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CHAMBER ACTION

1 The Health Care Regulation Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to certificate of birth resulting in
7 stillbirth; amending s. 382.002, F.S.; providing
8 definitions; creating s. 382.0085, F.S.; requiring that
9 the person required to file the fetal death certificate
10 advise a parent of a stillborn child about the
11 availability of a certificate of birth resulting in
12 stillbirth; requiring that the person required to file the
13 fetal death certificate inform a parent of a stillborn
14 child that copies of the birth certificate resulting in
15 stillbirth may be available as a public record;
16 authorizing the parent to name the stillborn child on a
17 certificate; requiring a state file number for the
18 certificate; requiring the Department of Health to
19 prescribe the form and content of the certificate by rule;
20 prohibiting the Office of Vital Statistics within the
21 Department of Health from using a certificate of birth
22 resulting in stillbirth to calculate certain statistics;
23 authorizing a parent to request a certificate of birth

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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24 resulting in stillbirth without regard to the date on
25 which the certificate of fetal death was issued;
26 authorizing certain parents to request a certificate of
27 birth resulting in stillbirth from the Office of Vital
28 Statistics; requiring the Office of Vital Statistics to
29 inform such parents that a copy of a certificate of birth
30 resulting in stillbirth may be available as a public
31 record; authorizing the Office of Vital Statistics to
32 charge a fee; requiring a certificate of birth resulting
33 in stillbirth to contain certain information; requiring
34 the department to adopt rules; amending s. 382.0255, F.S.;
35 authorizing the department to collect fees for a search or
36 retrieval of a certificate of birth resulting in
37 stillbirth; providing an effective date.

38
39 Be It Enacted by the Legislature of the State of Florida:

40
41 Section 1. Section 382.002, Florida Statutes, is amended
42 to read:

43 382.002 Definitions.--As used in this chapter, the term:

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

46 (2)~~(1)~~ "Certification" or "certified" means a document
47 containing all or a part of the exact information contained on
48 the original vital record, and which, when issued by the State
49 Registrar, has the full force and effect of the original vital
50 record.

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51 (3)~~(2)~~ "Dead body" means a human body or such parts of a
52 human body from the condition of which it reasonably may be
53 concluded that death recently occurred.

54 (4)~~(3)~~ "Department" means the Department of Health.

55 (5)~~(4)~~ "Dissolution of marriage" includes an annulment of
56 marriage.

57 (6)~~(5)~~ "Fetal death" means death prior to the complete
58 expulsion or extraction of a product of human conception from
59 its mother if the 20th week of gestation has been reached and
60 the death is indicated by the fact that after such expulsion or
61 extraction the fetus does not breathe or show any other evidence
62 of life such as beating of the heart, pulsation of the umbilical
63 cord, or definite movement of voluntary muscles.

64 (7)~~(6)~~ "Final disposition" means the burial, interment,
65 cremation, removal from the state, or other authorized
66 disposition of a dead body or a fetus as described in subsection
67 (6) ~~(5)~~. In the case of cremation, dispersion of ashes or
68 cremation residue is considered to occur after final
69 disposition; the cremation itself is considered final
70 disposition.

71 (8)~~(7)~~ "Funeral director" means a licensed funeral
72 director or direct disposer licensed pursuant to chapter 497 or
73 other person who first assumes custody of or effects the final
74 disposition of a dead body or a fetus as described in subsection
75 (6) ~~(5)~~.

76 (9)~~(8)~~ "Legal age" means a person who is not a minor, or a
77 minor who has had the disability of nonage removed as provided
78 under chapter 743.

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79 | (10)~~(9)~~ "Live birth" means the complete expulsion or
80 | extraction of a product of human conception from its mother,
81 | irrespective of the duration of pregnancy, which, after such
82 | expulsion, breathes or shows any other evidence of life such as
83 | beating of the heart, pulsation of the umbilical cord, and
84 | definite movement of the voluntary muscles, whether or not the
85 | umbilical cord has been cut or the placenta is attached.

86 | (11)~~(10)~~ "Medical examiner" means a person appointed
87 | pursuant to chapter 406.

88 | (12)~~(11)~~ "Physician" means a person authorized to practice
89 | medicine, osteopathic medicine, or chiropractic medicine
90 | pursuant to chapter 458, chapter 459, or chapter 460.

91 | (13)~~(12)~~ "Registrant" means the child entered on a birth
92 | certificate, the deceased entered on a death certificate, and
93 | the husband or wife entered on a marriage or dissolution of
94 | marriage record.

95 | (14) "Stillbirth" means an unintended, intrauterine fetal
96 | death after a gestational age of not less than 20 completed
97 | weeks.

98 | (15)~~(13)~~ "Vital records" or "records" means certificates
99 | or reports of birth, death, fetal death, marriage, dissolution
100 | of marriage, name change filed pursuant to s. 68.07, and data
101 | related thereto.

102 | (16)~~(14)~~ "Vital statistics" means a system of
103 | registration, collection, preservation, amendment, and
104 | certification of vital records, the collection of other reports
105 | required by this act, and activities related thereto, including

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106 the tabulation, analysis, and publication of data obtained from
107 vital records.

108 Section 2. Section 382.0085, Florida Statutes, is created
109 to read:

110 382.0085 Stillbirth registration.--

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

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

116 (b) That the parent may obtain a certificate of birth
117 resulting in stillbirth by contacting the Office of Vital
118 Statistics;

119 (c) How the parent may contact the Office of Vital
120 Statistics to request a certificate of birth resulting in
121 stillbirth; and

122 (d) That a copy of the original certificate of birth
123 resulting in stillbirth is a document that is available as a
124 public record when held by an agency as defined under s.
125 119.011(2).

126 (2) To order a certificate of birth resulting in a
127 stillbirth, a parent may provide a name for a stillborn child,
128 the date of the event, and the county in which the event
129 occurred on the request for a certificate of birth resulting in
130 stillbirth. If a name does not appear on the fetal death
131 certificate and the requesting parent does not wish to provide a
132 name, the Office of Vital Statistics shall fill in the
133 certificate with the name "baby boy" or "baby girl" and the last

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134 name of the parent. The name of the stillborn child provided on
135 or later added by amendment to the certificate of birth
136 resulting in stillbirth must be the same name as placed on the
137 original or amended certificate of the fetal death report
138 pursuant to s. 382.008.

139 (3) A certificate of birth resulting in stillbirth must
140 include the state file number of the corresponding certificate
141 of fetal death.

142 (4) The department shall prescribe by rule the form and
143 content of a certificate of birth resulting in stillbirth and
144 shall specify the information necessary to prepare the
145 certificate.

146 (5) The Office of Vital Statistics may not use a
147 certificate of birth resulting in stillbirth to calculate live
148 birth statistics.

149 (6) A parent may request that the Office of Vital
150 Statistics issue a certificate of birth resulting in stillbirth
151 regardless of the date on which the certificate of fetal death
152 was issued.

153 (7) Only a parent named on a fetal death certificate may
154 request that the Office of Vital Statistics issue a certificate
155 of birth resulting in stillbirth. The Office of Vital Statistics
156 must inform any parent who requests a certificate of birth
157 resulting in stillbirth that a copy of the document is available
158 as a public record when held by an agency as defined under s.
159 119.011(2). A refusal by the Office of Vital Statistics to issue
160 a certificate to a person who is not entitled to a certificate

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161 of birth resulting in stillbirth constitutes final agency action
 162 and is not subject to review under chapter 120.

163 (8) The Office of Vital Statistics may charge a fee for
 164 the certificate of birth resulting in stillbirth pursuant to s.
 165 382.0255.

166 (9) A certificate of birth resulting in stillbirth must
 167 contain the statement "This certificate is not proof of a live
 168 birth."

169 (10) The department shall adopt rules pursuant to ss.
 170 120.536(1) and 120.54 to administer this section.

171 Section 3. Paragraph (a) of subsection (1) of section
 172 382.0255, Florida Statutes, is amended to read:

173 382.0255 Fees.--

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

175 (a) Not less than \$3 or more than \$5 for the first
 176 calendar year of records searched or retrieved, including a
 177 certificate of birth resulting in stillbirth, and a computer
 178 certification of the record, a photocopy or birth card if a
 179 computer certification is not available, or, if a ~~ne~~ record is
 180 not located, a certified statement to that effect. An additional
 181 fee of not less than \$3 or more than \$5 if a photocopy is
 182 requested in place of or in addition to a computer
 183 certification. Additional fees of not less than \$1 or more than
 184 \$2, up to a maximum total of \$50, shall be charged for
 185 additional calendar years of records searched or retrieved.

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