

CHAMBER ACTION

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

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

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

47 |
48 | Section 1. Short title.--This act may be cited as
49 | "Katherine's Law."

50 | Section 2. Section 382.002, Florida Statutes, is amended
51 | to read:

52 | 382.002 Definitions.--As used in this chapter, the term:
 53 | (1) "Certificate of birth resulting in stillbirth" means a
 54 | certificate issued to record the birth of a stillborn child.
 55 | (2)~~(1)~~ "Certification" or "certified" means a document
 56 | containing all or a part of the exact information contained on
 57 | the original vital record, and which, when issued by the State
 58 | Registrar, has the full force and effect of the original vital
 59 | record.
 60 | (3)~~(2)~~ "Dead body" means a human body or such parts of a
 61 | human body from the condition of which it reasonably may be
 62 | concluded that death recently occurred.
 63 | (4)~~(3)~~ "Department" means the Department of Health.
 64 | (5)~~(4)~~ "Dissolution of marriage" includes an annulment of
 65 | marriage.
 66 | (6)~~(5)~~ "Fetal death" means death prior to the complete
 67 | expulsion or extraction of a product of human conception from
 68 | its mother if the 20th week of gestation has been reached and
 69 | the death is indicated by the fact that after such expulsion or
 70 | extraction the fetus does not breathe or show any other evidence
 71 | of life such as beating of the heart, pulsation of the umbilical
 72 | cord, or definite movement of voluntary muscles.
 73 | (7)~~(6)~~ "Final disposition" means the burial, interment,
 74 | cremation, removal from the state, or other authorized
 75 | disposition of a dead body or a fetus as described in subsection
 76 | (6) ~~(5)~~. In the case of cremation, dispersion of ashes or
 77 | cremation residue is considered to occur after final
 78 | disposition; the cremation itself is considered final
 79 | disposition.

80 (8)~~(7)~~ "Funeral director" means a licensed funeral
 81 director or direct disposer licensed pursuant to chapter 497 or
 82 other person who first assumes custody of or effects the final
 83 disposition of a dead body or a fetus as described in subsection
 84 (6) ~~(5)~~.

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

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

95 (11)~~(10)~~ "Medical examiner" means a person appointed
 96 pursuant to chapter 406.

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

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

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

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

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

117 Section 3. Subsection (2) of section 382.008, Florida
118 Statutes, is amended to read:

119 382.008 Death and fetal death registration.--

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

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

141 Section 4. Section 382.0085, Florida Statutes, is created
142 to read:

143 382.0085 Stillbirth registration.--

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

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

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

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

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

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161 (d) That a copy of the original certificate of birth
162 resulting in stillbirth is a document that is available as a
163 public record when held by an agency as defined under s.
164 119.011(2).

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

173 (4) The certificate of birth resulting in stillbirth shall
174 contain:

175 (a) The date of the stillbirth.

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

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

185 (d) The state file number of the corresponding certificate
186 of fetal death.

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

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

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

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

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

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

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

215 Section 5. Paragraph (h) is added to subsection (1) of
 216 section 382.013, Florida Statutes, to read:

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217 382.013 Birth registration.--A certificate for each live
218 birth that occurs in this state shall be filed within 5 days
219 after such birth with the local registrar of the district in
220 which the birth occurred and shall be registered by the local
221 registrar if the certificate has been completed and filed in
222 accordance with this chapter and adopted rules. The information
223 regarding registered births shall be used for comparison with
224 information in the state case registry, as defined in chapter
225 61.

226 (1) FILING.--

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

234 Section 6. Paragraph (j) is added to subsection (1) of
235 section 382.0255, Florida Statutes, to read:

236 382.0255 Fees.--

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

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

241 Section 7. This act shall take effect July 1, 2006.