

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

1 Committee/Subcommittee hearing bill: Health Quality  
 2 Subcommittee  
 3 Representative Richardson offered the following:

**Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 382.015, Florida Statutes, is amended  
 8 to read:

9 382.015 New certificates of live birth; duty of clerks of  
 10 court and department.—The clerk of the court in which any  
 11 proceeding for adoption, annulment of an adoption, affirmation  
 12 of parental status, or determination of parentage ~~paternity~~ is  
 13 to be registered, shall within 30 days after the final  
 14 disposition, forward to the department a certified copy of the  
 15 court order, or a report of the proceedings upon a form to be  
 16 furnished by the department, together with sufficient  
 17 information to identify the original birth certificate and to

Amendment No.

18 enable the preparation of a new birth certificate. The clerk of  
19 the court shall implement a monitoring and quality control plan  
20 to ensure that all judicial determinations of parentage  
21 ~~paternity~~ are reported to the department in compliance with this  
22 section. The department shall track parentage ~~paternity~~  
23 determinations reported monthly by county, monitor compliance  
24 with the 30-day timeframe, and report the data to the clerks of  
25 the court quarterly.

26 (1) ADOPTION AND ANNULMENT OF ADOPTION.—

27 (a) Upon receipt of the report or certified copy of an  
28 adoption decree, together with the information necessary to  
29 identify the original certificate of live birth, and establish a  
30 new certificate, the department shall prepare and file a new  
31 birth certificate, absent objection by the court decreeing the  
32 adoption, the adoptive parents, or the adoptee if of legal age.  
33 The certificate must ~~shall~~ bear the same file number as the  
34 original birth certificate. All names and identifying  
35 information relating to the adoptive parents entered on the new  
36 certificate shall refer to the adoptive parents, but nothing in  
37 the certificate shall refer to or designate the parents as being  
38 adoptive. All other items not affected by adoption shall be  
39 copied as on the original certificate, including the date of  
40 registration and filing.

41 (b) Upon receipt of the report or certified copy of an  
42 annulment-of-adoption decree, together with the sufficient  
43 information to identify the original certificate of live birth,

003657 - h1151-strike 2.docx

Published On: 2/1/2016 3:06:42 PM

Amendment No.

44 the department shall, if a new certificate of birth was filed  
45 following an adoption report or decree, remove the new  
46 certificate and restore the original certificate to its original  
47 place in the files, and the certificate so removed shall be  
48 sealed by the department.

49 (c) Upon receipt of a report or certified copy of an  
50 adoption decree or annulment-of-adoption decree for a person  
51 born in another state, the department shall forward the report  
52 or decree to the state of the registrant's birth. If the adoptee  
53 was born in Canada, the department shall send a copy of the  
54 report or decree to the appropriate birth registration authority  
55 in Canada.

56 (2) DETERMINATION OF PARENTAGE ~~PATERNITY~~.—Upon receipt of  
57 the report, a certified copy of a final decree of determination  
58 of parentage ~~paternity~~, or a certified copy of a final judgment  
59 of dissolution of marriage which requires the former spouse  
60 ~~husband~~ to pay child support for the child, together with  
61 sufficient information to identify the original certificate of  
62 live birth, the department shall prepare and file a new birth  
63 certificate, which must ~~shall~~ bear the same file number as the  
64 original birth certificate. The registrant's name shall be  
65 entered as decreed by the court or as reflected in the final  
66 judgment or support order. The names and identifying information  
67 of the parents shall be entered as of the date of the  
68 registrant's birth.

Amendment No.

69 (3) AFFIRMATION OF PARENTAL STATUS.—Upon receipt of an  
70 order of affirmation of parental status issued pursuant to s.  
71 742.16, together with sufficient information to identify the  
72 original certificate of live birth, the department shall prepare  
73 and file a new birth certificate which must ~~shall~~ bear the same  
74 file number as the original birth certificate. The names and  
75 identifying information of the registrant's parents entered on  
76 the new certificate shall be the commissioning couple, but the  
77 new certificate may not make reference to or designate the  
78 parents as the commissioning couple.

79 (4) SUBSTITUTION OF NEW CERTIFICATE OF BIRTH FOR  
80 ORIGINAL.—When a new certificate of birth is prepared, the  
81 department shall substitute the new certificate of birth for the  
82 original certificate on file. All copies of the original  
83 certificate of live birth in the custody of a local registrar or  
84 other state custodian of vital records shall be forwarded to the  
85 State Registrar. Thereafter, when a certified copy of the  
86 certificate of birth or portion thereof is issued, it must ~~shall~~  
87 be a copy of the new certificate of birth or portion thereof,  
88 except when a court order requires issuance of a certified copy  
89 of the original certificate of birth. In an adoption, change in  
90 parentage ~~paternity~~, affirmation of parental status,  
91 undetermined parentage, or court-ordered substitution, the  
92 department shall place the original certificate of birth and all  
93 papers pertaining thereto under seal, not to be broken except by

003657 - h1151-strike 2.docx

Published On: 2/1/2016 3:06:42 PM

Amendment No.

94 order of a court of competent jurisdiction or as otherwise  
95 provided by law.

96 (5) FORM.—Except for certificates of foreign birth which  
97 are registered as provided in s. 382.017, and delayed  
98 certificates of birth which are registered as provided in ss.  
99 382.019 and 382.0195, all original, new, or amended certificates  
100 of live birth must ~~shall~~ be identical in form, regardless of the  
101 marital status of the parents or the fact that the registrant is  
102 adopted or of undetermined parentage.

103 (a) The department shall include on every certificate of  
104 live birth where the name of each parent is printed the  
105 following designations:

- 106 1. Mother;  
107 2. Father; or  
108 3. Parent.

109 (b) The parent or parents signing the certificate of live  
110 birth shall select a designation of relationship as described in  
111 paragraph (a) for each parent.

112 (6) RULES.—The department shall adopt and enforce ~~all~~  
113 rules necessary to implement ~~for carrying out the provisions of~~  
114 this section.

115 Section 2. Subsection (2) and paragraphs (a) and (b) of  
116 subsection (3) of section 382.013, Florida Statutes, are amended  
117 to read:

118 382.013 Birth registration.—A certificate for each live  
119 birth that occurs in this state shall be filed within 5 days

Amendment No.

120 after such birth with the local registrar of the district in  
121 which the birth occurred and shall be registered by the local  
122 registrar if the certificate has been completed and filed in  
123 accordance with this chapter and adopted rules. The information  
124 regarding registered births shall be used for comparison with  
125 information in the state case registry, as defined in chapter  
126 61.

127 (2) PARENTAGE ~~PATERNITY~~.—

128 (a) If the mother is married at the time of birth, the  
129 name of the spouse must ~~husband shall~~ be entered on the birth  
130 certificate as a parent ~~the father~~ of the child, unless  
131 parentage ~~paternity~~ has been determined otherwise by a court of  
132 competent jurisdiction.

133 (b) Notwithstanding paragraph (a), if the spouse ~~husband~~  
134 of the mother dies while the mother is pregnant but before the  
135 birth of the child, the name of the deceased spouse must ~~husband~~  
136 ~~shall~~ be entered on the birth certificate as a parent ~~the father~~  
137 of the child, unless parentage ~~paternity~~ has been determined  
138 otherwise by a court of competent jurisdiction.

139 (c) If the mother is not married at the time of the birth,  
140 the name of the father may not be entered on the birth  
141 certificate without the execution of an affidavit signed by both  
142 the mother and the person to be named as the father. The  
143 facility shall give notice orally or through the use of video or  
144 audio equipment, and in writing, of the alternatives to, the  
145 legal consequences of, and the rights, including, if one parent

Amendment No.

146 is a minor, any rights afforded due to minority status, and  
147 responsibilities that arise from signing an acknowledgment of  
148 paternity, as well as information provided by the Title IV-D  
149 agency established pursuant to s. 409.2557, regarding the  
150 benefits of voluntary establishment of parentage ~~paternity~~. Upon  
151 request of the mother and the person to be named as the father,  
152 the facility shall assist in the execution of the affidavit, a  
153 notarized voluntary acknowledgment of parentage ~~paternity~~, or a  
154 voluntary acknowledgment of parentage ~~paternity~~ that is  
155 witnessed by two individuals and signed under penalty of perjury  
156 as specified by s. 92.525(2).

157 (d) If the parentage ~~paternity~~ of the child is determined  
158 by a court of competent jurisdiction as provided under s.  
159 382.015 or there is a final judgment of dissolution of marriage  
160 which requires the former spouse ~~husband~~ to pay child support  
161 for the child, the name of the former spouse ~~father~~ and the  
162 surname of the child shall be entered on the certificate in  
163 accordance with the finding and order of the court. If the court  
164 fails to specify a surname for the child, the surname must ~~shall~~  
165 be entered in accordance with subsection (3).

166 (e) If the parentage ~~paternity~~ of the child is determined  
167 pursuant to s. 409.256, the name of the father and the surname  
168 of the child must ~~shall~~ be entered on the certificate in  
169 accordance with the finding and order of the Department of  
170 Revenue.

Amendment No.

171 (f) If the parents ~~mother and father~~ marry each other at  
172 any time after the child's birth, upon receipt of a marriage  
173 license that identifies any such child, the department shall  
174 amend the certificate with regard to the parents' marital status  
175 as though the parents were married at the time of birth.

176 (g) If the father is not named on the certificate, no  
177 other information about the father shall be entered on the  
178 certificate.

179 (3) NAME OF CHILD.—

180 (a) If the mother is married at the time of birth, the  
181 mother and spouse ~~father~~ whose names are entered on the birth  
182 certificate shall select the given names and surname of the  
183 child if both parents have custody of the child, otherwise the  
184 parent who has custody shall select the child's name.

185 (b) If the parents ~~mother and father~~ whose names are  
186 entered on the birth certificate disagree on the surname of the  
187 child and both parents have custody of the child, the surname  
188 selected by each parent ~~the father and the surname selected by~~  
189 ~~the mother~~ shall both be entered on the birth certificate,  
190 separated by a hyphen, with the selected names entered in  
191 alphabetical order. If the parents disagree on the selection of  
192 a given name, the given name may not be entered on the  
193 certificate until a joint agreement that lists the agreed upon  
194 given name and is notarized by both parents is submitted to the  
195 department, or until a given name is selected by a court.



Amendment No.

196 Section 3. Section 742.011, Florida Statutes, is amended  
197 to read:

198 742.011 Determination of parentage ~~paternity~~ proceedings;  
199 jurisdiction.—Any woman who is pregnant or has a child, any  
200 spouse of a woman who is pregnant or has a child, any man who  
201 has reason to believe that he is the father of a child, or any  
202 child may bring proceedings in the circuit court, in chancery,  
203 to determine the parentage ~~paternity~~ of the child when parentage  
204 ~~paternity~~ has not been established by law or otherwise.

205 Section 4. Section 742.091, Florida Statutes, is amended  
206 to read:

207 742.091 Marriage of parents.—If the ~~mother of any child~~  
208 ~~born out of wedlock and the~~ reputed parents of a child ~~father~~  
209 ~~shall~~ at any time after its birth intermarry, the child shall in  
210 all respects be deemed and held to be the child of the spouses  
211 ~~husband and wife~~, as though born within wedlock, and upon the  
212 payment of all costs and attorney fees as determined by the  
213 court, the cause shall be dismissed and the bond provided for in  
214 s. 742.021 is ~~shall be~~ void. The record of the proceedings in  
215 such cases shall be sealed against public inspection in the  
216 interests of the child.

217 Section 5. Section 742.105, Florida Statutes, is amended  
218 to read:

219 742.105 Effect of a determination of parentage ~~paternity~~  
220 from a foreign jurisdiction.—A final order of parentage  
221 ~~paternity~~ entered in a foreign jurisdiction, whether resulting

Amendment No.

222 from a voluntary acknowledgment or an administrative or judicial  
223 process, or an affidavit acknowledging paternity signed in any  
224 other state according to its procedures, must ~~shall~~ be given the  
225 same legal effect as if such final order was entered or  
226 affidavit was signed pursuant to this chapter. In any proceeding  
227 in this state, a certified copy of the final order of parentage  
228 ~~paternity~~ from a foreign jurisdiction is ~~shall be~~ conclusive  
229 evidence of parentage ~~paternity~~.

230 Section 6. Section 742.11, Florida Statutes, is amended to  
231 read:

232 742.11 Presumed status of child conceived by means of  
233 artificial or in vitro insemination or donated eggs or  
234 preembryos.—

235 (1) Except in the case of gestational surrogacy, any child  
236 born within wedlock who has been conceived by the means of  
237 artificial or in vitro insemination is irrebuttably presumed to  
238 be the child of the spouses ~~husband and wife~~, provided that both  
239 spouses ~~husband and wife~~ have consented in writing to the  
240 artificial or in vitro insemination.

241 (2) Except in the case of gestational surrogacy, any child  
242 born within wedlock who has been conceived by means of donated  
243 eggs or preembryos shall be irrebuttably presumed to be the  
244 child of the recipient gestating woman and her spouse ~~husband~~,  
245 provided that both parties have consented in writing to the use  
246 of donated eggs or preembryos.

Amendment No.

247 Section 7. Subsection (2) of section 742.13, Florida  
248 Statutes, is amended to read:

249 742.13 Definitions.—As used in ss. 742.11-742.17, the  
250 term:

251 (2) "Commissioning couple" means the intended parents  
252 ~~mother and father~~ of a child who will be conceived by means of  
253 assisted reproductive technology using the eggs or sperm of at  
254 least one of the intended parents.

255 Section 8. This act shall take effect July 1, 2016.

256

257

258

259

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

260  
261 Remove everything before the enacting clause and insert:

262 A bill to be entitled

263 An act relating to parentage; amending s. 382.015, F.S.;  
264 requiring the Department of Health to prepare, file, and issue a  
265 new certificate of live birth under specified circumstances;  
266 requiring the new certificate of live birth to bear a specified  
267 reference; requiring the certificate of live birth to contain a  
268 designation of relationship; amending ss. 382.013, 742.011,  
269 742.091, 742.105, 742.11, and 742.13, F.S.; conforming  
270 provisions to changes made by the act; providing an effective  
271 date.