

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: SB 1814

INTRODUCER: Senator Rodriguez

SUBJECT: Medical Records of Children Available for Adoption

DATE: March 22, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Preston</u>	<u>Cox</u>	<u>CF</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>HP</u>	_____
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 1814 makes a number of changes related to medical records of children available for adoption. The Department of Children and Families (DCF or department), adoption entities, and community-based care lead agencies or their subcontracted agencies will be required to provide written notification to prospective adoptive parents that when a child is adopted, his or her immunization records will be removed from the Florida SHOTS database. The adoptive parent must also be provided with written information related to the necessity for the parent to retain the complete set of the child's medical records that are provided to the parent.

The bill also requires the Department of Health (DOH) to provide a complete copy of the child's medical records to the adopting parents within 15 days after receipt of a judgment of adoption and prohibits the DOH from disposing of such records until 16 business days after the judgment of adoption is entered.

The bill is anticipated to have no fiscal impact on state government. See Section V. Fiscal Impact Statement.

The bill has an effective date of July 1, 2021.

II. Present Situation:

Florida SHOTS is a free, statewide, centralized online immunization information system that helps parents, healthcare providers, and schools keep track of immunization records to ensure that patients of all ages receive the vaccinations needed to protect them from vaccine-preventable diseases.¹ Florida SHOTS database provides easy access to required immunization records for

¹ Vaccine preventable diseases currently include diphtheria, tetanus, pertussis (whooping cough), poliomyelitis (polio) measles, mumps, rubella, infections hepatitis B, influenza, and pneumococcal infections. Centers for Disease Control and Prevention, *List of Vaccines Used in the United States*, available at <https://www.cdc.gov/vaccines/vpd/vaccines-list.html> (last visited March 20, 2021).

child-care and school attendance regardless of where children go within Florida. In case of disaster, those records remain protected and available.² Florida SHOTS is authorized under s. 381.003, F.S., and is a program of the Florida Health Immunization Section that is supported by the Centers for Disease Control and Prevention.³

For parents, Florida SHOTS provides:

- An accurate and official immunization history; available whenever and wherever your doctors need it;
- Easy DH Form 680 retrieval— required for schools, camps, and child care centers;
- All of the child’s shot records on a confidential and secure site;
- Alerts to healthcare providers when immunizations may be due or overdue;
- Prevention of unnecessary duplicate immunizations; and
- Healthcare providers with current recommendations and information on new vaccines.⁴

The Form DH 680, Florida Certification of Immunization, must be used to document receipt of immunizations required for entry and attendance in Florida schools, childcare facilities, and family daycare homes.⁵ A Form DH 680, certified with electronic signature, may be printed by enrolled health care providers and is also accessible to any school, licensed childcare facility, or daycare center enrolled in Florida SHOTS. Parents can also access their child's certified Form DH 680 with a personal identification number (PIN) issued by their child's health care provider.⁶

Adoption

A judgment of adoption, whether entered by a court of this state, another state, or of any other place, has the following effect:

- It relieves the birth parents of the adopted person, except a birth parent who is a petitioner or who is married to a petitioner, of all parental rights and responsibilities.
- It terminates all legal relationships between the adopted person and the adopted person’s relatives, including the birth parents, except a birth parent who is a petitioner or who is married to a petitioner, so that the adopted person thereafter is a stranger to his or her former relatives for all purposes, including the interpretation or construction of documents, statutes, and instruments, whether executed before or after entry of the adoption judgment, that do not expressly include the adopted person by name or by some designation not based on a parent and child or blood relationship, except that rights of inheritance shall be as provided in the Florida Probate Code.

² Department of Health (DOH), *Florida SHOTS*, available at <https://www.flshotsusers.com/> (last visited March 19, 2021).

³ The DOH, Florida SHOTS, *Frequently Asked Questions*, available at <https://flshotsusers.com/resources/frequently-asked-questions> (last visited March 20, 2021).

⁴ The DOH, Florida SHOTS, *Parents and Guardians*, available at <https://flshotsusers.com/parents-guardians> (last visited March 19, 2021).

⁵ Section 1003.22, F.S., provides requirements relating to immunizations required for admittance to schools. The section also provides a number of exceptions including those for religious reasons. A delay is also allowed for children who are experiencing homelessness and children who are known to the department.

⁶ The DOH, Programs and Services, *Parents: Documenting Immunizations*, available at <http://www.floridahealth.gov/programs-and-services/immunization/children-and-adolescents/documenting-immunizations/index.html> (last visited March 19, 2021).

- Except for rights of inheritance, it creates the relationship between the adopted person and the petitioner and all relatives of the petitioner that would have existed if the adopted person were a blood descendant of the petitioner born within wedlock. This relationship shall be created for all purposes, including applicability of statutes, documents, and instruments, whether executed before or after entry of the adoption judgment, that do not expressly exclude an adopted person from their operation or effect.⁷

Current law provides information related to medical information and records for children who are being adopted:

- The department must provide a family social and medical history form to an adoption entity that intends to place a child for adoption.⁸
- At the time that an adoption entity is responsible for selecting prospective adoptive parents for a born or unborn child whose parents are seeking to place the child for adoption or whose rights were terminated pursuant to ch. 39, F.S., the adoption entity must provide the prospective adoptive parents with information concerning the background of the child to the extent such information is disclosed to the adoption entity by the parents, legal custodian, or the department, including:
 - A family social and medical history form completed pursuant to s. 63.162(6), F.S.
 - The biological mother's medical records documenting her prenatal care and the birth and delivery of the child.
 - A complete set of the child's medical records documenting all medical treatment and care since the child's birth and before placement.
 - All mental health, psychological, and psychiatric records, reports, and evaluations concerning the child before placement.⁹

Current law related to the adoption of children from the child welfare system does not directly address medical records or information.¹⁰

III. Effect of Proposed Changes:

The bill amends ss. 63.082, 63.085, 63.093, F.S., relating to family social and medical history, disclosure by the adoption entity, and adoption of children from the child welfare system, respectively, to make a number of changes related to medical records of children available for adoption. The department, adoption entities, and community-based care lead agencies or their subcontracted agencies, will be required to provide written notification to prospective adoptive parents that a child's immunization records will be removed from the Florida Shots database when the child is adopted. The adoptive parent is to also be provided with written information related to the necessity for the parent to retain the complete set of the child's medical records that are provided to the parent.

⁷ Section 63.172(1), F.S.

⁸ Section 63.082(3)(a), F.S. Further, forms containing at least the same information as the forms promulgated by the department must be attached to the petition to terminate parental rights pending adoption and must contain biological and sociological information or information as to the family medical history regarding the minor and the parents.

⁹ Section 63.085(2)(1)1.-4., F.S.

¹⁰ Section 63.093, F.S..

The bill also requires the DOH to provide a complete set of the child's medical records to the adopting parents within 15 days after receipt of a judgment of adoption from the clerk of the court. The bill also prohibits the department from disposing of such records until 16 business days after the judgment of adoption is entered.

The bill is effective July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill is anticipated to have no fiscal impact on the private sector, but would result in an added convenience for adoptive parents.

C. Government Sector Impact:

The bill is anticipated to have no fiscal impact on state government.

VI. Technical Deficiencies:

Florida SHOTS is the official name of the database. The bill refers to it as Florida Shots.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends ss. 63.082, 63.085, 63.093, 63.142 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
