

By Senator Rodriguez

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1 A bill to be entitled
2 An act relating to medical records of children
3 available for adoption; amending ss. 63.082, 63.085,
4 and 63.093, F.S.; requiring the Department of Children
5 and Families, adoption entities, and community-based
6 care lead agencies or their subcontracted agencies,
7 respectively, to provide certain written notification
8 to prospective adoptive parents regarding the medical
9 records of the child available for adoption; amending
10 s. 63.142, F.S.; requiring the Department of Health to
11 provide certain medical records to adopting parents
12 within a specified time after entry of a judgment of
13 adoption; prohibiting the department from disposing of
14 such records for a specified time; providing an
15 effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. Paragraph (d) of subsection (6) of section
20 63.082, Florida Statutes, is amended to read:

21 63.082 Execution of consent to adoption or affidavit of
22 nonpaternity; family social and medical history; revocation of
23 consent.—

24 (6)

25 (d) If after consideration of all relevant factors,
26 including those set forth in paragraph (e), the court determines
27 that the prospective adoptive parents are properly qualified to
28 adopt the minor child and that the adoption is in the best
29 interests of the minor child, the court shall promptly order the

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30 transfer of custody of the minor child to the prospective
31 adoptive parents, under the supervision of the adoption entity.
32 The court may establish reasonable requirements for the transfer
33 of custody in the transfer order, including a reasonable period
34 of time to transition final custody to the prospective adoptive
35 parents. The adoption entity shall thereafter provide monthly
36 supervision reports to the department until finalization of the
37 adoption. If the child has been determined to be dependent by
38 the court, the department shall provide the following written
39 information to the prospective adoptive parents at the time they
40 receive placement of the dependent child:

41 1. Information regarding approved parent training classes
42 available within the community.

43 2. Information that upon adoption, a child's immunization
44 records are removed from the Florida Shots database within the
45 Department of Health, and the necessity to retain the complete
46 set of the child's medical records that are provided to the
47 prospective adoptive parents under s. 63.085(2) (a), as they may
48 be needed for school enrollment and future medical care.

49
50 The department shall file with the court an acknowledgment of
51 the parent's receipt of the information required under this
52 paragraph ~~regarding approved parent training classes available~~
53 ~~within the community.~~

54 Section 2. Paragraph (a) of subsection (2) of section
55 63.085, Florida Statutes, is amended to read:

56 63.085 Disclosure by adoption entity.—

57 (2) DISCLOSURE TO ADOPTIVE PARENTS.—

58 (a) At the time that an adoption entity is responsible for

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59 selecting prospective adoptive parents for a born or unborn
60 child whose parents are seeking to place the child for adoption
61 or whose rights were terminated under ~~pursuant to~~ chapter 39,
62 the adoption entity must provide the prospective adoptive
63 parents with information concerning the background of the child
64 to the extent such information is disclosed to the adoption
65 entity by the parents, legal custodian, or the department. This
66 subsection applies only if the adoption entity identifies the
67 prospective adoptive parents and supervises the placement of the
68 child in the prospective adoptive parents' home. If any
69 information cannot be disclosed because the records custodian
70 failed or refused to produce the background information, the
71 adoption entity has a duty to provide the information if it
72 becomes available. An individual or entity contacted by an
73 adoption entity to obtain the background information must
74 release the requested information to the adoption entity without
75 the necessity of a subpoena or a court order. In all cases, the
76 prospective adoptive parents must receive all available
77 information by the date of the final hearing on the petition for
78 adoption. The information to be disclosed includes:

79 1. A family social and medical history form completed
80 pursuant to s. 63.162(6).

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

83 3. A complete set of the child's medical records
84 documenting all medical treatment and care since the child's
85 birth and before placement. The adoption entity must inform
86 prospective adoptive parents that upon adoption, a child's
87 immunization records are removed from the Florida Shots database

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88 within the Department of Health, and the adoption entity must
89 provide written notification to the prospective adoptive parents
90 regarding the necessity to retain a complete set of the child's
91 medical records as they may be needed for school enrollment and
92 future medical care.

93 4. All mental health, psychological, and psychiatric
94 records, reports, and evaluations concerning the child before
95 placement.

96 5. The child's educational records, including all records
97 concerning any special education needs of the child before
98 placement.

99 6. Records documenting all incidents that required the
100 department to provide services to the child, including all
101 orders of adjudication of dependency or termination of parental
102 rights issued pursuant to chapter 39, any case plans drafted to
103 address the child's needs, all protective services
104 investigations identifying the child as a victim, and all
105 guardian ad litem reports filed with the court concerning the
106 child.

107 7. Written information concerning the availability of
108 adoption subsidies for the child, if applicable.

109 Section 3. Subsection (6) is added to section 63.093,
110 Florida Statutes, to read:

111 63.093 Adoption of children from the child welfare system.—

112 (6) If the community-based care lead agency or its
113 subcontracted agency approves the adoptive parent's application
114 file, the community-based care lead agency or its subcontracted
115 agency, as applicable, must provide written notification to the
116 prospective adoptive parent that upon adoption, a child's

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117 immunization records are removed from the Florida Shots database
118 within the Department of Health, and the necessity to retain a
119 complete set of the child's medical records as they may be
120 needed for school enrollment and future medical care.

121

122 Notwithstanding subsections (1) and (2), this section does not
123 apply to a child adopted through the process provided in s.
124 63.082(6).

125 Section 4. Subsection (4) of section 63.142, Florida
126 Statutes, is amended to read:

127 63.142 Hearing; judgment of adoption.—

128 (4) JUDGMENT.—

129 (a) At the conclusion of the hearing, after the court
130 determines that the date for a parent to file an appeal of a
131 valid judgment terminating that parent's parental rights has
132 passed and no appeal, pursuant to the Florida Rules of Appellate
133 Procedure, is pending and that the adoption is in the best
134 interest of the person to be adopted, a judgment of adoption
135 shall be entered. A judgment terminating parental rights pending
136 adoption is voidable and any later judgment of adoption of that
137 minor is voidable if, upon a parent's motion for relief from
138 judgment, the court finds that the adoption substantially fails
139 to meet the requirements of this chapter. The motion must be
140 filed within a reasonable time, but not later than 1 year after
141 the date the judgment terminating parental rights was entered.

142 (b) Upon entry of a judgment of adoption, the clerk of the
143 court shall transmit a certified copy of the judgment to the
144 Department of Health. Within 15 business days after receipt of
145 the certified copy of the judgment of adoption, the Department

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146 of Health must provide, by e-mail or certified mail, return
147 receipt requested, a complete set of the adopted child's medical
148 records, including the child's immunization records, to the
149 adopting parents. The Department of Health may not dispose of an
150 adopted child's medical and immunization records until 16
151 business days after the court enters the judgment of adoption.

152 Section 5. This act shall take effect July 1, 2021.