

By Senator Baxley

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1 A bill to be entitled
2 An act relating to adoptee birth certificates;
3 creating s. 382.0155, F.S.; defining a term; requiring
4 the Department of Health to issue a noncertified copy
5 of an original birth certificate to certain adoptees
6 under certain conditions; requiring the department to
7 develop certain forms and make such forms available to
8 birth parents; requiring the department to maintain a
9 birth parent's contact preference and medical history
10 form; requiring the department to maintain certain
11 statistics on its website; providing construction;
12 providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Section 382.0155, Florida Statutes, is created
17 to read:

18 382.0155 Noncertified copy of original birth certificate.-

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

24 (2) Notwithstanding any other provision of law, and upon
25 submission of a written request for a noncertified copy of
26 original birth certificate, proof of identity, and payment of
27 the fee prescribed in s. 382.0255, the department shall issue a
28 noncertified copy of an unaltered original birth certificate of
29 an adoptee who was born in this state or whose adoption was

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30 finalized in this state, and whose adoption records are
31 confidential pursuant to s. 63.162:

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

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

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

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

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

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

47 2. The adoption was finalized at least 40 years before the
48 date of the written request for the noncertified copy of
49 original birth certificate.

50 3. A birth parent named on the original birth certificate
51 is deceased or can reasonably be presumed to be deceased based
52 on the known or estimated date of birth of the birth parent. The
53 department shall conduct a diligent search for the birth
54 parent's death certificate upon receipt of a written request and
55 payment of the fee prescribed in s. 382.008.

56 4. An adult adoptee, an adult descendant of the adoptee, or
57 the legal representative of the adoptee or descendant provides
58 written evidence of knowledge of the name of a birth parent

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59 named on the original birth certificate.

60 5. An adult birth parent files a written request with the
61 department.

62 6. A court of competent jurisdiction orders release of a
63 noncertified copy of original birth certificate to an individual
64 eligible under paragraph (a).

65 (c) For adoptions finalized on or before June 30, 1977,
66 nothing in this section or s. 63.162 shall abrogate, limit, or
67 change the holding in or affect any rights affirmed or created
68 under *State Department of Health and Rehabilitative Services,*
69 *Health Program Office v. Mullarkey*, 340 So.2d 123 (Fla. 1st DCA
70 1976).

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

75 (a) Indicate a preference regarding contact by the adult
76 adoptee, an adult descendant of the adoptee, or a legal
77 representative of the adoptee or descendant and whether the
78 birth parent wishes to be contacted directly by the adoptee,
79 contacted indirectly through a third party, or not contacted by
80 any party, and an explanation for the stated contact preference.

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

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88 designees.

89 (c) Provide a written statement of his or her wishes or
90 other information for the benefit of the person seeking the
91 vital records.

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

102 (5) The department shall maintain and make available to the
103 public on its website accurate statistics relating to the number
104 of contact preference and medical history forms on file with the
105 department and the numeric breakdown of the preferences
106 indicated for contact, contact through a third party, or no
107 contact.

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