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2 An act relating to public records; creating s.
3 63.541, F.S.; creating an exemption from
4 public-records requirements for information
5 contained in the Florida Putative Father
6 Registry maintained by the Office of Vital
7 Statistics within the Department of Health;
8 providing for exceptions to the exemption;
9 providing that the database is confidential and
10 exempt from public disclosure; providing for
11 future legislative review and repeal; providing
12 findings of public necessity; providing a
13 contingent effective date.

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

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17 Section 1. Section 63.541, Florida Statutes, is
18 created to read:19 63.541 Public-records exemption for the Florida
20 Putative Father Registry.--21 (1) All information contained in the Florida Putative
22 Father Registry and maintained by the Office of Vital
23 Statistics within the Department of Health is confidential and
24 exempt from public disclosure pursuant to s. 119.07(1) and s.
25 24(a), Art. I of the State Constitution, except as otherwise
26 provided in this section. Information made confidential and
27 exempt by this section shall be disclosed to:28 (a) An adoption entity, upon the filing of a request
29 for a diligent search of the Florida Putative Father Registry
30 in connection with the planned adoption of a child.

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1 (b) The registrant unmarried biological father, upon
2 receipt of notarized request for a copy of his registry entry
3 only.

4 (c) The court, upon issuance of a court order
5 concerning a petitioner acting pro se in an action under this
6 chapter.

7 (2) Except as set forth in subsection (1), the
8 database comprising the Florida Putative Father Registry shall
9 remain confidential and exempt and separate from all other
10 databases in this state, including any local or federal
11 database. Such database may not be accessed by any other state
12 or federal agency or entity.

13 Section 2. Section 63.541, Florida Statutes, is
14 subject to the Open Government Sunset Review Act of 1995 in
15 accordance with section 119.15, Florida Statutes, and shall
16 stand repealed on October 2, 2008, unless reviewed and saved
17 from repeal through reenactment by the Legislature.

18 Section 3. The Legislature finds that there is a
19 public necessity to exempt from public disclosure all
20 information contained in the Florida Putative Father Registry
21 maintained by the Office of Vital Statistics within the
22 Department of Health. The Legislature finds that it is good
23 public policy to provide safeguards to protect and promote the
24 well-being of persons being adopted and their birth and
25 adoptive parents. In order to ensure that a child is legally
26 free for adoption, the Legislature finds that any existing
27 parental rights must be terminated in accordance with due
28 process as protected under the federal and state laws. The
29 Legislature finds that protecting the confidentiality and
30 preventing the disclosure of the information contained in the
31 Florida Putative Father Registry will encourage putative

1 fathers who wish to claim paternity and assert parental rights
2 to register in order to preserve their right to receive notice
3 and consent to an adoption. The Legislature also finds that
4 the confidentiality and exemption from public disclosure
5 provided by this act prevents unnecessary and unwarranted
6 intrusion into the right of privacy of personal and sensitive
7 information, including the existence of intimate sexual
8 relations. Disclosure of information in the registry may also
9 deter the collection of information integral to the best
10 interests of a child who is or may become the subject of a
11 proceeding for the termination of parental rights pending
12 adoption or other relevant proceeding. Therefore, the
13 Legislature finds that any benefit that could occur from
14 public disclosure of the information in the registry is
15 outweighed by the necessity to ensure the due process rights
16 of putative fathers and to prevent unwarranted intrusion into
17 the privacy of the individuals involved.

18 Section 4. This act shall take effect on the same date
19 that SB 2456 or similar legislation takes effect if such
20 legislation is adopted in the same legislative session or an
21 extension thereof and becomes law.
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