

CHAMBER ACTION

1 The Governmental Operations 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 certificates of birth and death;
7 amending s. 382.002, F.S.; providing definitions; amending
8 s. 382.008, F.S.; authorizing the local registrar of the
9 Office of Vital Statistics of the Department of Health to
10 receive electronically the certificate of death or fetal
11 death which is required to be filed with the local
12 registrar; creating s. 382.0085, F.S.; requiring the
13 Department of Health to issue a certificate of birth
14 resulting in stillbirth upon request of specified parent;
15 requiring that the person required to file the fetal death
16 certificate advise a parent of a stillborn child about the
17 availability of a certificate of birth resulting in
18 stillbirth; requiring that the person required to file the
19 fetal death certificate inform a parent of a stillborn
20 child that copies of the birth certificate resulting in
21 stillbirth may be available as a public record; requiring
22 the form prescribed by the department by rule to contain
23 specified information; designating the certificate of

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24 birth resulting in stillbirth as a public record;
25 authorizing a parent to request a certificate of birth
26 resulting in stillbirth without regard to the date on
27 which the certificate of fetal death was issued;
28 designating the refusal to issue a certificate of birth
29 resulting in stillbirth to certain persons as final agency
30 action not subject to administrative review; prohibiting
31 the use of certificates of birth resulting in stillbirth
32 to calculate live birth statistics; requiring rulemaking
33 by the department for the certificate of birth resulting
34 in stillbirth; prohibiting specified provisions of law
35 from being used in certain civil actions; amending s.
36 382.013, F.S.; authorizing the local registrar of the
37 Office of Vital Statistics of the Department of Health to
38 receive electronically the birth certificate for each live
39 birth that is required to be filed with the local
40 registrar; amending s. 382.0255, F.S.; authorizing the
41 Department of Health to collect fees for a certificate of
42 birth resulting in stillbirth; providing an effective
43 date.

44
45 Be It Enacted by the Legislature of the State of Florida:

46
47 Section 1. Section 382.002, Florida Statutes, is amended
48 to read:

49 382.002 Definitions.--As used in this chapter, the term:

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

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52 | (2)~~(1)~~ "Certification" or "certified" means a document
53 | containing all or a part of the exact information contained on
54 | the original vital record, and which, when issued by the State
55 | Registrar, has the full force and effect of the original vital
56 | record.

57 | (3)~~(2)~~ "Dead body" means a human body or such parts of a
58 | human body from the condition of which it reasonably may be
59 | concluded that death recently occurred.

60 | (4)~~(3)~~ "Department" means the Department of Health.

61 | (5)~~(4)~~ "Dissolution of marriage" includes an annulment of
62 | marriage.

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

70 | (7)~~(6)~~ "Final disposition" means the burial, interment,
71 | cremation, removal from the state, or other authorized
72 | disposition of a dead body or a fetus as described in subsection
73 | (6) ~~(5)~~. In the case of cremation, dispersion of ashes or
74 | cremation residue is considered to occur after final
75 | disposition; the cremation itself is considered final
76 | disposition.

77 | (8)~~(7)~~ "Funeral director" means a licensed funeral
78 | director or direct disposer licensed pursuant to chapter 497 or
79 | other person who first assumes custody of or effects the final

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80 disposition of a dead body or a fetus as described in subsection
81 (6) ~~(5)~~.

82 (9) ~~(8)~~ "Legal age" means a person who is not a minor, or a
83 minor who has had the disability of nonage removed as provided
84 under chapter 743.

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

92 (11) ~~(10)~~ "Medical examiner" means a person appointed
93 pursuant to chapter 406.

94 (12) ~~(11)~~ "Physician" means a person authorized to practice
95 medicine, osteopathic medicine, or chiropractic medicine
96 pursuant to chapter 458, chapter 459, or chapter 460.

97 (13) ~~(12)~~ "Registrant" means the child entered on a birth
98 certificate, the deceased entered on a death certificate, and
99 the husband or wife entered on a marriage or dissolution of
100 marriage record.

101 (14) "Stillbirth" means an unintended, intrauterine fetal
102 death after a gestational age of not less than 20 completed
103 weeks.

104 (15) ~~(13)~~ "Vital records" or "records" means certificates
105 or reports of birth, death, fetal death, marriage, dissolution
106 of marriage, name change filed pursuant to s. 68.07, and data
107 related thereto.

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108 ~~(14)~~ (16) "Vital statistics" means a system of
109 registration, collection, preservation, amendment, and
110 certification of vital records, the collection of other reports
111 required by this act, and activities related thereto, including
112 the tabulation, analysis, and publication of data obtained from
113 vital records.

114 Section 2. Subsection (2) of section 382.008, Florida
115 Statutes, is amended to read:

116 382.008 Death and fetal death registration.--

117 (2) (a) The funeral director who first assumes custody of a
118 dead body or fetus shall file the certificate of death or fetal
119 death. In the absence of the funeral director, the physician or
120 other person in attendance at or after the death shall file the
121 certificate of death or fetal death. The person who files the
122 certificate shall obtain personal data from the next of kin or
123 the best qualified person or source available. The medical
124 certification of cause of death shall be furnished to the
125 funeral director, either in person or via certified mail, by the
126 physician or medical examiner responsible for furnishing such
127 information. For fetal deaths, the physician, midwife, or
128 hospital administrator shall provide any medical or health
129 information to the funeral director within 72 hours after
130 expulsion or extraction.

131 (b) The local registrar may receive electronically a
132 certificate of death or fetal death which is required to be
133 filed with the registrar under this chapter through facsimile or
134 other electronic transfer for the purpose of filing the
135 certificate. The receipt of a certificate of death or fetal

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136 death by electronic transfer constitutes delivery to the local
137 registrar as required by law.

138 Section 3. Section 382.0085, Florida Statutes, is created
139 to read:

140 382.0085 Stillbirth registration.--

141 (1) For any stillborn child in this state, the department
142 shall issue a certificate of birth resulting in stillbirth
143 within 60 days after a parent named on a fetal death certificate
144 submits a request for a certificate of birth resulting in
145 stillbirth.

146 (2) The person who is required to file a fetal death
147 certificate under this chapter shall advise the parent of a
148 stillborn child:

149 (a) That the parent may request the preparation of a
150 certificate of birth resulting in stillbirth in addition to the
151 fetal death certificate.

152 (b) That the parent may obtain a certificate of birth
153 resulting in stillbirth by contacting the Office of Vital
154 Statistics.

155 (c) How the parent may contact the Office of Vital
156 Statistics to request a certificate of birth resulting in
157 stillbirth.

158 (d) That a copy of the original certificate of birth
159 resulting in stillbirth is a document that is available as a
160 public record when held by an agency as defined under s.
161 119.011(2).

162 (3) The request for a certificate of birth resulting in
163 stillbirth shall be on a form prescribed by the department by

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164 rule and must include the date of the stillbirth and the county
165 in which the stillbirth occurred. The request form shall include
166 a space for the parent requesting the certificate of birth
167 resulting in stillbirth to fill in the state file number of the
168 corresponding certificate of fetal death pursuant to s. 382.008,
169 if known.

170 (4) The certificate of birth resulting in stillbirth shall
171 contain:

172 (a) The date of the stillbirth.

173 (b) The county in which the stillbirth occurred.

174 (c) The name of the stillborn child as provided on the
175 original or amended certificate of fetal death pursuant to s.
176 382.008. If a name does not appear on the original or amended
177 certificate of fetal death and the requesting parent does not
178 wish to provide a name, the Office of Vital Statistics shall
179 fill in the certificate of birth resulting in stillbirth with
180 the name "baby boy" or "baby girl" and the last name of the
181 parents as provided in s. 382.013(3).

182 (d) The state file number of the corresponding certificate
183 of fetal death.

184 (e) The following statement: "This certificate is not
185 proof of live birth."

186 (5) A certificate of birth resulting in stillbirth shall
187 be a public record when held by an agency as defined under s.
188 119.011(2). The Office of Vital Statistics must inform any
189 parent who requests a certificate of birth resulting in
190 stillbirth that a copy of the document is available as a public
191 record.

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192 (6) A parent may request that the Office of Vital
193 Statistics issue a certificate of birth resulting in stillbirth
194 regardless of the date on which the certificate of fetal death
195 was issued.

196 (7) It is final agency action, not subject to review under
197 chapter 120, for the Office of Vital Statistics to refuse to
198 issue a certificate to a person who is not a parent named on the
199 fetal death certificate and who is not entitled to a certificate
200 of birth resulting in stillbirth.

201 (8) The Office of Vital Statistics may not use a
202 certificate of birth resulting in stillbirth to calculate live
203 birth statistics.

204 (9) The department shall prescribe by rules adopted
205 pursuant to ss. 120.536(1) and 120.54, the form and content of
206 and process for issuing the certificate of birth resulting in
207 stillbirth.

208 (10) Nothing in this section or s. 382.002(14) may be used
209 to establish, bring, or support a civil cause of action seeking
210 damages against any person or entity for bodily injury, personal
211 injury, or wrongful death for a stillbirth.

212 Section 4. Paragraph (h) is added to subsection (1) of
213 section 382.013, Florida Statutes, to read:

214 382.013 Birth registration.--A certificate for each live
215 birth that occurs in this state shall be filed within 5 days
216 after such birth with the local registrar of the district in
217 which the birth occurred and shall be registered by the local
218 registrar if the certificate has been completed and filed in
219 accordance with this chapter and adopted rules. The information

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220 regarding registered births shall be used for comparison with
221 information in the state case registry, as defined in chapter
222 61.

223 (1) FILING.--

224 (h) The local registrar may receive electronically a birth
225 certificate for each live birth which is required to be filed
226 with the registrar under this chapter through facsimile or other
227 electronic transfer for the purpose of filing the birth
228 certificate. The receipt of a birth certificate by electronic
229 transfer constitutes delivery to the local registrar as required
230 by law.

231 Section 5. Paragraph (j) is added to subsection (1) of
232 section 382.0255, Florida Statutes, to read:

233 382.0255 Fees.--

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

235 (j) Not less than \$3 or more than \$5 for processing and
236 filing a new certificate of birth resulting in stillbirth
237 pursuant to s. 382.0085.

238 Section 6. This act shall take effect July 1, 2006.