

1 A bill to be entitled

2 An act relating to parentage; amending s. 382.015,  
3 F.S.; requiring the Department of Health to prepare,  
4 file, and issue a new certificate of live birth under  
5 specified circumstances; requiring such certificate to  
6 bear a specified reference and contain a designation  
7 of relationship; amending ss. 382.013, 742.011,  
8 742.091, 742.105, 742.11, and 742.13, F.S.; conforming  
9 provisions to changes made by the act; providing an  
10 effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14 Section 1. Section 382.015, Florida Statutes, is amended  
15 to read:

16 382.015 New certificates of live birth; duty of clerks of  
17 court and department.—The clerk of the court in which any  
18 proceeding for adoption, annulment of an adoption, affirmation  
19 of parental status, or determination of parentage ~~paternity~~ is  
20 to be registered, shall within 30 days after the final  
21 disposition, forward to the department a certified copy of the  
22 court order, or a report of the proceedings upon a form to be  
23 furnished by the department, together with sufficient  
24 information to identify the original birth certificate and to  
25 enable the preparation of a new birth certificate. The clerk of  
26 the court shall implement a monitoring and quality control plan

27 | to ensure that all judicial determinations of parentage  
28 | ~~paternity~~ are reported to the department in compliance with this  
29 | section. The department shall track parentage ~~paternity~~  
30 | determinations reported monthly by county, monitor compliance  
31 | with the 30-day timeframe, and report the data to the clerks of  
32 | the court quarterly.

33 | (1) ADOPTION AND ANNULMENT OF ADOPTION.—

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

48 | (b) Upon receipt of the report or certified copy of an  
49 | annulment-of-adoption decree, together with the sufficient  
50 | information to identify the original certificate of live birth,  
51 | the department shall, if a new certificate of birth was filed  
52 | following an adoption report or decree, remove the new

53 certificate and restore the original certificate to its original  
54 place in the files, and the certificate so removed shall be  
55 sealed by the department.

56 (c) Upon receipt of a report or certified copy of an  
57 adoption decree or annulment-of-adoption decree for a person  
58 born in another state, the department shall forward the report  
59 or decree to the state of the registrant's birth. If the adoptee  
60 was born in Canada, the department shall send a copy of the  
61 report or decree to the appropriate birth registration authority  
62 in Canada.

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

76 (3) AFFIRMATION OF PARENTAL STATUS.—Upon receipt of an  
77 order of affirmation of parental status issued pursuant to s.  
78 742.16, together with sufficient information to identify the

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79 original certificate of live birth, the department shall prepare  
80 and file a new birth certificate which must ~~shall~~ bear the same  
81 file number as the original birth certificate. The names and  
82 identifying information of the registrant's parents entered on  
83 the new certificate shall be the commissioning couple, but the  
84 new certificate may not make reference to or designate the  
85 parents as the commissioning couple.

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

103 (5) FORM.—Except for certificates of foreign birth which  
104 are registered as provided in s. 382.017, and delayed

105 certificates of birth which are registered as provided in ss.  
 106 382.019 and 382.0195, all original, new, or amended certificates  
 107 of live birth must ~~shall~~ be identical in form, regardless of the  
 108 marital status of the parents or the fact that the registrant is  
 109 adopted or of undetermined parentage.

110 (a) The department shall include on every certificate of  
 111 live birth, where the name of each parent is printed, the  
 112 following designations:

- 113 1. Mother;
- 114 2. Father; or
- 115 3. Parent.

116 (b) The parent or parents signing the certificate of live  
 117 birth shall select a designation of relationship as described in  
 118 paragraph (a) for each parent.

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

122 Section 2. Subsection (2) and paragraphs (a) and (b) of  
 123 subsection (3) of section 382.013, Florida Statutes, are amended  
 124 to read:

125 382.013 Birth registration.—A certificate for each live  
 126 birth that occurs in this state shall be filed within 5 days  
 127 after such birth with the local registrar of the district in  
 128 which the birth occurred and shall be registered by the local  
 129 registrar if the certificate has been completed and filed in  
 130 accordance with this chapter and adopted rules. The information

131 regarding registered births shall be used for comparison with  
 132 information in the state case registry, as defined in chapter  
 133 61.

134 (2) PARENTAGE ~~PATERNITY~~.—

135 (a) If the mother is married at the time of birth, the  
 136 name of the spouse must ~~husband shall~~ be entered on the birth  
 137 certificate as a parent ~~the father~~ of the child, unless  
 138 parentage ~~paternity~~ has been determined otherwise by a court of  
 139 competent jurisdiction.

140 (b) Notwithstanding paragraph (a), if the spouse ~~husband~~  
 141 of the mother dies while the mother is pregnant but before the  
 142 birth of the child, the name of the deceased spouse must ~~husband~~  
 143 ~~shall~~ be entered on the birth certificate as a parent ~~the father~~  
 144 of the child, unless parentage ~~paternity~~ has been determined  
 145 otherwise by a court of competent jurisdiction.

146 (c) If the mother is not married at the time of the birth,  
 147 the name of the father may not be entered on the birth  
 148 certificate without the execution of an affidavit signed by both  
 149 the mother and the person to be named as the father. The  
 150 facility shall give notice orally or through the use of video or  
 151 audio equipment, and in writing, of the alternatives to, the  
 152 legal consequences of, and the rights, including, if one parent  
 153 is a minor, any rights afforded due to minority status, and  
 154 responsibilities that arise from signing an acknowledgment of  
 155 paternity, as well as information provided by the Title IV-D  
 156 agency established pursuant to s. 409.2557, regarding the

157 benefits of voluntary establishment of parentage ~~paternity~~. Upon  
158 request of the mother and the person to be named as the father,  
159 the facility shall assist in the execution of the affidavit, a  
160 notarized voluntary acknowledgment of parentage ~~paternity~~, or a  
161 voluntary acknowledgment of parentage ~~paternity~~ that is  
162 witnessed by two individuals and signed under penalty of perjury  
163 as specified by s. 92.525(2).

164 (d) If the parentage ~~paternity~~ of the child is determined  
165 by a court of competent jurisdiction as provided under s.  
166 382.015 or there is a final judgment of dissolution of marriage  
167 which requires the former spouse ~~husband~~ to pay child support  
168 for the child, the name of the former spouse ~~father~~ and the  
169 surname of the child shall be entered on the certificate in  
170 accordance with the finding and order of the court. If the court  
171 fails to specify a surname for the child, the surname must ~~shall~~  
172 be entered in accordance with subsection (3).

173 (e) If the parentage ~~paternity~~ of the child is determined  
174 pursuant to s. 409.256, the name of the father and the surname  
175 of the child must ~~shall~~ be entered on the certificate in  
176 accordance with the finding and order of the Department of  
177 Revenue.

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

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183 (g) If the father is not named on the certificate, no  
 184 other information about the father shall be entered on the  
 185 certificate.

186 (3) NAME OF CHILD.—

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

192 (b) If the parents ~~mother and father~~ whose names are  
 193 entered on the birth certificate disagree on the surname of the  
 194 child and both parents have custody of the child, the surname  
 195 selected by each parent ~~the father and the surname selected by~~  
 196 ~~the mother~~ shall both be entered on the birth certificate,  
 197 separated by a hyphen, with the selected names entered in  
 198 alphabetical order. If the parents disagree on the selection of  
 199 a given name, the given name may not be entered on the  
 200 certificate until a joint agreement that lists the agreed upon  
 201 given name and is notarized by both parents is submitted to the  
 202 department, or until a given name is selected by a court.

203 Section 3. Section 742.011, Florida Statutes, is amended  
 204 to read:

205 742.011 Determination of parentage ~~paternity~~ proceedings;  
 206 jurisdiction.—Any woman who is pregnant or has a child, any  
 207 spouse of a woman who is pregnant or has a child, any man who  
 208 has reason to believe that he is the father of a child, or any



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209 child may bring proceedings in the circuit court, in chancery,  
 210 to determine the parentage ~~paternity~~ of the child when parentage  
 211 ~~paternity~~ has not been established by law or otherwise.

212 Section 4. Section 742.091, Florida Statutes, is amended  
 213 to read:

214 742.091 Marriage of parents.—If the ~~mother of any child~~  
 215 ~~born out of wedlock and the~~ reputed parents of a child ~~father~~  
 216 ~~shall~~ at any time after its birth intermarry, the child shall in  
 217 all respects be deemed and held to be the child of the spouses  
 218 ~~husband and wife~~, as though born within wedlock, and upon the  
 219 payment of all costs and attorney fees as determined by the  
 220 court, the cause shall be dismissed and the bond provided for in  
 221 s. 742.021 is ~~shall be~~ void. The record of the proceedings in  
 222 such cases shall be sealed against public inspection in the  
 223 interests of the child.

224 Section 5. Section 742.105, Florida Statutes, is amended  
 225 to read:

226 742.105 Effect of a determination of parentage ~~paternity~~  
 227 from a foreign jurisdiction.—A final order of parentage  
 228 ~~paternity~~ entered in a foreign jurisdiction, whether resulting  
 229 from a voluntary acknowledgment or an administrative or judicial  
 230 process, or an affidavit acknowledging paternity signed in any  
 231 other state according to its procedures, must ~~shall~~ be given the  
 232 same legal effect as if such final order was entered or  
 233 affidavit was signed pursuant to this chapter. In any proceeding  
 234 in this state, a certified copy of the final order of parentage

235 ~~paternity~~ from a foreign jurisdiction is ~~shall be~~ conclusive  
 236 evidence of parentage ~~paternity~~.

237 Section 6. Section 742.11, Florida Statutes, is amended to  
 238 read:

239 742.11 Presumed status of child conceived by means of  
 240 artificial or in vitro insemination or donated eggs or  
 241 preembryos.—

242 (1) Except in the case of gestational surrogacy, any child  
 243 born within wedlock who has been conceived by the means of  
 244 artificial or in vitro insemination is irrebuttably presumed to  
 245 be the child of the spouses ~~husband and wife~~, provided that both  
 246 spouses ~~husband and wife~~ have consented in writing to the  
 247 artificial or in vitro insemination.

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

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

256 742.13 Definitions.—As used in ss. 742.11-742.17, the  
 257 term:

258 (2) "Commissioning couple" means the intended parents  
 259 ~~mother and father~~ of a child who will be conceived by means of  
 260 assisted reproductive technology using the eggs or sperm of at

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261 | least one of the intended parents.

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