights Under the 2008 and 2012 Amendments.

1 Handling Child Custody, Abuse and Adoption Cases § 3:1, Establishing Parentage Generally.

1 Handling Child Custody, Abuse and Adoption Cases § 3:12, Unmarried Father's Rights to Object to Adoption.

2 Handling Child Custody, Abuse and Adoption Cases § 14:6, Unmarried Fathers.

Notes of Decisions

3. Notice

An unwed father obtains a protected interest in his inchoate due process rights to receive notice of adoption if he establishes a full commitment to the responsibilities of parenthood and participates in the upbringing of his child. *Kemp & Associates, Inc. v. Chisholm*, App. 5 Dist., 162 So.3d 172 (2015), review denied 177 So.3d 1263. Constitutional Law ⇐ 4395

Notice to putative father of adoption is not given based on a father's biological connection to the child alone; rather, the unmarried father must take some statutorily mandated steps to protect his inchoate due process rights. *Kemp & Associates, Inc. v. Chisholm*, App. 5 Dist., 162 So.3d 172 (2015), review denied 177 So.3d 1263. Adoption ⇐ 12; Constitutional Law ⇐ 4395

63.0541. Public records exemption for the Florida Putative Father Registry

Research References

Other References

Florida Bar Continuing Legal Education Materials 1-127, Title VI. Civil Practice and Procedure.

Florida Bar Continuing Legal Education Materials 12.981(a)(6), Instructions for Florida Supreme Court Approved Family Law Form 12.981(a)(6), Motion for

Search of the Putative Father Registry (11/15).

Florida Bar Continuing Legal Education Materials 2-1, Legal Forms and Worksheets Relating to Adoptions.

Treatises and Practice Aids

4/30/2004 Florida Bar News, The 6, Florida Family Law Forms Amended.

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

(1) Unless supported by one or more of the grounds enumerated under s. 63.089(3), a petition to terminate parental rights pending adoption may be granted only if written consent has been executed as provided in s. 63.082 after the birth of the minor or notice has been served under s. 63.088 to:

(a) The mother of the minor.

(b) The father of the minor, if:

1. The minor was conceived or born while the father was married to the mother;

2. The minor is his child by adoption;

3. The minor has been adjudicated by the court to be his child before the date a petition for termination of parental rights is filed;

4. He has filed an affidavit of paternity pursuant to s. 382.013(2)(c) or he is listed on the child's birth certificate before the date a petition for termination of parental rights is filed; or

5. In the case of an unmarried biological father, he has acknowledged in writing, signed in the presence of a competent witness, that he is the father of the minor, has filed such acknowledgment with the Office of Vital Statistics of the Department of

Health within the required timeframes, and has complied with the requirements of subsection (2).

The status of the father shall be determined at the time of the filing of the petition to terminate parental rights and may not be modified, except as otherwise provided in s. 63.0423(9)(a), for purposes of his obligations and rights under this chapter by acts occurring after the filing of the petition to terminate parental rights.

(c) The minor, if 12 years of age or older, unless the court in the best interest of the minor dispenses with the minor's consent.

(d) Any person lawfully entitled to custody of the minor if required by the court.

(e) The court having jurisdiction to determine custody of the minor, if the person having physical custody of the minor does not have authority to consent to the adoption.

(2) In accordance with subsection (1), the consent of an unmarried biological father shall be necessary only if the unmarried biological father has complied with the requirements of this subsection.

(a) 1. With regard to a child who is placed with adoptive parents more than 6 months after the child's birth, an unmarried biological father must have developed a substantial relationship with the child, taken some measure of responsibility for the child and the child's future, and demonstrated a full commitment to the responsibilities of parenthood by providing reasonable and regular financial support to the child in accordance with the unmarried biological father's ability, if not prevented from doing so by the person or authorized agency having lawful custody of the child, and either:

a. Regularly visited the child at least monthly, when physically and financially able to do so and when not prevented from doing so by the birth mother or the person or authorized agency having lawful custody of the child; or

b. Maintained regular communication with the child or with the person or agency having the care or custody of the child, when physically or financially unable to visit the child or when not prevented from doing so by the birth mother or person or authorized agency having lawful custody of the child.

2. An unmarried biological father who openly lived with the child for at least 6 months within the 1-year period following the birth of the child and immediately preceding placement of the child with adoptive parents and who openly held himself out to be the father of the child during that period shall be deemed to have developed a substantial relationship with the child and to have otherwise met the requirements of this paragraph.

(b) With regard to a child who is 6 months of age or younger at the time the child is placed with the adoptive parents, an unmarried biological father must have demonstrated a full commitment to his parental responsibility by having performed all of the following acts prior to the time the mother executes her consent for adoption:

1. Filed a notarized claim of paternity form with the Florida Putative Father Registry within the Office of Vital Statistics of the Department of Health, which form shall be maintained in the confidential registry established for that purpose and shall be considered filed when the notice is entered in the registry of notices from unmarried biological fathers.

2. Upon service of a notice of an intended adoption plan or a petition for termination of parental rights pending adoption, executed and filed an affidavit in that proceeding stating that he is personally fully able and willing to take responsibility for the child, setting forth his plans for care of the child, and agreeing to a court order of child support and a contribution to the payment of living and medical

Other References

- Florida Bar Continuing Legal Education Materials 1, Here's What You Do and How You Do It.
- Florida Bar Continuing Legal Education Materials 2-1, Adoption.
- Florida Bar Continuing Legal Education Materials 4-1, Paternity.
- Florida Bar Continuing Legal Education Materials 7-1, Rights, Disabilities, and Property of Minors.
- Florida Bar Continuing Legal Education Materials 4-1, Jurisdiction in Child Custody Cases.
- Florida Bar Continuing Legal Education Materials 1-127, Title VI. Civil Practice and Procedure.
- Florida Bar Continuing Legal Education Materials 12.200, Rule 12.200. Case Management and Pretrial Conferences.
- Florida Bar Continuing Legal Education Materials 12.981(a)(1), Instructions for Florida Supreme Court Approved Family Law Form 12.981(a)(1) Stepparent Adoption: Consent and Waiver by Parent (11/15).
- Florida Bar Continuing Legal Education Materials 12.981(b)(1), Instructions for Florida Supreme Court Approved Family Law Form 12.981(b)(1), Joint Petition for Adoption by Stepparent (11/15).
- Florida Bar Continuing Legal Education Materials 20-1, Adoption After Termination of Parental Rights.
- Florida Bar Continuing Legal Education Materials 2-1, Legal Forms and Worksheets Relating to Adoptions.
- State Healthcare Laws Library FAC Rule 64V-1.016, Florida Putative Father Registry.

State Healthcare Laws Library FAC Rule 64V-1.017, Rescinding Vital Records.

Treatises and Practice Aids

- 1 Children and the Law: Rights and Obligations § 4:17, Married Father's Consent.
- 1 Children and the Law: Rights and Obligations § 4:18, Unwed Father's Consent.
- 6/15/2002 Florida Bar News, The 10, Family Law Rules Amendments.
- 9/15/1997 Florida Bar News, The 21, Amendments to the Florida Family Law Rules of Procedure.
- 11/1/2002 Florida Bar News, The 4, Court Amends Family Law Rules.
- 23 Florida Practice Series § 6:1, Summary.
- 23 Florida Practice Series § 6:4, Historical Perspective—Biological Father's Constitutional Rights and Responsibilities—Florida Courts.
- 23 Florida Practice Series § 6:5, Parental Rights Under the 2008 and 2012 Amendments.
- 23 Florida Practice Series § 6:7, Termination of Parental Rights Pending Adoption—In General.
- 2 Handling Child Custody, Abuse and Adoption Cases § 14:6, Unmarried Fathers.
- 2 Handling Child Custody, Abuse and Adoption Cases § 14:15, Consent of Child.
- 2 Handling Child Custody, Abuse and Adoption Cases § 14:16, Agency Consent.
- 1 Legal Rights of Children § 6:6 (3d ed.), Consent, or Lack of Consent, to Adoption.

Notes of Decisions

Appointed counsel 23.5

4. Father's consent—In general

Adoption agency was not required to conduct diligent search for putative father of child placed with agency by child's mother in order for child's adoption to proceed; no putative father was known, or locatable, or identified, by time birth mother signed her consent for child's adoption. *Children's Home Society of Florida v. V.D.*, App. 1

Dist., 188 So.3d 920 (2016), rehearing denied. Adoption ⇌ 5.5

9. — Notice to father, father's consent

An unwed father obtains a protected interest in his inchoate due process rights to receive notice of adoption if he establishes a full commitment to the responsibilities of parenthood and participates in the upbringing of his child. *Kemp & Associates, Inc. v. Chisholm*, App. 5 Dist., 162 So.3d 172 (2015), review denied 177 So.3d 1263. Constitutional Law ⇌ 4395