

By Senator Taddeo

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1 A bill to be entitled
2 An act relating to adoptee birth certificates;
3 amending s. 382.015, F.S.; requiring the Department of
4 Health to issue a noncertified copy of an original
5 birth certificate to certain adoptees under certain
6 conditions; requiring the department to develop
7 certain forms and make such forms available to birth
8 parents; providing application procedures; requiring
9 the department to develop certain policies and
10 procedures by a specified date; authorizing the
11 department to charge a fee for issuing such
12 noncertified copy; providing construction; providing
13 an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Section 382.015, Florida Statutes, is amended to
18 read:

19 382.015 New certificates of live birth; duty of clerks of
20 court and department; noncertified copy of original birth
21 certificate.—The clerk of the court in which any proceeding for
22 adoption, annulment of an adoption, affirmation of parental
23 status, or determination of paternity is to be registered,
24 shall, within 30 days after the final disposition, forward to
25 the department a certified copy of the court order, or a report
26 of the proceedings upon a form to be furnished by the
27 department, together with sufficient information to identify the
28 original birth certificate and to enable the preparation of a
29 new birth certificate. The clerk of the court shall implement a

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30 monitoring and quality control plan to ensure that all judicial
31 determinations of paternity are reported to the department in
32 compliance with this section. The department shall track
33 paternity determinations reported monthly by county, monitor
34 compliance with the 30-day timeframe, and report the data to the
35 clerks of the court quarterly.

36 (1) ADOPTION AND ANNULMENT OF ADOPTION.—

37 (a) Upon receipt of the report or certified copy of an
38 adoption decree, together with the information necessary to
39 identify the original certificate of live birth, and establish a
40 new certificate, the department shall prepare and file a new
41 birth certificate, absent objection by the court decreeing the
42 adoption, the adoptive parents, or the adoptee if of legal age.
43 The certificate shall bear the same file number as the original
44 birth certificate. All names and identifying information
45 relating to the adoptive parents entered on the new certificate
46 shall refer to the adoptive parents, but nothing in the
47 certificate shall refer to or designate the parents as being
48 adoptive. All other items not affected by adoption shall be
49 copied as on the original certificate, including the date of
50 registration and filing.

51 (b) Upon receipt of the report or certified copy of an
52 annulment-of-adoption decree, together with the sufficient
53 information to identify the original certificate of live birth,
54 the department shall, if a new certificate of birth was filed
55 following an adoption report or decree, remove the new
56 certificate and restore the original certificate to its original
57 place in the files, and the certificate so removed shall be
58 sealed by the department.

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59 (c) Upon receipt of a report or certified copy of an
60 adoption decree or annulment-of-adoption decree for a person
61 born in another state, the department shall forward the report
62 or decree to the state of the registrant's birth. If the adoptee
63 was born in Canada, the department shall send a copy of the
64 report or decree to the appropriate birth registration authority
65 in Canada.

66 (2) DETERMINATION OF PATERNITY.—Upon receipt of the report,
67 a certified copy of a final decree of determination of
68 paternity, or a certified copy of a final judgment of
69 dissolution of marriage which requires the former husband to pay
70 child support for the child, together with sufficient
71 information to identify the original certificate of live birth,
72 the department shall prepare and file a new birth certificate,
73 which shall bear the same file number as the original birth
74 certificate. The registrant's name shall be entered as decreed
75 by the court or as reflected in the final judgment or support
76 order. The names and identifying information of the parents
77 shall be entered as of the date of the registrant's birth.

78 (3) AFFIRMATION OF PARENTAL STATUS.—Upon receipt of an
79 order of affirmation of parental status issued pursuant to s.
80 742.16, together with sufficient information to identify the
81 original certificate of live birth, the department shall prepare
82 and file a new birth certificate which shall bear the same file
83 number as the original birth certificate. The names and
84 identifying information of the registrant's parents entered on
85 the new certificate shall be the commissioning couple, but the
86 new certificate may not make reference to or designate the
87 parents as the commissioning couple.

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88 (4) SUBSTITUTION OF NEW CERTIFICATE OF BIRTH FOR ORIGINAL.-

89 When a new certificate of birth is prepared, the department
90 shall substitute the new certificate of birth for the original
91 certificate on file. All copies of the original certificate of
92 live birth in the custody of a local registrar or other state
93 custodian of vital records shall be forwarded to the State
94 Registrar. Thereafter, when a certified copy of the certificate
95 of birth or portion thereof is issued, it shall be a copy of the
96 new certificate of birth or portion thereof, except when a court
97 order requires issuance of a certified copy of the original
98 certificate of birth. In an adoption, change in paternity,
99 affirmation of parental status, undetermined parentage, or
100 court-ordered substitution, the department shall place the
101 original certificate of birth and all papers pertaining thereto
102 under seal, not to be broken except by order of a court of
103 competent jurisdiction or as otherwise provided by law.

104 (5) NONCERTIFIED COPY OF ORIGINAL BIRTH CERTIFICATE.-

105 (a) Notwithstanding any other provision of law, an adoptee
106 who is at least 18 years of age or, if the adoptee is deceased,
107 the adoptee's descendants may apply to the department for a
108 noncertified copy of the adoptee's original birth certificate.
109 The department shall issue a noncertified copy of an original
110 birth certificate within 90 days after receipt of the
111 application if the application complies with the requirements of
112 this subsection.

113 (b) The department shall develop and make available to each
114 birth parent named on the original birth certificate a contact
115 preference form on which the birth parent may state his or her
116 preference regarding being contacted by an adoptee who is his or

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117 her birth child. The birth parent shall choose from the
118 following options on the contact preference form:

119 1. "I would like to be contacted. I have completed the
120 contact preference form and am filing it with the Department of
121 Health."

122 2. "I would prefer to be contacted only through an
123 intermediary. I have completed the contact preference form and
124 am filing it with the Department of Health."

125 3. "Do not contact me. I may change this preference by
126 filling out another contact preference form. I have completed
127 the contact preference form and am filing it with the Department
128 of Health."

129 (c) The department shall also provide a birth parent with a
130 medical history form which may be completed and returned to the
131 department with the contact preference form and which shall
132 include the following statement: "I have completed a medical
133 history form and am filing it with the Department of Health. I
134 understand that information used or disclosed on this form may
135 be subject to additional disclosure by the recipient and may not
136 be protected by the privacy regulations of the federal Health
137 Insurance Portability and Accountability Act of 1996 (HIPAA)."

138 (d) The department shall develop policies and procedures
139 necessary to implement this subsection by February 1, 2019.

140 (e) The department may charge a fee for issuing a
141 noncertified copy of an original birth certificate. The fee may
142 not exceed the fee for a certified copy of an original birth
143 certificate under s. 382.0255.

144 (f) This subsection does not authorize disclosure of an
145 adoptee's birth record to the adoptee's birth parents.

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146 (6)~~(5)~~ FORM.—Except for certificates of foreign birth which
147 are registered as provided in s. 382.017, and delayed
148 certificates of birth which are registered as provided in ss.
149 382.019 and 382.0195, all original, new, or amended certificates
150 of live birth shall be identical in form, regardless of the
151 marital status of the parents or the fact that the registrant is
152 adopted or of undetermined parentage.

153 (7)~~(6)~~ RULES.—The department shall adopt and enforce all
154 rules necessary for carrying out the provisions of this section.
155 Section 2. This act shall take effect July 1, 2018.