

Bill No. CS for SB 746

Barcode 845540

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| | CHAMBER ACTION | |
| <u>Senate</u> | | <u>House</u> |

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Senator Wise moved the following amendment:

Senate Amendment (with title amendment)

On page 5, line 2, through
page 8, line 22, delete those lines

and insert:

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

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

382.0085 Stillbirth registration.--

(1) For any stillborn child in this state, the department shall, within 60 days, issue a certificate of birth resulting in stillbirth upon the request of a parent named on a fetal death certificate.

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

4 (a) That the parent may request the preparation of a
5 certificate of birth resulting in stillbirth in addition to
6 the fetal death certificate;

7 (b) That the parent may obtain a certificate of birth
8 resulting in stillbirth by contacting the Office of Vital
9 Statistics;

10 (c) How the parent may contact the Office of Vital
11 Statistics to request a certificate of birth resulting in
12 stillbirth; and

13 (d) That a copy of the original certificate of birth
14 resulting in stillbirth is a document that is available as a
15 public record when held by an agency as defined under s.
16 119.011(2).

17 (3) The request for a certificate of birth resulting
18 in stillbirth must be on a form prescribed by the department
19 by rule and include the date of the stillbirth and the county
20 in which the stillbirth occurred. The request shall normally
21 include the state file number of the fetal death report
22 pursuant to s. 382.008.

23 (4) The certificate of birth resulting in stillbirth
24 must contain:

25 (a) The date of the stillbirth.

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

27 (c) The name of the stillborn child as provided on the
28 original or amended certificate of the fetal death report
29 pursuant to s. 382.008. If a name does not appear on the
30 original or amended fetal death certificate and the requesting
31 parent does not wish to provide a name, the Office of Vital

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1 Statistics shall fill in the certificate of birth resulting in
2 stillbirth with the name "baby boy" or "baby girl" and the
3 last name of the parents as provided in s. 382.013(3).

4 (d) The state file number of the corresponding
5 certificate of fetal death.

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

8 (5) A certificate of birth resulting in stillbirth
9 shall be a public record when held by an agency as defined
10 under s. 119.011(2). The Office of Vital Statistics must
11 inform any parent who requests a certificate of birth
12 resulting in stillbirth that a copy of the document is
13 available as a public record.

14 (6) A parent may request that the Office of Vital
15 Statistics issue a certificate of birth resulting in
16 stillbirth regardless of the date on which the certificate of
17 fetal death was issued.

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

23 (8) The Office of Vital Statistics may not use a
24 certificate of birth resulting in stillbirth to calculate live
25 birth statistics.

26 (9) This section or s. 382.002(14) may not be used to
27 establish, bring, or support a civil cause of action seeking
28 damages against any person or entity for bodily injury,
29 personal injury, or wrongful death for a stillbirth.

30 (10) The department shall prescribe by rules adopted
31 pursuant to ss. 120.536(1) and 120.54 the form, content, and

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1 process for the certificate of birth resulting in stillbirth.

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

4 382.013 Birth registration.--A certificate for each
5 live birth that occurs in this state shall be filed within 5
6 days after such birth with the local registrar of the district
7 in which the birth occurred and shall be registered by the
8 local registrar if the certificate has been completed and
9 filed in accordance with this chapter and adopted rules. The
10 information regarding registered births shall be used for
11 comparison with information in the state case registry, as
12 defined in chapter 61.

13 (1) FILING.--

14 (h) The State Registrar may receive electronically a
15 birth certificate for each live birth which is required to be
16 filed with the registrar under this chapter through facsimile
17 or other electronic transfer for the purpose of filing the
18 birth certificate. The receipt of a birth certificate by
19 electronic transfer constitutes delivery to the State
20 Registrar as required by law.

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23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 On page 1, line 5, through
26 page 2, line 12, delete those lines

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28 and insert:

29 authorizing the State Registrar of the Office
30 of Vital Statistics of the Department of Health
31 to receive electronically the certificate of

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1 death or fetal death which is required to be
2 filed with the local registrar; creating s.
3 382.0085, F.S.; requiring the Department of
4 Health to issue a certificate of birth
5 resulting in stillbirth upon request of
6 specified parent; requiring that the person
7 required to file the fetal death certificate
8 advise a parent of a stillborn child about the
9 availability of a certificate of birth
10 resulting in stillbirth; requiring that the
11 person required to file the fetal death
12 certificate inform a parent of a stillborn
13 child that copies of the birth certificate
14 resulting in stillbirth may be available as a
15 public record; requiring the use of a form
16 prescribed by the Department of Health and the
17 provision of specified information to request a
18 certificate of birth resulting in stillbirth;
19 providing requirements for the certificate of
20 birth resulting in stillbirth; designating the
21 certificate of birth resulting in stillbirth as
22 a public record; authorizing a parent to
23 request a certificate of birth resulting in
24 stillbirth without regard to the date on which
25 the certificate of fetal death was issued;
26 designating the refusal to issue a certificate
27 of birth resulting in stillbirth to certain
28 persons as final agency action that is not
29 subject to administrative review; prohibiting
30 the use of certificates of birth resulting in
31 stillbirth to calculate live birth statistics;

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1 prohibiting provisions from being used in
2 certain civil actions; authorizing rulemaking
3 by the Department of Health for the certificate
4 of birth resulting in stillbirth; amending s.
5 382.013, F.S.; authorizing the State Registrar
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