

By Senator Wise

5-303A-06

1                                   A bill to be entitled  
2           An act relating to certificate of birth  
3           resulting in stillbirth; amending s. 382.002,  
4           F.S.; providing definitions; creating s.  
5           382.0085, F.S.; requiring that the person  
6           required to file the fetal death certificate  
7           advise a parent of a stillborn child about the  
8           availability of a certificate of birth  
9           resulting in stillbirth; authorizing the parent  
10          to name the stillborn child on a certificate;  
11          requiring a state file number for the  
12          certificate; requiring the Department of Health  
13          to prescribe the form and content of the  
14          certificate by rule; prohibiting the Office of  
15          Vital Statistics within the Department of  
16          Health from using a certificate of birth  
17          resulting in stillbirth to calculate certain  
18          statistics; authorizing a parent to request a  
19          certificate of birth resulting in stillbirth  
20          without regard to the date on which the  
21          certificate of fetal death was issued;  
22          prohibiting certain persons from obtaining a  
23          certificate of birth resulting in stillbirth;  
24          authorizing the Office of Vital Statistics to  
25          charge a fee; requiring a certificate of birth  
26          resulting in stillbirth to contain certain  
27          information; requiring the department to adopt  
28          rules; amending s. 382.0255, F.S.; authorizing  
29          the department to collect fees for a search or  
30          retrieval of a certificate of birth resulting  
31          in stillbirth; providing an effective date.

1 Be It Enacted by the Legislature of the State of Florida:

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3 Section 1. Section 382.002, Florida Statutes, is  
4 amended to read:

5 382.002 Definitions.--As used in this chapter, the  
6 term:

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

10 ~~(2)(1)~~ "Certification" or "certified" means a document  
11 containing all or a part of the exact information contained on  
12 the original vital record, and which, when issued by the State  
13 Registrar, has the full force and effect of the original vital  
14 record.

15 ~~(3)(2)~~ "Dead body" means a human body or such parts of  
16 a human body from the condition of which it reasonably may be  
17 concluded that death recently occurred.

18 ~~(4)(3)~~ "Department" means the Department of Health.

19 ~~(5)(4)~~ "Dissolution of marriage" includes an annulment  
20 of marriage.

21 ~~(6)(5)~~ "Fetal death" means death prior to the complete  
22 expulsion or extraction of a product of human conception from  
23 its mother if the 20th week of gestation has been reached and  
24 the death is indicated by the fact that after such expulsion  
25 or extraction the fetus does not breathe or show any other  
26 evidence of life such as beating of the heart, pulsation of  
27 the umbilical cord, or definite movement of voluntary muscles.

28 ~~(7)(6)~~ "Final disposition" means the burial,  
29 interment, cremation, removal from the state, or other  
30 authorized disposition of a dead body or a fetus as described  
31 in subsection ~~(6)(5)~~. In the case of cremation, dispersion of

1 ashes or cremation residue is considered to occur after final  
2 disposition; the cremation itself is considered final  
3 disposition.

4 ~~(8)(7)~~ "Funeral director" means a licensed funeral  
5 director or direct disposer licensed pursuant to chapter 497  
6 or other person who first assumes custody of or effects the  
7 final disposition of a dead body or a fetus as described in  
8 subsection~~(6)(5)~~.

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

12 ~~(10)(9)~~ "Live birth" means the complete expulsion or  
13 extraction of a product of human conception from its mother,  
14 irrespective of the duration of pregnancy, which, after such  
15 expulsion, breathes or shows any other evidence of life such  
16 as beating of the heart, pulsation of the umbilical cord, and  
17 definite movement of the voluntary muscles, whether or not the  
18 umbilical cord has been cut or the placenta is attached.

19 ~~(11)(10)~~ "Medical examiner" means a person appointed  
20 pursuant to chapter 406.

21 ~~(12)(11)~~ "Physician" means a person authorized to  
22 practice medicine, osteopathic medicine, or chiropractic  
23 medicine pursuant to chapter 458, chapter 459, or chapter 460.

24 ~~(13)(12)~~ "Registrant" means the child entered on a  
25 birth certificate, the deceased entered on a death  
26 certificate, and the husband or wife entered on a marriage or  
27 dissolution of marriage record.

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

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1           ~~(15)~~~~(13)~~ "Vital records" or "records" means  
2 certificates or reports of birth, death, fetal death,  
3 marriage, dissolution of marriage, name change filed pursuant  
4 to s. 68.07, and data related thereto.

5           ~~(16)~~~~(14)~~ "Vital statistics" means a system of  
6 registration, collection, preservation, amendment, and  
7 certification of vital records, the collection of other  
8 reports required by this act, and activities related thereto,  
9 including the tabulation, analysis, and publication of data  
10 obtained from vital records.

11           Section 2. Section 382.0085, Florida Statutes, is  
12 created to read:

13           382.0085 Stillbirth registration.--

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

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

19           (b) That the parent may obtain a certificate of birth  
20 resulting in stillbirth by contacting the Office of Vital  
21 Statistics within the Department of Health; and

22           (c) Of how the parent may contact the Office of Vital  
23 Statistics to request a certificate of birth resulting in  
24 stillbirth.

25           (2) To order a certificate of birth resulting in a  
26 stillbirth, a parent may provide a name for a stillborn child,  
27 the date of the event, and the county in which the event  
28 occurred on the request for a certificate of birth resulting  
29 in stillbirth. If a name does not appear on the fetal death  
30 certificate and the requesting parent does not wish to provide  
31 a name, the Office of Vital Statistics shall fill in the

1 certificate with the name "baby boy" or "baby girl" and the  
2 last name of the parent. The name of the stillborn child  
3 provided on or later added by amendment to the certificate of  
4 birth resulting in stillbirth must be the same name as placed  
5 on the original or amended certificate of the fetal death  
6 report pursuant to s. 382.008.

7 (3) A certificate of birth resulting in stillbirth  
8 must include the state file number of the corresponding  
9 certificate of fetal death.

10 (4) By September 1, 2006, the department shall  
11 prescribe by rule the form and content of a certificate of  
12 birth resulting in stillbirth and shall specify the  
13 information necessary to prepare the certificate.

14 (5) The Office of Vital Statistics may not use a  
15 certificate of birth resulting in stillbirth to calculate live  
16 birth statistics.

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

21 (7) A certificate of birth resulting in stillbirth may  
22 not be issued to any person other than a parent listed on the  
23 fetal death certificate. A refusal by the Office of Vital  
24 Statistics to issue a certificate to a person who is not  
25 entitled to a certificate of birth resulting in stillbirth  
26 constitutes final agency action and is not subject to review  
27 under chapter 120.

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

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1           (9) A certificate of birth resulting in stillbirth  
2 must contain the statement "This certificate is not proof of a  
3 live birth."

4           (10) The Department of Health shall adopt rules to  
5 administer this section.

6           Section 3. Paragraph (a) of subsection (1) of section  
7 382.0255, Florida Statutes, is amended to read:

8           382.0255 Fees.--

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

10           (a) Not less than \$3 or more than \$5 for the first  
11 calendar year of records searched or retrieved, including a  
12 certificate of birth resulting in stillbirth, and a computer  
13 certification of the record, a photocopy or birth card if a  
14 computer certification is not available, or, if a ~~no~~ record is  
15 not located, a certified statement to that effect. An  
16 additional fee of not less than \$3 or more than \$5 if a  
17 photocopy is requested in place of or in addition to a  
18 computer certification. Additional fees of not less than \$1  
19 or more than \$2, up to a maximum total of \$50, shall be  
20 charged for additional calendar years of records searched or  
21 retrieved.

22           Section 4. This act shall take effect July 1, 2006.  
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SENATE SUMMARY

Requires that the person required to file the fetal death certificate advise a parent of a stillborn child about the availability of a certificate of birth resulting in stillbirth. Requires the Department of Health to prescribe the form and content of the certificate by rule. Prohibits the Office of Vital Statistics within the Department of Health from using a certificate of birth resulting in stillbirth to calculate certain statistics. Authorizes a parent to request a certificate of birth resulting in stillbirth without regard to the date on which the certificate of fetal death was issued. Requires a certificate of birth resulting in stillbirth to contain certain information. Authorizes the department to collect fees for a search or retrieval of a certificate of birth resulting in stillbirth.