

Committee Substitute for Senate Bill No. 2526

An act relating to public records; creating s. 63.541, F.S.; creating an exemption from public-records requirements for information contained in the Florida Putative Father Registry maintained by the Office of Vital Statistics within the Department of Health; providing for exceptions to the exemption; providing that the database is confidential and exempt from public disclosure; providing for future legislative review and repeal; providing findings of public necessity; providing a contingent effective date.

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

Section 1. Section 63.541, Florida Statutes, is created to read:

63.541 Public-records exemption for the Florida Putative Father Registry.—

(1) All information contained in the Florida Putative Father Registry and maintained by the Office of Vital Statistics within the Department of Health is confidential and exempt from public disclosure pursuant to s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except as otherwise provided in this section. Information made confidential and exempt by this section shall be disclosed to:

(a) An adoption entity, upon the filing of a request for a diligent search of the Florida Putative Father Registry in connection with the planned adoption of a child.

(b) The registrant unmarried biological father, upon receipt of notarized request for a copy of his registry entry only.

(c) The court, upon issuance of a court order concerning a petitioner acting pro se in an action under this chapter.

(2) Except as set forth in subsection (1), the database comprising the Florida Putative Father Registry shall remain confidential and exempt and separate from all other databases in this state, including any local or federal database. Such database may not be accessed by any other state or federal agency or entity.

Section 2. Section 63.541, Florida Statutes, is subject to the Open Government Sunset Review Act of 1995 in accordance with section 119.15, Florida Statutes, and shall stand repealed on October 2, 2008, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 3. The Legislature finds that there is a public necessity to exempt from public disclosure all information contained in the Florida Putative Father Registry maintained by the Office of Vital Statistics within the Department of Health. The Legislature finds that it is good public policy to provide safeguards to protect and promote the well-being of persons being

adopted and their birth and adoptive parents. In order to ensure that a child is legally free for adoption, the Legislature finds that any existing parental rights must be terminated in accordance with due process as protected under the federal and state laws. The Legislature finds that protecting the confidentiality and preventing the disclosure of the information contained in the Florida Putative Father Registry will encourage putative fathers who wish to claim paternity and assert parental rights to register in order to preserve their right to receive notice and consent to an adoption. The Legislature also finds that the confidentiality and exemption from public disclosure provided by this act prevents unnecessary and unwarranted intrusion into the right of privacy of personal and sensitive information, including the existence of intimate sexual relations. Disclosure of information in the registry may also deter the collection of information integral to the best interests of a child who is or may become the subject of a proceeding for the termination of parental rights pending adoption or other relevant proceeding. Therefore, the Legislature finds that any benefit that could occur from public disclosure of the information in the registry is outweighed by the necessity to ensure the due process rights of putative fathers and to prevent unwarranted intrusion into the privacy of the individuals involved.

Section 4. This act shall take effect on the same date that SB 2456 or similar legislation takes effect if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

Approved by the Governor May 29, 2003.

Filed in Office Secretary of State May 29, 2003.