

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

A.A.F., the Father,
Appellant,

v.

DEPARTMENT OF CHILDREN AND FAMILIES and **MR.** and **MRS. L.**,
Appellees.

Nos. 4D16-2970 and 4D16-3222

[February 1, 2017]

Consolidated appeals from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Jose Izquierdo, Judge; L.T. Case No. 2008-5659 CJDP.

Jorge E. Hurtado of Law Offices of Jorge E. Hurtado, P.A., Coral Springs, for appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, and Carolyn Schwarz, Assistant Attorney General, Fort Lauderdale, for appellee Department of Children and Families.

Denise E. Kistner of Law Offices of Denise E. Kistner, P.A., Fort Lauderdale, for appellees Mr. and Mrs. L.

PER CURIAM.

Appellant, a putative father,¹ challenges the denial of his motion to intervene and motion for relief from a final judgment of termination of parental rights, claiming he had no notice of the proceedings. Because he did not register with the Florida Putative Fathers Registry pursuant to section 63.054, Florida Statutes (2016), he was not entitled to notice. See § 68.088(1), Fla. Stat. (2016). The final judgment of termination concluded that there was no legal father, and that the appellee had made a diligent search for a father, including a search of the Putative Fathers Registry.

¹ Appellant's paternity of the subject child has never been established. The child was born in April 2014, removed from the mother in July 2014, and a final judgment of termination was entered in January 2016. Appellant sought to intervene in May 2016.

Appellant, in seeking to intervene post-judgment and in seeking relief from judgment, did not raise the constitutional challenge to the statute that he raises on appeal—an as-applied challenge to the registry and notice provisions of the statute. He cannot raise such a challenge for the first time on appeal. *Trushin v. State*, 425 So. 2d 1126, 1129-30 (Fla. 1983). His procedural arguments were likewise not preserved in the trial court.

Affirmed.

WARNER, GROSS and MAY, JJ., concur.

* * *

Not final until disposition of timely filed motion for rehearing.