

## CHAMBER ACTION

1 The Health Care Appropriations Committee recommends the  
2 following:

3  
4 **Council/Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

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

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

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

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

50 382.002 Definitions.--As used in this chapter, the term:

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

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

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

61           ~~(4)~~~~(3)~~ "Department" means the Department of Health.

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

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

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

78        (8)~~(7)~~ "Funeral director" means a licensed funeral  
79 director or direct disposer licensed pursuant to chapter 497 or  
80 other person who first assumes custody of or effects the final  
81 disposition of a dead body or a fetus as described in subsection  
82 (6) ~~(5)~~.

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

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

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

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

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

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

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

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

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

117 |        382.008 Death and fetal death registration.--

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

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132        (b) The State Registrar may receive electronically a  
133 certificate of death or fetal death which is required to be  
134 filed with the local registrar under this chapter through  
135 facsimile or other electronic transfer for the purpose of filing  
136 the certificate. The receipt of a certificate of death or fetal  
137 death by electronic transfer constitutes delivery to the State  
138 Registrar as required by law.

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

141        382.0085 Stillbirth registration.--

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

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

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

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

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

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159        (d) That a copy of the original certificate of birth  
160 resulting in stillbirth is a document that is available as a  
161 public record when held by an agency as defined under s.  
162 119.011(2).

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

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

173            (a) The date of the stillbirth.

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

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

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

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

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

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

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

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

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

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

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

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215           382.013 Birth registration.--A certificate for each live  
216 birth that occurs in this state shall be filed within 5 days  
217 after such birth with the local registrar of the district in  
218 which the birth occurred and shall be registered by the local  
219 registrar if the certificate has been completed and filed in  
220 accordance with this chapter and adopted rules. The information  
221 regarding registered births shall be used for comparison with  
222 information in the state case registry, as defined in chapter  
223 61.

224           (1) FILING.--

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

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

234           382.0255 Fees.--

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

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

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