

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 710

SPONSOR: Senator Wise

SUBJECT: Commemorative Certificates

DATE: February 28, 2003 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Munroe</u>	<u>Wilson</u>	<u>HC</u>	<u>Favorable</u>
2.	<u>                    </u>	<u>                    </u>	<u>AHS</u>	<u>                    </u>
3.	<u>                    </u>	<u>                    </u>	<u>AP</u>	<u>                    </u>
4.	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
5.	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
6.	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>

## I. Summary:

This bill requires the Department of Health, when a fetal death occurs, to issue a commemorative certificate of stillbirth, upon request and payment of a fee. When a commemorative certificate of stillbirth is issued, the indication of fetal death must be made on the back of the certificate. The certificate of stillbirth must be in a form consistent with the need to protect the integrity of vital records and must be suitable for display. The seal of the State of Florida may be printed on the certificate and it may be signed by the Governor. Any fees collected that are in excess of expenses must be available for use by the Improved Pregnancy Outcome Program.

This bill substantially amends sections 382.025 and 382.0255, Florida Statutes.

## II. Present Situation:

Chapter 382, is the Florida Vital Statistics Act. Section 382.002, F.S., defines "fetal death" to mean death prior to the complete expulsion or extraction of a product of human conception from its mother if the 20<sup>th</sup> week of gestation has been reached and the death is indicated by the fact that after such expulsion or extraction the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles. "Live birth" is defined to mean the complete expulsion or extraction of a product of human conception from its mother, irrespective of the duration of pregnancy, which, after such expulsion, breathes or shows any other evidence of life such as beating of the hart, pulsation of the umbilical cord, and definite movement of the voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached. "Registrant" means the child entered on the birth certificate, the deceased entered on a death certificate, and the husband or wife entered on a marriage or dissolution of marriage record.

A certificate for each birth that occurs in Florida must be filed within 5 days after the birth with the local registrar of the district in which the birth occurred. A certificate of death and fetal death that occurs in Florida must be filed within 5 days after such death and prior to final disposition. A procedure for filing a certificate of birth is provided in chapter 382, F.S., and rules adopted by the Department of Health. Certified copies of the original birth certificate or a new or amended certificate are confidential and exempt from the Public Records Law and may only be issued to specified persons including the registrant, if of legal age and the registrant's parent or guardian or other legal representative.<sup>1</sup> To protect the integrity of vital records and prevent the fraudulent use of the birth certificates of deceased persons, the Department of Health must match birth and death certificates and post the fact of death to the appropriate birth certificate. Except for a commemorative birth certificate, any certification of a birth certificate of a deceased registrant must be marked "deceased." In the case of a commemorative birth certificate, such indication of death must be made on the back of the certificate. The Department of Health may issue, upon request and payment of an additional fee, a commemorative birth certificate representing that the birth of the person named thereon is recorded in the office of the registrar. The commemorative certificate issued must be in a form consistent with the need to protect the integrity of vital records but must be suitable for display. The commemorative certificate may bear the state seal and be signed by the Governor.

Pursuant to s. 382.0255, F.S., the Department of Health may collect \$25 to issue a commemorative certificate of birth or marriage and any fees in excess of expenses must be available for use by the Regional Perinatal Intensive Care Centers Program to prevent child abuse and neglect. Funds derived from the issuance of commemorative marriage certificates must be available for use by the Improved Pregnancy Outcome Program.

### III. Effect of Proposed Changes:

**Section 1.** Amends s. 382.025, F.S., to require the Department of Health, when a fetal death occurs, to issue, upon request and payment of a fee, a commemorative certificate of stillbirth which states that the birth of the person named thereon resulted in stillbirth. When a commemorative certificate of stillbirth is issued, the indication of fetal death must be made on the back of the certificate. The certificate of stillbirth must be in a form consistent with the need to protect the integrity of vital records and must be suitable for display. The seal of the State of Florida may be printed on the certificate and it may be signed by the Governor.

**Section 2.** Amends s. 382.0255, F.S., to authorize the Department of Health to collect \$25 for a certificate of stillbirth and to provide that any fees collected for commemorative certificates of birth in excess of expenses shall be available for use by the Regional Perinatal Intensive Care Centers Program to prevent child abuse and neglect. Any funds derived from the issuance of commemorative certificates of stillbirth may be available for use by the Improved Pregnancy Outcome Program.

**Section 3.** Provides an effective date of July 1, 2003.

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<sup>1</sup> See s. 382.025, F.S.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

**B. Public Records/Open Meetings Issues:**

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Art. I, s. 24(a) and (b) of the Florida Constitution.

**C. Trust Funds Restrictions:**

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

**V. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

A person requesting a commemorative certificate of stillbirth must pay a \$25 fee for the certificate.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The Department of Health will incur costs to issue commemorative certificates of stillbirth for which it may charge a \$25 fee. Any fees collected by the department that are in excess of the expenses will be available for use by the Improved Pregnancy Outcome Program.

The Department of Health noted that it will incur costs of \$10,500 to implement the bill. Currently, less than 25 fetal death certificates are requested and issued annually. During 2002, less than 1,700 fetal deaths were filed with the Department of Health.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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