

1 A bill to be entitled
 2 An act relating to release of adoption information;
 3 amending s. 63.162, F.S.; authorizing only one avenue
 4 for the disclosure of certain adoption related records
 5 without a court order; removing authorization for
 6 certain adoption related records to be disclosed
 7 without a court order; amending s. 382.015, F.S.;
 8 authorizing a court to break the seal of specified
 9 birth records upon the request of certain persons
 10 under certain conditions; amending s. 63.085, F.S.;
 11 conforming a cross reference; providing an effective
 12 date.

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

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 16 Section 1. Subsections (4) through (7) of section 63.162,
 17 Florida Statutes, are amended to read:

18 63.162 Hearings and records in adoption proceedings;
 19 confidential nature.—

20 ~~(4) (a) A person may disclose the following from the~~
 21 ~~records without a court order:~~

22 ~~1. The name and identity of the birth parent, if the birth~~
 23 ~~parent authorizes in writing the release of his or her name and~~
 24 ~~the adoptee is 18 years of age or older. If the adoptee is~~
 25 ~~younger than 18 years of age, the adoptive parent must also~~

26 ~~provide written consent to disclose the birth parent's name;~~

27 ~~2. The name and identity of the adoptee, if the adoptee is~~
28 ~~18 years of age or older and authorizes in writing the release~~
29 ~~of his or her name; or, if the adoptee is younger than 18 years~~
30 ~~of age, written consent to disclose the adoptee's name is~~
31 ~~obtained from an adoptive parent; or~~

32 ~~3. The name and identity of the adoptive parent, if the~~
33 ~~adoptive parent authorizes in writing the release of his or her~~
34 ~~name.~~

35 ~~(b) A person may disclose from the records without a court~~
36 ~~order the name and identity of a birth parent, an adoptive~~
37 ~~parent, or an adoptee under s. 382.015(4) upon order of the~~
38 ~~court for good cause shown. In determining whether good cause~~
39 ~~exists, the court shall give primary consideration to the best~~
40 ~~interests of the adoptee, but must also give due consideration~~
41 ~~to the interests of the adoptive and birth parents. Factors to~~
42 ~~be considered in determining whether good cause exists include,~~
43 ~~but are not limited to:~~

44 ~~1. The reason the information is sought;~~

45 ~~2. The existence of means available to obtain the desired~~
46 ~~information without disclosing the identity of the birth~~
47 ~~parents, such as by having the court, a person appointed by the~~
48 ~~court, the department, or the licensed child placing agency~~
49 ~~contact the birth parents and request specific information;~~

50 ~~3. The desires, to the extent known, of the adoptee, the~~

51 ~~adoptive parents, and the birth parents;~~

52 ~~4. The age, maturity, judgment, and expressed needs of the~~
53 ~~adoptee; and~~

54 ~~5. The recommendation of the department, licensed child-~~
55 ~~placing agency, or professional that prepared the preliminary~~
56 ~~study and home investigation, or the department if no such study~~
57 ~~was prepared, concerning the advisability of disclosure.~~

58 ~~(5) The adoptee or other person seeking information under~~
59 ~~this subsection shall pay the department or agency making~~
60 ~~reports or recommendations as required hereunder a reasonable~~
61 ~~fee for its services and expenses.~~

62 ~~(6) Subject to the provisions of subsection (4),~~
63 ~~identifying information regarding the birth parents, adoptive~~
64 ~~parents, and adoptee may not be disclosed unless a birth parent,~~
65 ~~adoptive parent, or adoptee has authorized in writing the~~
66 ~~release of such information concerning himself or herself.~~
67 ~~Specific names or identifying information must not be given in a~~
68 ~~family medical history. All nonidentifying information,~~
69 including the family medical history and social history of the
70 adoptee and the birth parents, when available, must be furnished
71 to the adoptive parents before the adoption becomes final and to
72 the adoptee, upon the adoptee's request, after he or she reaches
73 majority. Upon the request of the adoptive parents, all
74 nonidentifying information obtained before or after the adoption
75 has become final must be furnished to the adoptive parents.

76 ~~(7) The court may, upon petition of an adult adoptee or~~
77 ~~birth parent, for good cause shown, appoint an intermediary or a~~
78 ~~licensed child-placing agency to contact a birth parent or adult~~
79 ~~adoptee, as applicable, who has not registered with the adoption~~
80 ~~registry pursuant to s. 63.165 and advise both of the~~
81 ~~availability of the intermediary or agency and that the birth~~
82 ~~parent or adult adoptee, as applicable, wishes to establish~~
83 ~~contact.~~

84 Section 2. Subsection (4) of section 382.015, Florida
85 Statutes, is amended to read:

86 382.015 New certificates of live birth; duty of clerks of
87 court and department.—The clerk of the court in which any
88 proceeding for adoption, annulment of an adoption, affirmation
89 of parental status, or determination of paternity is to be
90 registered, shall within 30 days after the final disposition,
91 forward to the department a certified copy of the court order,
92 or a report of the proceedings upon a form to be furnished by
93 the department, together with sufficient information to identify
94 the original birth certificate and to enable the preparation of
95 a new birth certificate. The clerk of the court shall implement
96 a monitoring and quality control plan to ensure that all
97 judicial determinations of paternity are reported to the
98 department in compliance with this section. The department shall
99 track paternity determinations reported monthly by county,
100 monitor compliance with the 30-day timeframe, and report the

101 data to the clerks of the court quarterly.

102 (4) SUBSTITUTION OF NEW CERTIFICATE OF BIRTH FOR
103 ORIGINAL.—

104 (a) When a new certificate of birth is prepared, the
105 department shall substitute the new certificate of birth for the
106 original certificate on file. All copies of the original
107 certificate of live birth in the custody of a local registrar or
108 other state custodian of vital records shall be forwarded to the
109 State Registrar. Thereafter, when a certified copy of the
110 certificate of birth or portion thereof is issued, it shall be a
111 copy of the new certificate of birth or portion thereof, except
112 when a court order requires issuance of a certified copy of the
113 original certificate of birth.

114 (b) In an adoption, change in paternity, affirmation of
115 parental status, undetermined parentage, or court-ordered
116 substitution, the department shall place the original
117 certificate of birth and all papers pertaining thereto under
118 seal, not to be broken except by order of a court of competent
119 jurisdiction, at the request of the person whose birth is the
120 subject of the certificate of birth, provided that such person
121 is 18 years of age or older, or as otherwise provided by law.
122 However, before the seal may be broken and the record opened
123 without a court order, the requesting person must first identify
124 himself or herself to the satisfaction of the state registrar.

125 Section 3. Paragraph (a) of subsection (2) of section

126 63.085, Florida Statutes, is amended to read:

127 63.085 Disclosure by adoption entity.—

128 (2) DISCLOSURE TO ADOPTIVE PARENTS.—

129 (a) At the time that an adoption entity is responsible for
130 selecting prospective adoptive parents for a born or unborn
131 child whose parents are seeking to place the child for adoption
132 or whose rights were terminated pursuant to chapter 39, the
133 adoption entity must provide the prospective adoptive parents
134 with information concerning the background of the child to the
135 extent such information is disclosed to the adoption entity by
136 the parents, legal custodian, or the department. This subsection
137 applies only if the adoption entity identifies the prospective
138 adoptive parents and supervises the placement of the child in
139 the prospective adoptive parents' home. If any information
140 cannot be disclosed because the records custodian failed or
141 refused to produce the background information, the adoption
142 entity has a duty to provide the information if it becomes
143 available. An individual or entity contacted by an adoption
144 entity to obtain the background information must release the
145 requested information to the adoption entity without the
146 necessity of a subpoena or a court order. In all cases, the
147 prospective adoptive parents must receive all available
148 information by the date of the final hearing on the petition for
149 adoption. The information to be disclosed includes:

150 1. A family social and medical history form completed

151 under s. 63.162(4) ~~pursuant to s. 63.162(6)~~.

152 2. The biological mother's medical records documenting her
153 prenatal care and the birth and delivery of the child.

154 3. A complete set of the child's medical records
155 documenting all medical treatment and care since the child's
156 birth and before placement.

157 4. All mental health, psychological, and psychiatric
158 records, reports, and evaluations concerning the child before
159 placement.

160 5. The child's educational records, including all records
161 concerning any special education needs of the child before
162 placement.

163 6. Records documenting all incidents that required the
164 department to provide services to the child, including all
165 orders of adjudication of dependency or termination of parental
166 rights issued pursuant to chapter 39, any case plans drafted to
167 address the child's needs, all protective services
168 investigations identifying the child as a victim, and all
169 guardian ad litem reports filed with the court concerning the
170 child.

171 7. Written information concerning the availability of
172 adoption subsidies for the child, if applicable.

173 Section 4. This act shall take effect July 1, 2021.