



HB 0983

2003  
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CHAMBER ACTION

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The Committee on State Administration recommends the following:

**Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

An act relating to public records; creating s. 63.0541, F.S.; creating an exemption from public records requirements for information contained in the Florida Putative Father Registry maintained by the Office of Vital Statistics within the Department of Health; providing for exceptions to the exemption; providing that the database is confidential and exempt; providing for future legislative review and repeal; providing a finding of public necessity; providing a contingent effective date.

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

Section 1. Section 63.0541, Florida Statutes, is created to read:

63.0541 Public records exemption for the Florida Putative Father Registry.--



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28       (1) All information contained in the Florida Putative  
29 Father Registry maintained by the Office of Vital Statistics  
30 within the Department of Health is confidential and exempt from  
31 public disclosure pursuant to s. 119.07(1) and s. 24(a), Art. I  
32 of the State Constitution, except as otherwise provided herein.  
33 Information made confidential and exempt by this section shall  
34 be disclosed to:

35       (a) An adoption entity, upon the filing of a request for a  
36 diligent search of the Florida Putative Father Registry in  
37 connection with the planned adoption of a child.

38       (b) The registrant unmarried biological father, upon  
39 receipt of a notarized request for a copy of his registry entry  
40 only.

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

43       (2) Except as set forth in subsection (1), the database  
44 comprising the Florida Putative Father Registry shall remain  
45 confidential and exempt, and separate from all other databases  
46 in this state, including any local or federal database. Such  
47 database may not be accessed by any other state or federal  
48 agency or entity.

49       Section 2. Section 63.0541, Florida Statutes, is subject  
50 to the Open Government Sunset Review Act of 1995 in accordance  
51 with s. 119.15, Florida Statutes, and shall stand repealed on  
52 October 2, 2008, unless reviewed and saved from repeal through  
53 reenactment by the Legislature.

54       Section 3. The Legislature finds that there is a public  
55 necessity to exempt from public disclosure all information



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56 contained in the Florida Putative Father Registry maintained by  
57 the Office of Vital Statistics within the Department of Health.  
58 The Legislature finds that it is good public policy to provide  
59 safeguards to protect and promote the well-being of persons  
60 being adopted and their birth parents and adoptive parents. In  
61 order to ensure that a child is legally free for adoption, the  
62 Legislature finds that any existing parental rights must be  
63 terminated in accordance with due process as protected under  
64 federal and state law. The Legislature finds that protecting the  
65 confidentiality and preventing the disclosure of the information  
66 contained in the Florida Putative Father Registry will encourage  
67 putative fathers who wish to claim paternity and assert parental  
68 rights to register in order to preserve their right to receive  
69 notice of and give consent to an adoption. The Legislature also  
70 finds that the confidentiality and exemption from public  
71 disclosure provided by this act will prevent unnecessary and  
72 unwarranted intrusion into the right of privacy of personal and  
73 sensitive information, including the existence of intimate  
74 sexual relations. Disclosure of information in the registry may  
75 also deter the collection of information integral to the best  
76 interests of a child who is or may become the subject of a  
77 proceeding for the termination of parental rights pending  
78 adoption or other relevant proceeding. Therefore, the  
79 Legislature finds that any benefit that could occur from public  
80 disclosure of the information in the registry is outweighed by  
81 the necessity to ensure the due process rights of putative  
82 fathers and to prevent unwarranted intrusion into the privacy of  
83 the individuals involved.



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84 |           Section 4. This act shall take effect on the same date  
85 | that HB 835 or similar legislation takes effect if such  
86 | legislation is adopted in the same legislative session or an  
87 | extension thereof and becomes law.