

1 A bill to be entitled
 2 An act relating to adoptee birth certificates;
 3 creating s. 382.0155, F.S.; requiring the Department
 4 of Health to issue a noncertified copy of 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; providing
 9 construction; providing an effective date.

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

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 13 Section 1. Section 382.0155, Florida Statutes, is created
 14 to read:

15 382.0155 Noncertified copy of original birth certificate.-

16 (1) For purposes of this section, the term "noncertified
 17 copy of original birth certificate" means an unaltered copy of
 18 the front side of an original long-form certificate of birth,
 19 excluding any medical information about the parties listed on
 20 the back side of the document.

21 (2) Notwithstanding any other provision of law, and upon
 22 submission of a written request for a noncertified copy of
 23 original birth certificate, proof of identity, and payment of
 24 the fee prescribed in s. 382.0255, the department shall issue a
 25 noncertified copy of an unaltered original birth certificate of

26 an adoptee who was born in this state or whose adoption was
27 finalized in this state, and whose adoption records are
28 confidential pursuant to s. 63.162:

29 (a) For adoptions finalized on or after July 1, 2018, to:

30 1. An adult adoptee who is 18 years of age or older, or
31 his or her legal representative.

32 2. An adult descendant of an adult adoptee, or his or her
33 legal representative, who submits the adoptee's notarized
34 written consent or a copy of the adoptee's death certificate.

35 3. A birth parent named on the original birth certificate,
36 or his or her legal representative.

37 (b) Beginning on February 1, 2019, for adoptions finalized
38 on or after July 1, 1977, and before July 1, 2018, to a person
39 eligible under paragraph (a), if:

40 1. Both a birth parent named on the original birth
41 certificate and the adult adoptee or adult descendant of the
42 adult adoptee request a noncertified copy of original birth
43 certificate on a form prescribed by the department.

44 2. The adoption was finalized at least 40 years before the
45 date of the written request for the noncertified copy of
46 original birth certificate.

47 3. A birth parent named on the original birth certificate
48 is deceased or can reasonably be presumed to be deceased based
49 on the known or estimated date of birth of the birth parent. The
50 department shall conduct a diligent search for the birth

51 parent's death certificate upon receipt of a written request and
52 payment of the fee prescribed in s. 382.008.

53 4. An adult adoptee, an adult descendant of the adoptee,
54 or the legal representative of the adoptee or descendant
55 provides written evidence of knowledge of the name of a birth
56 parent named on the original birth certificate.

57 5. An adult birth parent files a written request with the
58 department.

59 6. A court of competent jurisdiction orders release of a
60 noncertified copy of original birth certificate to an individual
61 eligible under paragraph (a).

62 (c) For adoptions finalized on or before June 30, 1977,
63 nothing in this section or s. 63.162 shall abrogate, limit, or
64 change the holding in or affect any rights affirmed or created
65 under State Department of Health and Rehabilitative Services,
66 Health Program Office v. Mullarkey, 340 So.2d 123 (Fla. 1st
67 D.C.A., 1976).

68 (3) The department shall prescribe and make available to
69 the birth parent who has surrendered the child for adoption a
70 contact preference and medical history form. The form shall
71 provide a place for the birth parent to:

72 (a) Indicate a preference regarding contact by the adult
73 adoptee, an adult descendant of the adoptee, or a legal
74 representative of the adoptee or descendant and whether the
75 birth parent wishes to be contacted directly by the adoptee,

76 | contacted indirectly through a third party, or not contacted by
77 | any party, and an explanation for the stated contact preference.

78 | (b) Include the birth parent's updated medical history and
79 | the medical history of other biological relatives, if known. The
80 | birth parent must indicate on the form that he or she waives
81 | confidentiality and authorizes the release of any medical
82 | information supplied thereon with respect to the adoptee, an
83 | adult descendant of the adoptee, or a legal representative of
84 | the adoptee or descendant, and the department or his or her
85 | designees.

86 | (c) Provide a written statement of his or her wishes or
87 | other information for the benefit of the person seeking the
88 | vital records.

89 | (4) The department shall maintain a birth parent's contact
90 | preference and medical history form. A birth parent may update
91 | the information and preferences on the form at any time. The
92 | department shall only release such information to a person
93 | authorized under subsection (2). The department shall verify
94 | that the birth parent has submitted an updated contact
95 | preference and medical history form before providing a copy to a
96 | third party who submits a written notarized authorization from
97 | the adult adoptee or the adult descendant to search for and make
98 | contact with a birth parent.

99 | (5) The department shall maintain and make available to
100 | the public on its website accurate statistics relating to the

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101 | number of contact preference and medical history forms on file
102 | with the department and the numeric breakdown of the preferences
103 | indicated for contact, contact through a third party, or no
104 | contact.

105 | Section 2. This act shall take effect July 1, 2018.