

By Senator Campbell

32-233B-03

1                                   A bill to be entitled  
2           An act relating to public records; providing an  
3           exemption from public-records requirements for  
4           information contained in the Florida Putative  
5           Father Registry maintained by the Office of  
6           Vital Statistics within the Department of  
7           Health; providing for future legislative review  
8           and repeal; providing findings of public  
9           necessity; providing a contingent effective  
10          date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14           Section 1. All information contained in the putative  
15 father registry created under section 63.054, Florida  
16 Statutes, and maintained by the Office of Vital Statistics  
17 within the Department of Health is confidential and exempt  
18 from public disclosure pursuant to section 119.07(1), Florida  
19 Statutes, and Section 24(a), Article I of the State  
20 Constitution, except as expressly provided in section  
21 63.054(13), Florida Statutes. This section is subject to the  
22 Open Government Sunset Review Act of 1995 in accordance with  
23 section 119.15, Florida Statutes, and shall stand repealed on  
24 October 2, 2008, unless reviewed and saved from repeal through  
25 reenactment by the Legislature.

26           Section 2. The Legislature finds that there is a  
27 public necessity to exempt from public disclosure all  
28 information contained in the Florida Putative Father Registry  
29 maintained by the Office of Vital Statistics within the  
30 Department of Health. The Legislature finds that it is good  
31 public policy to provide safeguards to protect and promote the

1 well-being of persons being adopted and their birth and  
2 adoptive parents. In order to ensure that a child is legally  
3 free for adoption, the Legislature finds that any existing  
4 parental rights must be terminated in accordance with due  
5 process as protected under the federal and state laws. The  
6 Legislature finds that protecting the confidentiality and  
7 preventing the disclosure of the information contained in the  
8 Florida Putative Father Registry will encourage putative  
9 fathers who wish to claim paternity and assert parental rights  
10 to register in order to preserve their right to receive notice  
11 and consent to an adoption. The Legislature also finds that  
12 the confidentiality and exemption from public disclosure  
13 provided by this act prevents unnecessary and unwarranted  
14 intrusion into the right of privacy of personal and sensitive  
15 information, including the existence of intimate sexual  
16 relations. Disclosure of information in the registry may also  
17 deter the collection of information integral to the best  
18 interests of a child who is or may become the subject of a  
19 proceeding for the termination of parental rights pending  
20 adoption or other relevant proceeding. Therefore, the  
21 Legislature finds that any benefit that could occur from  
22 public disclosure of the information in the registry is  
23 outweighed by the necessity to ensure the due process rights  
24 of putative fathers and to prevent unwarranted intrusion into  
25 the privacy of the individuals involved.

26           Section 3. This act shall take effect on the same date  
27 that SB 2456 or similar legislation takes effect if such  
28 legislation is adopted in the same legislative session or an  
29 extension thereof and becomes law.

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SENATE SUMMARY

Provides an exemption from disclosure under the public-records law for information contained in the Florida Putative Father Registry maintained by the Office of Vital Statistics within the Department of Health. Provides for future legislative review and repeal under the Open Government Sunset Review Act of 1995. Provides a finding of public necessity.