

By Senator Rodriguez

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1 A bill to be entitled
2 An act relating to release of adoption information;
3 amending s. 63.162, F.S.; revising requirements
4 related to the disclosure of certain adoption-related
5 records without a court order; deleting the ability
6 for certain adoption-related records to be disclosed
7 without a court order; deleting a required fee for
8 certain services and expenses; amending s. 382.015,
9 F.S.; authorizing a court to break the seal of
10 specified birth records upon the request of the person
11 whose birth is the subject of such records under
12 certain circumstances; amending s. 63.085, F.S.;
13 conforming a cross-reference; providing an effective
14 date.

15
16 Be It Enacted by the Legislature of the State of Florida:

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

20 63.162 Hearings and records in adoption proceedings;
21 confidential nature.—

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

24 ~~1. The name and identity of the birth parent, if the birth~~
25 ~~parent authorizes in writing the release of his or her name and~~
26 ~~the adoptee is 18 years of age or older. If the adoptee is~~
27 ~~younger than 18 years of age, the adoptive parent must also~~
28 ~~provide written consent to disclose the birth parent's name;~~

29 ~~2. The name and identity of the adoptee, if the adoptee is~~

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

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

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

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

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

52 ~~3. The desires, to the extent known, of the adoptee, the~~
53 ~~adoptive parents, and the birth parents;~~

54 ~~4. The age, maturity, judgment, and expressed needs of the~~
55 ~~adoptee; and~~

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

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59 was prepared, concerning the advisability of disclosure.

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

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

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

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

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

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

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

115 (b) In an adoption, change in paternity, affirmation of
116 parental status, undetermined parentage, or court-ordered

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117 substitution, the department shall place the original
118 certificate of birth and all papers pertaining thereto under
119 seal, not to be broken except by order of a court of competent
120 jurisdiction or at the request of the person whose birth is the
121 subject of the certificate of birth, provided that such person
122 is 18 years of age or older, or as otherwise provided by law.
123 However, before the seal may be broken and the record opened
124 without a court order, the requesting person must first identify
125 himself or herself to the satisfaction of the State Registrar.

126 Section 3. Paragraph (a) of subsection (2) of section
127 63.085, Florida Statutes, is amended to read:

128 63.085 Disclosure by adoption entity.—

129 (2) DISCLOSURE TO ADOPTIVE PARENTS.—

130 (a) At the time that an adoption entity is responsible for
131 selecting prospective adoptive parents for a born or unborn
132 child whose parents are seeking to place the child for adoption
133 or whose rights were terminated pursuant to chapter 39, the
134 adoption entity must provide the prospective adoptive parents
135 with information concerning the background of the child to the
136 extent such information is disclosed to the adoption entity by
137 the parents, legal custodian, or the department. This subsection
138 applies only if the adoption entity identifies the prospective
139 adoptive parents and supervises the placement of the child in
140 the prospective adoptive parents' home. If any information
141 cannot be disclosed because the records custodian failed or
142 refused to produce the background information, the adoption
143 entity has a duty to provide the information if it becomes
144 available. An individual or entity contacted by an adoption
145 entity to obtain the background information must release the

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146 requested information to the adoption entity without the
147 necessity of a subpoena or a court order. In all cases, the
148 prospective adoptive parents must receive all available
149 information by the date of the final hearing on the petition for
150 adoption. The information to be disclosed includes:

151 1. A family social and medical history form completed under
152 s. 63.162(4) ~~pursuant to s. 63.162(6)~~.

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

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

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

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

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

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

174 Section 4. This act shall take effect July 1, 2022.