

1                   A bill to be entitled  
2    An act relating to certificate of birth resulting in  
3    stillbirth; amending s. 382.002, F.S.; providing  
4    definitions; creating s. 382.0085, F.S.; requiring that  
5    the person required to file the fetal death certificate  
6    advise a parent of a stillborn child about the  
7    availability of a certificate of birth resulting in  
8    stillbirth; authorizing the parent to name the stillborn  
9    child on a certificate; requiring a state file number for  
10   the certificate; requiring the Department of Health to  
11   prescribe the form and content of the certificate by rule;  
12   prohibiting the Office of Vital Statistics within the  
13   Department of Health from using a certificate of birth  
14   resulting in stillbirth to calculate certain statistics;  
15   authorizing a parent to request a certificate of birth  
16   resulting in stillbirth without regard to the date on  
17   which the certificate of fetal death was issued;  
18   prohibiting certain persons from obtaining a certificate  
19   of birth resulting in stillbirth; authorizing the Office  
20   of Vital Statistics to charge a fee; requiring a  
21   certificate of birth resulting in stillbirth to contain  
22   certain information; requiring the department to adopt  
23   rules; amending s. 382.0255, F.S.; authorizing the  
24   department to collect fees for a search or retrieval of a  
25   certificate of birth resulting in stillbirth; providing an  
26   effective date.

27  
28   Be It Enacted by the Legislature of the State of Florida:

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 30 |         Section 1. Section 382.002, Florida Statutes, is amended  
 31 | to read:

32 |         382.002 Definitions.--As used in this chapter, the term:

33 |         (1) "Certificate of birth resulting in stillbirth" means a  
 34 | certificate issued to record the birth of a stillborn child.

35 |         (2)~~(1)~~ "Certification" or "certified" means a document  
 36 | containing all or a part of the exact information contained on  
 37 | the original vital record, and which, when issued by the State  
 38 | Registrar, has the full force and effect of the original vital  
 39 | record.

40 |         (3)~~(2)~~ "Dead body" means a human body or such parts of a  
 41 | human body from the condition of which it reasonably may be  
 42 | concluded that death recently occurred.

43 |         (4)~~(3)~~ "Department" means the Department of Health.

44 |         (5)~~(4)~~ "Dissolution of marriage" includes an annulment of  
 45 | marriage.

46 |         (6)~~(5)~~ "Fetal death" means death prior to the complete  
 47 | expulsion or extraction of a product of human conception from  
 48 | its mother if the 20th week of gestation has been reached and  
 49 | the death is indicated by the fact that after such expulsion or  
 50 | extraction the fetus does not breathe or show any other evidence  
 51 | of life such as beating of the heart, pulsation of the umbilical  
 52 | cord, or definite movement of voluntary muscles.

53 |         (7)~~(6)~~ "Final disposition" means the burial, interment,  
 54 | cremation, removal from the state, or other authorized  
 55 | disposition of a dead body or a fetus as described in subsection  
 56 | (6) ~~(5)~~. In the case of cremation, dispersion of ashes or

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57 cremation residue is considered to occur after final  
58 disposition; the cremation itself is considered final  
59 disposition.

60 (8)~~(7)~~ "Funeral director" means a licensed funeral  
61 director or direct disposer licensed pursuant to chapter 497 or  
62 other person who first assumes custody of or effects the final  
63 disposition of a dead body or a fetus as described in subsection  
64 (6) ~~(5)~~.

65 (9)~~(8)~~ "Legal age" means a person who is not a minor, or a  
66 minor who has had the disability of nonage removed as provided  
67 under chapter 743.

68 (10)~~(9)~~ "Live birth" means the complete expulsion or  
69 extraction of a product of human conception from its mother,  
70 irrespective of the duration of pregnancy, which, after such  
71 expulsion, breathes or shows any other evidence of life such as  
72 beating of the heart, pulsation of the umbilical cord, and  
73 definite movement of the voluntary muscles, whether or not the  
74 umbilical cord has been cut or the placenta is attached.

75 (11)~~(10)~~ "Medical examiner" means a person appointed  
76 pursuant to chapter 406.

77 (12)~~(11)~~ "Physician" means a person authorized to practice  
78 medicine, osteopathic medicine, or chiropractic medicine  
79 pursuant to chapter 458, chapter 459, or chapter 460.

80 (13)~~(12)~~ "Registrant" means the child entered on a birth  
81 certificate, the deceased entered on a death certificate, and  
82 the husband or wife entered on a marriage or dissolution of  
83 marriage record.

84 (14) "Stillbirth" means an unintended, intrauterine fetal

85 death after a gestational age of not less than 20 completed  
86 weeks.

87 ~~(15)(13)~~ "Vital records" or "records" means certificates  
88 or reports of birth, death, fetal death, marriage, dissolution  
89 of marriage, name change filed pursuant to s. 68.07, and data  
90 related thereto.

91 ~~(16)(14)~~ "Vital statistics" means a system of  
92 registration, collection, preservation, amendment, and  
93 certification of vital records, the collection of other reports  
94 required by this act, and activities related thereto, including  
95 the tabulation, analysis, and publication of data obtained from  
96 vital records.

97 Section 2. Section 382.0085, Florida Statutes, is created  
98 to read:

99 382.0085 Stillbirth registration.--

100 (1) The person who is required to file a fetal death  
101 certificate under this chapter shall advise the parent of a  
102 stillborn child:

103 (a) That the parent may request the preparation of a  
104 certificate of birth resulting in stillbirth;

105 (b) That the parent may obtain a certificate of birth  
106 resulting in stillbirth by contacting the Office of Vital  
107 Statistics; and

108 (c) How the parent may contact the Office of Vital  
109 Statistics to request a certificate of birth resulting in  
110 stillbirth.

111 (2) To order a certificate of birth resulting in a  
112 stillbirth, a parent may provide a name for a stillborn child,

113 the date of the event, and the county in which the event  
114 occurred on the request for a certificate of birth resulting in  
115 stillbirth. If a name does not appear on the fetal death  
116 certificate and the requesting parent does not wish to provide a  
117 name, the Office of Vital Statistics shall fill in the  
118 certificate with the name "baby boy" or "baby girl" and the last  
119 name of the parent. The name of the stillborn child provided on  
120 or later added by amendment to the certificate of birth  
121 resulting in stillbirth must be the same name as placed on the  
122 original or amended certificate of the fetal death report  
123 pursuant to s. 382.008.

124 (3) A certificate of birth resulting in stillbirth must  
125 include the state file number of the corresponding certificate  
126 of fetal death.

127 (4) By September 1, 2006, the department shall prescribe  
128 by rule the form and content of a certificate of birth resulting  
129 in stillbirth and shall specify the information necessary to  
130 prepare the certificate.

131 (5) The Office of Vital Statistics may not use a  
132 certificate of birth resulting in stillbirth to calculate live  
133 birth statistics.

134 (6) A parent may request that the Office of Vital  
135 Statistics issue a certificate of birth resulting in stillbirth  
136 regardless of the date on which the certificate of fetal death  
137 was issued.

138 (7) A certificate of birth resulting in stillbirth may not  
139 be issued to any person other than a parent listed on the fetal  
140 death certificate. A refusal by the Office of Vital Statistics

141 to issue a certificate to a person who is not entitled to a  
 142 certificate of birth resulting in stillbirth constitutes final  
 143 agency action and is not subject to review under chapter 120.

144 (8) The Office of Vital Statistics may charge a fee for  
 145 the certificate of birth resulting in stillbirth pursuant to s.  
 146 382.0255.

147 (9) A certificate of birth resulting in stillbirth must  
 148 contain the statement "This certificate is not proof of a live  
 149 birth."

150 (10) The department shall adopt rules to administer this  
 151 section.

152 Section 3. Paragraph (a) of subsection (1) of section  
 153 382.0255, Florida Statutes, is amended to read:

154 382.0255 Fees.--

155 (1) The department is entitled to fees, as follows:

156 (a) Not less than \$3 or more than \$5 for the first  
 157 calendar year of records searched or retrieved, including a  
 158 certificate of birth resulting in stillbirth, and a computer  
 159 certification of the record, a photocopy or birth card if a  
 160 computer certification is not available, or, if a ~~no~~ record is  
 161 not located, a certified statement to that effect. An additional  
 162 fee of not less than \$3 or more than \$5 if a photocopy is  
 163 requested in place of or in addition to a computer  
 164 certification. Additional fees of not less than \$1 or more than  
 165 \$2, up to a maximum total of \$50, shall be charged for  
 166 additional calendar years of records searched or retrieved.

167 Section 4. This act shall take effect July 1, 2006.