

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Health Quality
 2 Subcommittee
 3 Representative Richardson offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 382.015, Florida Statutes, is amended
 8 to read:

9 382.015 New certificates of live birth; duty of clerks of
 10 court and department.—The clerk of the court in which any
 11 proceeding for adoption, annulment of an adoption, affirmation
 12 of parental status, or determination of parentage ~~paternity~~ is
 13 to be registered, shall within 30 days after the final
 14 disposition, forward to the department a certified copy of the
 15 court order, or a report of the proceedings upon a form to be
 16 furnished by the department, together with sufficient
 17 information to identify the original birth certificate and to

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18 enable the preparation of a new birth certificate. The clerk of
19 the court shall implement a monitoring and quality control plan
20 to ensure that all judicial determinations of parentage
21 ~~paternity~~ are reported to the department in compliance with this
22 section. The department shall track parentage ~~paternity~~
23 determinations reported monthly by county, monitor compliance
24 with the 30-day timeframe, and report the data to the clerks of
25 the court quarterly.

26 (1) ADOPTION AND ANNULMENT OF ADOPTION.—

27 (a) Upon receipt of the report or certified copy of an
28 adoption decree, together with the information necessary to
29 identify the original certificate of live birth, and establish a
30 new certificate, the department shall prepare and file a new
31 birth certificate, absent objection by the court decreeing the
32 adoption, the adoptive parents, or the adoptee if of legal age.
33 The certificate must ~~shall~~ bear the same file number as the
34 original birth certificate. All names and identifying
35 information relating to the adoptive parents entered on the new
36 certificate shall refer to the adoptive parents, but nothing in
37 the certificate shall refer to or designate the parents as being
38 adoptive. All other items not affected by adoption shall be
39 copied as on the original certificate, including the date of
40 registration and filing.

41 (b) Upon receipt of the report or certified copy of an
42 annulment-of-adoption decree, together with the sufficient
43 information to identify the original certificate of live birth,

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44 the department shall, if a new certificate of birth was filed
45 following an adoption report or decree, remove the new
46 certificate and restore the original certificate to its original
47 place in the files, and the certificate so removed shall be
48 sealed by the department.

49 (c) Upon receipt of a report or certified copy of an
50 adoption decree or annulment-of-adoption decree for a person
51 born in another state, the department shall forward the report
52 or decree to the state of the registrant's birth. If the adoptee
53 was born in Canada, the department shall send a copy of the
54 report or decree to the appropriate birth registration authority
55 in Canada.

56 (2) DETERMINATION OF PARENTAGE ~~PATERNITY~~.—Upon receipt of
57 the report, a certified copy of a final decree of determination
58 of parentage ~~paternity~~, or a certified copy of a final judgment
59 of dissolution of marriage which requires the former spouse
60 ~~husband~~ to pay child support for the child, together with
61 sufficient information to identify the original certificate of
62 live birth, the department shall prepare and file a new birth
63 certificate, which must ~~shall~~ bear the same file number as the
64 original birth certificate. The registrant's name shall be
65 entered as decreed by the court or as reflected in the final
66 judgment or support order. The names and identifying information
67 of the parents shall be entered as of the date of the
68 registrant's birth.

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69 (3) AFFIRMATION OF PARENTAL STATUS.—Upon receipt of an
70 order of affirmation of parental status issued pursuant to s.
71 742.16, together with sufficient information to identify the
72 original certificate of live birth, the department shall prepare
73 and file a new birth certificate which must ~~shall~~ bear the same
74 file number as the original birth certificate. The names and
75 identifying information of the registrant's parents entered on
76 the new certificate shall be the commissioning couple, but the
77 new certificate may not make reference to or designate the
78 parents as the commissioning couple.

79 (4) SUBSTITUTION OF NEW CERTIFICATE OF BIRTH FOR
80 ORIGINAL.—When a new certificate of birth is prepared, the
81 department shall substitute the new certificate of birth for the
82 original certificate on file. All copies of the original
83 certificate of live birth in the custody of a local registrar or
84 other state custodian of vital records shall be forwarded to the
85 State Registrar. Thereafter, when a certified copy of the
86 certificate of birth or portion thereof is issued, it must ~~shall~~
87 be a copy of the new certificate of birth or portion thereof,
88 except when a court order requires issuance of a certified copy
89 of the original certificate of birth. In an adoption, change in
90 parentage ~~paternity~~, affirmation of parental status,
91 undetermined parentage, or court-ordered substitution, the
92 department shall place the original certificate of birth and all
93 papers pertaining thereto under seal, not to be broken except by

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94 order of a court of competent jurisdiction or as otherwise
95 provided by law.

96 (5) FORM.—Except for certificates of foreign birth which
97 are registered as provided in s. 382.017, and delayed
98 certificates of birth which are registered as provided in ss.
99 382.019 and 382.0195, all original, new, or amended certificates
100 of live birth must ~~shall~~ be identical in form, regardless of the
101 marital status of the parents or the fact that the registrant is
102 adopted or of undetermined parentage.

103 (6) RULES.—The department shall adopt and enforce ~~all~~
104 rules necessary to implement ~~for carrying out the provisions of~~
105 this section.

106 Section 2. Subsection (2) and paragraphs (a) and (b) of
107 subsection (3) of section 382.013, Florida Statutes, are amended
108 to read:

109 382.013 Birth registration.—A certificate for each live
110 birth that occurs in this state shall be filed within 5 days
111 after such birth with the local registrar of the district in
112 which the birth occurred and shall be registered by the local
113 registrar if the certificate has been completed and filed in
114 accordance with this chapter and adopted rules. The information
115 regarding registered births shall be used for comparison with
116 information in the state case registry, as defined in chapter
117 61.

118 (2) PARENTAGE ~~PATERNITY~~.—

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119 (a) If the mother is married at the time of birth, the
120 name of the spouse must ~~husband shall~~ be entered on the birth
121 certificate as a parent ~~the father~~ of the child, unless
122 parentage ~~paternity~~ has been determined otherwise by a court of
123 competent jurisdiction.

124 (b) Notwithstanding paragraph (a), if the spouse ~~husband~~
125 of the mother dies while the mother is pregnant but before the
126 birth of the child, the name of the deceased spouse must ~~husband~~
127 ~~shall~~ be entered on the birth certificate as a parent ~~the father~~
128 of the child, unless parentage ~~paternity~~ has been determined
129 otherwise by a court of competent jurisdiction.

130 (c) If the mother is not married at the time of the birth,
131 the name of the father may not be entered on the birth
132 certificate without the execution of an affidavit signed by both
133 the mother and the person to be named as the father. The
134 facility shall give notice orally or through the use of video or
135 audio equipment, and in writing, of the alternatives to, the
136 legal consequences of, and the rights, including, if one parent
137 is a minor, any rights afforded due to minority status, and
138 responsibilities that arise from signing an acknowledgment of
139 paternity, as well as information provided by the Title IV-D
140 agency established pursuant to s. 409.2557, regarding the
141 benefits of voluntary establishment of parentage ~~paternity~~. Upon
142 request of the mother and the person to be named as the father,
143 the facility shall assist in the execution of the affidavit, a
144 notarized voluntary acknowledgment of parentage ~~paternity~~, or a

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145 voluntary acknowledgment of parentage ~~paternity~~ that is
146 witnessed by two individuals and signed under penalty of perjury
147 as specified by s. 92.525(2).

148 (d) If the parentage ~~paternity~~ of the child is determined
149 by a court of competent jurisdiction as provided under s.
150 382.015 or there is a final judgment of dissolution of marriage
151 which requires the former spouse ~~husband~~ to pay child support
152 for the child, the name of the former spouse ~~father~~ and the
153 surname of the child shall be entered on the certificate in
154 accordance with the finding and order of the court. If the court
155 fails to specify a surname for the child, the surname must ~~shall~~
156 be entered in accordance with subsection (3).

157 (e) If the parentage ~~paternity~~ of the child is determined
158 pursuant to s. 409.256, the name of the father and the surname
159 of the child must ~~shall~~ be entered on the certificate in
160 accordance with the finding and order of the Department of
161 Revenue.

162 (f) If the parents ~~mother and father~~ marry each other at
163 any time after the child's birth, upon receipt of a marriage
164 license that identifies any such child, the department shall
165 amend the certificate with regard to the parents' marital status
166 as though the parents were married at the time of birth.

167 (g) If the father is not named on the certificate, no
168 other information about the father shall be entered on the
169 certificate.

170 (3) NAME OF CHILD.—

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171 (a) If the mother is married at the time of birth, the
172 mother and spouse ~~father~~ whose names are entered on the birth
173 certificate shall select the given names and surname of the
174 child if both parents have custody of the child, otherwise the
175 parent who has custody shall select the child's name.

176 (b) If the parents ~~mother and father~~ whose names are
177 entered on the birth certificate disagree on the surname of the
178 child and both parents have custody of the child, the surname
179 selected by each parent ~~the father and the surname selected by~~
180 ~~the mother~~ shall both be entered on the birth certificate,
181 separated by a hyphen, with the selected names entered in
182 alphabetical order. If the parents disagree on the selection of
183 a given name, the given name may not be entered on the
184 certificate until a joint agreement that lists the agreed upon
185 given name and is notarized by both parents is submitted to the
186 department, or until a given name is selected by a court.

187 Section 3. Section 742.011, Florida Statutes, is amended
188 to read:

189 742.011 Determination of parentage ~~paternity~~ proceedings;
190 jurisdiction.—Any woman who is pregnant or has a child, any
191 spouse of a woman who is pregnant or has a child, any man who
192 has reason to believe that he is the father of a child, or any
193 child may bring proceedings in the circuit court, in chancery,
194 to determine the parentage ~~paternity~~ of the child when parentage
195 ~~paternity~~ has not been established by law or otherwise.

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196 Section 4. Section 742.091, Florida Statutes, is amended
197 to read:

198 742.091 Marriage of parents.—If the ~~mother of any child~~
199 ~~born out of wedlock and the~~ reputed parents of a child father
200 ~~shall~~ at any time after its birth intermarry, the child shall in
201 all respects be deemed and held to be the child of the spouses
202 ~~husband and wife~~, as though born within wedlock, and upon the
203 payment of all costs and attorney fees as determined by the
204 court, the cause shall be dismissed and the bond provided for in
205 s. 742.021 is ~~shall be~~ void. The record of the proceedings in
206 such cases shall be sealed against public inspection in the
207 interests of the child.

208 Section 5. Section 742.105, Florida Statutes, is amended
209 to read:

210 742.105 Effect of a determination of parentage ~~paternity~~
211 from a foreign jurisdiction.—A final order of parentage
212 ~~paternity~~ entered in a foreign jurisdiction, whether resulting
213 from a voluntary acknowledgment or an administrative or judicial
214 process, or an affidavit acknowledging paternity signed in any
215 other state according to its procedures, must ~~shall~~ be given the
216 same legal effect as if such final order was entered or
217 affidavit was signed pursuant to this chapter. In any proceeding
218 in this state, a certified copy of the final order of parentage
219 ~~paternity~~ from a foreign jurisdiction is ~~shall be~~ conclusive
220 evidence of parentage ~~paternity~~.

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221 Section 6. Section 742.11, Florida Statutes, is amended to
222 read:

223 742.11 Presumed status of child conceived by means of
224 artificial or in vitro insemination or donated eggs or
225 preembryos.—

226 (1) Except in the case of gestational surrogacy, any child
227 born within wedlock who has been conceived by the means of
228 artificial or in vitro insemination is irrebuttably presumed to
229 be the child of the spouses ~~husband and wife~~, provided that both
230 spouses ~~husband and wife~~ have consented in writing to the
231 artificial or in vitro insemination.

232 (2) Except in the case of gestational surrogacy, any child
233 born within wedlock who has been conceived by means of donated
234 eggs or preembryos shall be irrebuttably presumed to be the
235 child of the recipient gestating woman and her spouse ~~husband~~,
236 provided that both parties have consented in writing to the use
237 of donated eggs or preembryos.

238 Section 7. Subsection (2) of section 742.13, Florida
239 Statutes, is amended to read:

240 742.13 Definitions.—As used in ss. 742.11-742.17, the
241 term:

242 (2) "Commissioning couple" means the intended parents
243 ~~mother and father~~ of a child who will be conceived by means of
244 assisted reproductive technology using the eggs or sperm of at
245 least one of the intended parents.

246 Section 8. This act shall take effect July 1, 2016.

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T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to parentage; amending s. 382.015, F.S.;
requiring the Department of Health to prepare, file, and issue a
new birth certificate under specified circumstances; requiring
the new birth certificate to bear a specified reference;
amending ss. 382.013, 742.011, 742.091, 742.105, 742.11, and
742.13, F.S.; conforming provisions to changes made by the act;
providing an effective date.