

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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5			ORIGINAL STAMP BELOW
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11 The Committee on Health Promotion offered the following:

13 **Amendment**

14 On page 10, lines 19, through page 12, line 29,
15 remove from the bill: all of said lines
16
17 and insert in lieu thereof: certificate without the execution
18 of a consenting affidavit signed by both the mother and the
19 person to be named as the father. The facility shall give
20 ~~After giving~~ notice orally or through the use of video or
21 audio equipment, and in writing, of the alternatives to, the
22 legal consequences of, and the rights, including, if one
23 parent is a minor, any rights afforded due to minority status,
24 and responsibilities that arise from signing an acknowledgment
25 of paternity, ~~the facility shall provide the mother and the~~
26 ~~person to be named as the father with the affidavit,~~ as well
27 as information provided by the Title IV-D agency established
28 pursuant to s. 409.2557, regarding the benefits of voluntary
29 establishment of paternity. Upon request of the mother and the
30 person to be named as the father, the facility shall assist in
31 the execution of the affidavit.

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1 Section 8. Section 382.016, Florida Statutes, is
2 amended to read:

3 382.016 Amendment of records.--

4 ~~(1)~~ The department, upon receipt of the fee prescribed
5 in s. 382.0255; documentary evidence, as specified by rule,
6 of any misstatement, error, or omission occurring in any
7 birth, death, or fetal death record; ~~as may be required by~~
8 ~~department rule,~~ and an affidavit setting forth the changes to
9 be made, shall amend or replace the original certificate as
10 necessary. ~~However, except for a misspelling or an omission on~~
11 ~~a death certificate with regard to the name of the surviving~~
12 ~~spouse, the department may not change the name of the~~
13 ~~surviving spouse on the certificate except by order of a court~~
14 ~~of competent jurisdiction.~~

15 (1)(2) CERTIFICATE OF LIVE BIRTH AMENDMENT.--

16 (a) Until a child's first birthday, the child's given
17 name or surname may be amended on a certificate of live birth
18 without requiring documentary evidence, upon receipt of the
19 fees prescribed in s. 382.0255 and an affidavit signed by each
20 parent named on the original birth certificate or by the
21 registrant's guardian. After the child's first birthday,
22 documentary evidence is required. If both parents are named on
23 the certificate but both are not willing or available to sign
24 the affidavit, the registrant's name may only be amended by
25 court order.

26 (b)(3) Upon written request and receipt of an
27 affidavit or notarized voluntary acknowledgement of paternity
28 signed by the mother and father acknowledging the paternity of
29 a registrant born out of wedlock, together with sufficient
30 information to identify the original certificate of live
31 birth, the department shall prepare a new birth certificate,

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1 which shall bear the same file number as the original birth
2 certificate. The names and identifying information of the
3 parents shall be entered as of the date of the registrant's
4 birth. The surname of the registrant may be changed from that
5 shown on the original birth certificate at the request of the
6 mother and father of the registrant, or the registrant if of
7 legal age. If the mother and father marry each other at any
8 time after the registrant's birth, the department shall, upon
9 the request of the mother and father or registrant if of legal
10 age and proof of the marriage, amend the certificate with
11 regard to the parents' marital status as though the parents
12 were married at the time of birth.

13 ~~(4) When a new certificate of birth is prepared~~
14 ~~pursuant to subsection (3),~~The department shall substitute
15 the new certificate of birth for the original certificate on
16 file. All copies of the original certificate of live birth in
17 the custody of a local registrar or other state custodian of
18 vital records shall be forwarded to the State Registrar.
19 Thereafter, when a certified copy of the certificate of birth
20 or portion thereof is issued, it shall be a copy of the new
21 certificate of birth or portion thereof, except when a court
22 order requires issuance of a certified copy of the original
23 certificate of birth. The department shall place the original
24 certificate of birth and all papers pertaining thereto,
25 including an affidavit or voluntary acknowledgement of
26 paternity under seal, not to be broken except by order of a
27 court of competent jurisdiction or as otherwise provided by
28 law. However, upon receipt of a notarized request from the
29 mother, the father, or the child if the child is of legal age,
30 the department may issue a certification of the affidavit or
31 voluntary acknowledgement of paternity.