A bill to be entitled
An act relating to adoptee birth certificates;
creating s. 382.0155, F.S.; requiring the Department
of Health to issue a noncertified copy of original
birth certificate to certain adoptees under certain
conditions; requiring the department to develop
certain forms and make such forms available to birth
parents; providing application procedures; providing
construction; providing an effective date.

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

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

382.0155 Noncertified copy of original birth certificate.—
(1) For purposes of this section, the term "noncertified
copy of original birth certificate" means an unaltered copy of
the front side of an original long-form certificate of birth,
excluding any medical information about the parties listed on
the back side of the document.

(2) Notwithstanding any other provision of law, and upon
submission of a written request for a noncertified copy of
original birth certificate, proof of identity, and payment of
the fee prescribed in s. 382.0255, the department shall issue a
noncertified copy of an unaltered original birth certificate of
an adoptee who was born in this state or whose adoption was
finalized in this state, and whose adoption records are
confidential pursuant to s. 63.162:

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

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

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

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

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

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

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

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

4. An adult adoptee, an adult descendant of the adoptee, or the legal representative of the adoptee or descendant provides written evidence of knowledge of the name of a birth parent named on the original birth certificate.

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

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

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

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

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

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

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

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

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

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