

**STORAGE NAME:** h0775.jo.doc  
**DATE:** February 18, 2002

**HOUSE OF REPRESENTATIVES  
AS REVISED BY THE COMMITTEE ON  
JUDICIAL OVERSIGHT  
ANALYSIS**

**BILL #:** HB 775  
**RELATING TO:** Adoption  
**SPONSOR(S):** Representatives Mahon and Baxley  
**TIED BILL(S):** HB 773

**ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:**

- (1) CHILD & FAMILY SECURITY YEAS 9 NAYS 0
  - (2) JUDICIAL OVERSIGHT
  - (3) COUNCIL FOR HEALTHY COMMUNITIES
  - (4)
  - (5)
- 

I. SUMMARY:

THIS DOCUMENT IS NOT INTENDED TO BE USED FOR THE PURPOSE OF CONSTRUING STATUTES, OR TO BE CONSTRUED AS AFFECTING, DEFINING, LIMITING, CONTROLLING, SPECIFYING, CLARIFYING, OR MODIFYING ANY LEGISLATION OR STATUTE.

House Bill 775 creates a paternity registry with which putative fathers must register in order to receive notice of a petition to terminate parental rights pending adoption. Men are not required to register if they were married to the mother when the child was conceived or born, are the father of a child by adoption, or are a legal father through other court proceedings.

The bill reduces from two years to one year the time period within which an action must be filed to nullify an adoption or termination of parental rights on grounds of fraud or providing false information. It provides a one-year limitation on the admissibility in court of scientific testing to show a probability of paternity.

There is an accompanying public records exemption bill, HB 773, that would exempt information in the paternity registry from public records requirements.

This bill also creates the Interstate Compact on Adoptions and Medical Assistance. Joining the interstate compact would allow families with special needs children under adoption assistance agreements, who move to or from another state, to obtain a Medicaid card and other services in the other state easier and faster.

The bill has a fiscal impact on state government of \$133,332 in nonrecurring, first year start-up costs and \$238,346 in recurring costs.

On February 7, 2002, the Committee on Child and Family Safety adopted one amendment to the bill which did the following: moved the paternity registry established in the bill to the Office of Vital Statistics of the Department of Health, that already has an established process to register putative paternity; and clarified that the adoption registry within the Department of Children and Families is a registry of adoption reunion information.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |                                         |                                        |                                         |
|-----------------------------------|-----------------------------------------|----------------------------------------|-----------------------------------------|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/>            |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/>            | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/>            | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            | N/A <input type="checkbox"/>            |
| 5. <u>Family Empowerment</u>      | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            | N/A <input type="checkbox"/>            |

For any principle that received a “no” above, please explain: the bill creates a new office, with additional employees and functions.

B. PRESENT SITUATION:

**PATERNITY REGISTRY:**

The Office of Vital Statistics in the Department of Health currently maintains a Putative Father Registry pursuant to ' 63.062 (1) (d) 1., Florida Statutes. The Department of Children and Families does not currently keep track of putative fathers, nor does the department’s Adoption (Reunion) Registry maintain paternity information. The Adoption (Reunion) Registry accepts voluntary applications from parties to a Florida adoption who wish to be reunited with other parties to that same adoption. When the registry finds a ‘match,’ both parties are notified and may or may not arrange for a ‘reunification.’ The Adoption (Reunion) Registry does not keep track of all Florida adoptions, that is the statutory responsibility of the Office of Vital Statistics within the Department of Health.

**Background on Termination of Parental Rights and Adoption**

Section 63.032(2), Florida Statutes, provides that adoption is “the act of creating the legal relationship between parent and child where it did not exist, thereby declaring the child to be legally the child of the adoptive parents ...” In creating the Florida Adoption Act in 1973, it was the intent of the Legislature to provide safeguards to protect and promote the well being of persons being adopted and their birth and adoptive parents. The first of those safeguards is that, “the child be legally free for adoption”. ' 63.022, Florida Statutes. For this to occur, any existing parental rights must be terminated with all due process required under the federal and state constitutions necessary to extinguish a fundamental right.

**Legislative History of Adoption Reform**

In 1997, Florida adoption law underwent substantive legislative review. The primary issues debated were: due process (e.g., lack of informed consent and inadequate notice to birth parents and prospective adoptive parents), venue, jurisdiction, birth registries, duties and liabilities of adoption entities, disclosure, revocation of consent, and statute of repose.

During three consecutive legislative sessions, adoption law reform bills failed to pass the Legislature. A significant statute of repose provision on adoption challenges passed in 2000 (See

Chapter # 2000-188, Laws of Florida) that bars after one year, all challenges to adoption based on any ground except fraud and bars after two years all challenges based on fraud.

### **Legislative Changes in 2001**

During the 2001 legislative session, major reforms to the adoption law were enacted (See Chapter # 2000-03, Laws of Florida). By clearly setting out the rights and responsibilities of all persons involved in an adoption, including the adoption entity, the legislation addressed the need for prospective adoptive parents to be better informed as to what the adoption process entails and what it could conceivably cost. The changes provide uniformity, continuity, clarification and finality regarding proceedings for termination of parental rights and proceedings for adoption.

Florida law now brings all adoptions, whether initiated under chapters 39 or 63, Florida Statutes, into parity to ensure that a child is truly available for adoption. The act streamlined the total adoption process by providing for a uniform bifurcated procedural framework whereby the proceedings for termination of parental rights are completed before the proceedings for the creation of new parental rights may be initiated. The act added registered child-caring agencies to the list of entities eligible to handle adoptions. It set forth explicit and comprehensive disclosure, consent, notice, service, and hearing requirements in termination of parental rights and adoption proceedings.

### **Consent to Termination of Parental Rights**

With the exception of the Department of Children and Family Services, which was already subject to similar provisions in chapter 39, Florida Statutes, all other adoption entities are now subject to the new procedures for termination of parental rights as set forth in the ' ' 63.087, 63.088, and 63.089, Florida Statutes.

Section 63.089, Florida Statutes, lists grounds for dismissing or granting a petition for termination of parental rights. The court may terminate parental rights based upon one or more of six grounds. However, prior to the entry of a judgment terminating parental rights, the court must determine by clear and convincing evidence, supported by written findings of fact, the required consent of each person required to provide consent.

If consent to adoption is timely withdrawn, or if the consent or an affidavit of nonpaternity was obtained by fraud, no judgment for termination of parental rights may be entered.

### **Time Limits on Appeals and Statues of Repose**

Florida law sets time limits on the statute of repose, which prohibits the filing of an action of any kind to vacate, set aside, or otherwise nullify a judgment of adoption or underlying judgment terminating parental rights.

Under ' 63.182, Florida Statutes (2000), any adoption challenge to set aside a judgment terminating parental rights or adoption is barred after one year after termination of parental rights, if the action is based on any grounds other than fraud. If the action is based on fraud, the action is barred after two years from the entry of the judgment terminating the parental rights.

In 2001, the Legislature extended these provisions to ' 63.089(7), Florida Statutes, relating to judgments terminating parental rights, and ' 63.142(4), Florida Statutes, relating to judgments of adoption, to achieve finality in adoptions and mitigate future challenges to final adoption judgments.

### **Consent of Fathers**

Consent requirements under ' 63.062, Florida Statutes, were substantially revised in 2001, in order to address many concerns and challenges based on lack of consent and the failure to notify birth parents of termination of parental rights proceedings and obtain consent to adoption. Consent to adoption (or affidavit of nonpaternity) must be obtained and notice must be given to the child's mother, father, any party to a proceeding and any father who provided support during the pregnancy. The act eliminated the court's discretion to waive consent.

The provisions for consent of the child's father apply specifically to one of three prioritized categories of "fathers." Consent or notice is only required of the man who first qualifies as a "father" in the order of the following three categories:

M a person who is the minor's father by marriage at the time of conception or birth, by adoption or by order of the court;

M a person who has been established to be the father by paternity testing; or

M a person who the birth mother has reason to believe is the father and who:

Mhas acknowledged, in writing, he is the father of the minor and has filed such acknowledgment with the Office of Vital Statistics in the Department of Health;

Mhas provided or attempted to provide the minor or the birth mother during her pregnancy with support in a repetitive customary manner; or

Mhas been identified by the birth mother, with reasonable belief, as the person who may be the minor's father in an action to terminate parental rights pending adoption.

No consent or notice is required of any other person under a subsequent category. The man qualifying as the "father" has standing to challenge a petition for or judgment for termination of parental rights and a subsequent adoption.

### **Paternity Testing**

The court may order a paternity test at any time the court has jurisdiction over the minor to verify paternity or non-paternity of a child. The court may order paternity testing on its own or upon motion of any party for termination of parental rights, pursuant to ' 63.089, Florida Statutes, and judgment of adoption, pursuant to ' 63.142, Florida Statutes, if paternity has not been previously established. Statutes provide for paternity testing for consent to adoption (or affidavit of non paternity), only by the court, not upon motion of any party, pursuant to ' 63.082, Florida Statutes.

### **Affidavit Acknowledging Paternity in Florida**

In order to ensure the responsibility of fathers to care for their children and their rights in any consent to adoption and termination of parental rights proceedings, Florida statutes provide for fathers to acknowledge paternity when they are not married to the mother of a child. Fathers and mothers who are not married to each other can establish paternity administratively, without going to court, by filing an affidavit acknowledging paternity. This can be done at the hospital before the baby is discharged or at a local public health unit, or office of the Department of Children and Families or Child Support Enforcement. Paternity can also be established by order of the court.

Staff in all birthing facilities are required to assist with the completion and filing of affidavits (See ' ' 382.013 and 409.2557, Florida Statutes). Parents do not have to pay a fee when both parents sign the form at the hospital or birthing center. Some parents take the information home and sign the acknowledgment at a later date. If the affidavit is submitted after leaving the hospital, a small fee is charged by the Office of Vital Statistics to process the form to amend the birth record.

After signing, either parent has the right to cancel the effect of the affidavit in writing within 60 days unless there has been a court hearing regarding that parent and the child. Once the 60-day period expires, paternity can be changed only by providing evidence in court that one of the signatures on the affidavit was obtained through fraud, under duress, or that there was a material mistake in fact.

### **Registries for Acknowledgement of Paternity in Other States**

According to the National Adoption Information Clearinghouse (NAIC), in almost all states, putative fathers are entitled to notice of proceedings to terminate parental rights or adoption proceedings. States generally require a putative father to register with a putative father registry or acknowledge paternity within a certain time frame in order to receive notice of such proceedings. According to the NAIC, approximately 21 states currently have statutes authorizing the establishment of putative father registries. Several states, however, only mandate by law that a putative father file a notice of his paternity claim within a certain period of time. Failure to register or file may preclude the right to notice of termination or adoption proceedings.

In Texas, paternity must be registered in order for a man to establish a right to receive notice in adoption proceedings. Registration forms are made available to fathers in hospitals, child-placement agencies, jails and government offices. Signing the registry guarantees that the father will be notified of any action to terminate his parental rights. A father may file before a child's birth, but no later than the 30th day after birth. Filing requires completion of the Bureau of Vital Statistics form which must be signed and notarized by the putative father. The putative father may at anytime revoke a notice of intent to claim paternity by sending a written statement that has been signed and notarized.

In Ohio a central paternity registry was established for child support enforcement in conjunction with welfare reform in 1998. The purpose of the Ohio registry is to collect and process all paternity documents initiated by the child support enforcement agencies, hospitals, vital statistics registrars and courts. The registry extracts specific data elements from each document and makes the information available to child support enforcement agencies to allow them to move quickly to establish support.

### **Registry of Adoption Information in Florida**

Currently, the Department of Children and Family Services maintains a statewide Adoption (Reunion) Registry. This registry does not keep track of all adoptions because it's purpose is to allow individuals who were a party to a Florida adoption to voluntarily place their name on the registry in case another party to that adoption signs up with the registry, they could be reunited. The registry contains the names of adoptees, birth parents and adoptive parents, as well as any information those persons wish to include (See ' 63.165, Florida Statutes).

Registration of information is strictly voluntary and paid for through statutorily authorized fees charged to users of the service. See ' 63.165 (2), Florida Statutes. All information contained in the registry is confidential and exempt from the provisions of ' 119.07(1), Florida Statutes, except as permitted by law with the express permission of the registrant. Intermediaries, the Department of Children and Family Services, and private adoption agencies must inform, in writing, birth parents,

prior to termination of their parental rights, and the adoptive parents before placement, of the existence and purpose of the registry, pursuant to ' 63.165(3), Florida Statutes.

### **INTERSTATE COMPACT FOR ADOPTION AND MEDICAL ASSISTANCE:**

The Department of Children and Family Services focuses its adoption placement efforts on special needs children who are difficult to place because they are older, belong to an ethnic minority, have siblings, or have physical, developmental, or emotional disabilities. Non-special needs children are usually referred to private adoption agencies.

To encourage the adoption of special needs children the department has the authority under ' 409.166, Florida Statutes, to provide support and maintenance of a special needs child until the 18th birthday of the child. The support comes in the form of a monthly payment in an amount determined through agreement between the adoptive parents and the department. The agreement shall take into consideration the circumstances of the adopting parents and the needs of the child being adopted, and the amount of subsidy may be readjusted periodically based upon changes in those circumstances. However, in no case is the amount of the adoption subsidy monthly payment in excess of the foster care maintenance payment.

The federal "ADOPTION AND SAFE FAMILIES ACT OF 1997" (P.L. 105-89), was signed into law on November 19, 1997. The act requires states to provide health insurance coverage for any child with special needs for whom there is an adoption assistance agreement between the state and the adoptive parents, and who the state has determined could not be placed for adoption without medical assistance because the child has special needs for medical, mental health, or rehabilitative care. Such health insurance coverage can be provided through Medicaid, or one or more state medical assistance programs, if coverage is Medicaid-comparable. Forty-four states have entered into an agreement (interstate compact) to provide a seamless system for issuing a Medicaid card and providing other services to special needs children and their adoptive families who move from another state.

Florida is not part of this state interstate compact. There is no uniform procedure in Florida to ensure that Assistance Agreement Families that move to Florida from other states receive a Medicaid card and other services in a timely manner. According to DCF, there have been instances of substantial delays in families obtaining assistance and a Florida Medicaid card for children under the adoption assistance program. According to the department, of the 15,621 special needs children with Florida adoption assistance agreements in 1997, 1,406 were living in other states. Of these special needs children with adoption assistance living in other states, 1,125 have their Medicaid coverage provided by the other state under federal requirements because they are Title IV-E eligible. Florida provides Medicaid coverage to the remaining 281 special needs children with Florida adoption assistance agreements who are not Title IV-E eligible.

By comparison, 622 special needs children with adoption assistance agreements from other states lived in Florida in 1997. Of these 622 children with adoption agreements from other states, Florida provided 414 with Medicaid because they are Title IV-E eligible. Other states provide Medicaid to the 208 children they have adoption agreements with who are living in Florida and who are not Title IV-E eligible. More recent data on the number of out-of-state children in Florida will not be available until another national survey is completed.

### **C. EFFECT OF PROPOSED CHANGES:**

#### **Paternity Registry and Notice of Termination of Parental Rights Pending Adoption**

Provisions contained in this bill would provide for the following:

M Reducing from two years to one year the time period within which an action must be filed to nullify an adoption or termination of parental rights on grounds of fraud or providing false information;

M Providing a one-year limitation on the admissibility in court of scientific testing to show a probability of paternity;

M Requiring the Department of Children and Family Services to maintain a paternity registry within the state registry of adoption information. Provides procedures and requirements for registration in the paternity registry, and provides a penalty for providing certain false information. Requires the department to inform the public regarding the paternity registry and to conduct paternity registry searches. Authorizes a fee for such searches; and

M Providing for the use and admissibility in court of paternity registry information. Provides court inquiry, diligent search, notice, and consent requirements in proceedings for termination of parental rights pending adoption, with regard to a person registered with the paternity registry as the father of the child.

### **Interstate Compact on Adoption and Medical Assistance**

This bill also:

M Establishes the Interstate Compact on Adoption and Medical Assistance;

M Provides authority for the Department of Children and Family Services to enter into interstate agreements with other participating states for medical and other necessary services for special needs children; and

M Establishes procedures for interstate delivery of adoption assistance and related services and benefits. Prohibits expansion of Florida's financial commitment beyond the financial obligation of the adoption assistance agreements and Medicaid.

#### **D. SECTION-BY-SECTION ANALYSIS:**

**Section 1. Amends ' 63.062 (1) and (2), Florida Statutes,** relating to persons required to consent to adoption, to:

M Provide a time limitation of one year for the use of scientific testing to show a probability of paternity congruent with the statute of repose, pursuant to ' 63.182, Florida Statutes; and

M Require notice to and written consent from a timely registrant in the paternity registry for a termination of parental rights pending adoption.

**Section 2. Amends ' 63.085 (1), Florida Statutes,** relating to required disclosure to parents and prospective adoptive parents, by adoption entity, to:

M Reduce the time period to one year from two years, within which an action must be filed to nullify an adoption or a termination of parental rights on grounds of fraud or providing false information.

**Section 3. Amends ' 63.088 (3) and (4), Florida Statutes,** relating to the inquiry that must be conducted by the court of the person placing a child for adoption relating to information that may identify the father. The section adds to the list of persons to be included in such an inquiry anyone who has registered with the paternity registry as the father of a child. The section also requires that a diligent search for a person whose consent is required for an adoption includes obtaining information from the paternity registry.

**Section 4. Amends ' 63.089(7), Florida Statutes,** relating to relief from judgment terminating parental rights, to:

M Reduce the time period within which an action must be filed to nullify an adoption or a termination of parental rights on grounds of fraud or providing false information to one year.

M Provide a time limitation for the use of scientific testing to show a probability of paternity congruent with the statute of repose, pursuant to ' 63.182, Florida Statutes.

**Section 5. Amends ' 63.142(4), Florida Statutes,** relating to hearings and judgments of adoption, to:

M Reduce the time period within which an action must be filed to nullify an adoption or a termination of parental rights on grounds of fraud or providing false information to one year.

M Provide a time limitation for the use of scientific testing to show a probability of paternity congruent with the statute of repose, pursuant to ' 63.182, Florida Statutes.

**Section 6. Amends ' 63.165, Florida Statutes,** relating to state registry of adoption information and the paternity registry, to provide the following:

M Requires the Department of Children and Families to create and maintain a paternity registry within the state registry of adoption information that will allow a man to register if he believes that he is, or could be, the father of a child born outside of marriage or adoption;

M Provides that a man is not required to register if he was married to the mother when the child was conceived or born, is the father of the child by adoption, or is the legal father of the child by other court proceedings;

M Provides the information required of a father who is registering and provides for a penalty for false information;

M Provides that the father may register prior to the birth of the child but no later than 30 days after the child's birth;

M Provides that ignorance of a pregnancy is not a sufficient reason to fail to register;

M Provides that a man who fails to register may not assert an interest in a child under certain circumstances;

M Provides that, upon request, the department must furnish a certificate attesting to the results of a search of the paternity registry to a court, the birth mother, or an adoption entity;

M Provides that a court shall order the department to remove the name of a man from the paternity registry if the court determines that the man is not the child's father;

M Provides that the department may not charge a fee for registration, but may charge a fee for a search of the paternity registry;

M Provides that the department must produce and distribute an information pamphlet or publication informing the public about the paternity registry through offices of the department and the Department of Health (DOH) as well as schools, universities, libraries, medical clinics, local, state and federal jails, other providers of child welfare services, and through public service announcements and other means; and

M Provides rulemaking authority to the Department of Children and Family Services.

**Section 7. Amends ' 63.182, Florida Statutes,** relating to statute of repose, to reduce the time period within which an action must be filed to nullify an adoption or a termination of parental rights on grounds of fraud or providing false information from two years to one year.

**Section 8. Provides that any petition for adoption filed before the effective date of this act shall be governed by the law in effect at the time the petition was filed.**

**Section 9. Creates ' 409.406, Florida Statutes,** to establish the Interstate Compact on Adoption and Medical Assistance, effective July 1, 2002.

Statutory language format for interstate compacts is unique (see s. 409.401, Florida Statutes, relating to the Interstate Compact on the Placement of Children). Accordingly, the language of the compact is usually adopted verbatim, including the use of the word "Article."



**Article I.**

Provides findings regarding the need for assistance and special measures when adoptive parents move to other states, or are residents of another state, and the special difficulties when provision of services takes place in other states.

**Article II.**

Provides that the purpose of the act is to authorize the Department of Children and Family Services to enter into agreements with other states on behalf of adopted children receiving services from the department, and to develop procedures for adoption assistance payments and medical payments.

**Article III.**

Provides definitions for terms including, but not limited to, the "adoption assistance state" which is the state that signs an adoption assistance agreement in a particular case and the "residence state" which is where the child resides.

**Article IV.**

Authorizes the Department of Children and Family Services to negotiate and enter into interstate compacts for adoption assistance that have the effect of law as long as they remain in force.

**Article V.**

Delineates provisions required in the compact, including:

M The compact can be joined by all states.

M States can withdraw from the compact by written notice, but the withdrawal does not take effect for 1 year.

M All children and families covered by the compact continue to receive assistance after withdrawal. (This applies only to non-Title IV-E children, since states are already mandated to provide Medicaid coverage to Title IV-E children who move to their state.)

M A written agreement between the adoptive parents and the child welfare agency of the state providing assistance covers each assistance case, and it is enforceable by the parents.

**Article VI.**

Provides for options that may include procedures and entitlements for medical and social services for children living in a state other than the one responsible for their services or costs.

**Article VII.**

Provides requirements for medical assistance that include:

M A child with special needs having an adoption assistance agreement with another state is entitled to medical assistance as soon as Florida receives a certified copy of the agreement. Adoptive parents are required to show the adoptive agreement is still in force at least annually.

M The Department of Children and Family Services and the Agency for Health Care Administration (AHCA) may provide Medicaid benefits to children under a state adoption agreement in addition to children required to be provided Title IV-E support under a federal adoption assistance agreement.

M Under this agreement AHCA will provide the same assistance to children from other states as it does to Florida children.

M Florida will only provide benefits for children under adoption assistance agreements from states that have entered into an interstate compact with Florida.

M Provides for rule making authority.

**Article VIII.**

Requires the department and agencies administering the compact to include in any state plan pursuant to applicable federal aid and law (including the Adoption Assistance and Child Welfare Act of 1980, Pub. L. No. 96-272), Titles IV (E) and XIX of the Social Security Act) the provisions of adoption and medical assistance for which the federal government pays for any cost.

**Section 10. Creates ' 409.407, Florida Statutes,** to prohibit the Department of Children and Family Services from expanding the financial commitment of Florida beyond its current obligation for adoption assistance agreements and Medicaid through the interstate agreements, effective July 1, 2002.

**Section 11. Establishes that the act takes effect on October 1, 2002, except as otherwise provided.**

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill allows the Department of Children and Family Services to charge a reasonable fee for processing a search of the paternity registry. Any fees collected are to be deposited into an unspecified trust fund to be used for administration of section 6 of this bill.

2. Expenditures:

The Department of Children and Family Services provided the following estimate of fiscal impact to the agency for administering the provisions of this bill:

	(FY 2002-2003)	(FY 2003-2004)
Non-recurring/ First-Year Start-Up :	\$133,332	
Recurring	\$238,346	\$280,556

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

**The Department of Children and Family Services**

The Department of Children and Family Services estimates that the paternity registry would require two FTE positions to implement and maintain a computer database to store, retrieve and search

data. Funds would also be needed for development and dissemination of information about the registry.

The department estimates that costs associated with providing Medicaid coverage to adopted children from other states would be offset by other states assuming coverage for Florida children moving out of state. The Agency for Health Care Administration does not anticipate any fiscal impact from the interstate compact.

### **The Department of Health**

The bill as amended, places the paternity registry in the Department of Health (DOH) rather than in the Department of Children and Family Services. DOH has provided the following fiscal impact statement:

The cost of implementing the provision of the bill would be \$140,424 in year one, and \$88,620 in year two.

#### **IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:**

##### **A. APPLICABILITY OF THE MANDATES PROVISION:**

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditures of funds.

##### **B. REDUCTION OF REVENUE RAISING AUTHORITY:**

This bill does not reduce the authority that counties or municipalities have to raise revenues in the aggregate.

##### **C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:**

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

#### **V. COMMENTS:**

##### **A. CONSTITUTIONAL ISSUES:**

None.

##### **B. RULE-MAKING AUTHORITY:**

The bill provides rulemaking authority to the Department of Children and Family Services to implement the paternity registry. The bill language is very specific as to the creation, structure, operation, and requirements of the paternity registry. It is not clear what additional rulemaking the department would need to do.

##### **C. OTHER COMMENTS:**

### **Committee on Child and Family Security**

This bill places the paternity registry in the Department of Children and Families, rather than the Department of Health, Office of Vital Statistics, which already operates a similar, but less extensive,

putative father registry, and is required by law to officially record all births and adoptions in Florida, among other things.

When amendments were adopted to move the paternity registry to the Department of Health, cross references were not corrected and need to be addressed in a subsequent committee. Reference to the paternity registry needs to be removed from the bill on page 8, lines 29 and 30 and on page 13 line 19 the statutory reference to the registry needs to be changed to s. 63.063.

The tied public records bill HB 773 needs to be amended to reference the paternity registry in the Department of Health.

**VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:**

On February 7, 2002, the Committee on Child and Family Safety adopted one amendment to the bill with the following provisions:

M Clarification that the adoption registry of the Department of Children and Families is a registry of adoption reunion information.

M Relocation of the paternity registry established in the bill to the Office of Vital Statistics of the Department of Health, that already has an established process to register putative paternity.

The bill was then reported favorably, as amended.

**VII. SIGNATURES:**

**COMMITTEE ON CHILD & FAMILY SECURITY:**

Prepared by:

Glenn Mitchell

Staff Director:

Robert Brown-Barrios

**AS REVISED BY THE COMMITTEE ON JUDICIAL OVERSIGHT:**

Prepared by:

Carol Preston

Staff Director:

Nathan L. Bond, J.D.