

1 the certificate of fetal death was issued;
2 designating the refusal to issue a certificate
3 of birth resulting in stillbirth to certain
4 persons as final agency action that is not
5 subject to administrative review; prohibiting
6 the use of certificates of birth resulting in
7 stillbirth to calculate live birth statistics;
8 prohibiting provisions from being used in
9 certain civil actions; authorizing rulemaking
10 by the Department of Health for the certificate
11 of birth resulting in stillbirth; amending s.
12 382.013, F.S.; authorizing the local registrar
13 of the Office of Vital Statistics of the
14 Department of Health to receive electronically
15 the birth certificate for each live birth that
16 is required to be filed with the local
17 registrar; amending s. 382.0255, F.S.;
18 authorizing the Department of Health to collect
19 fees for a certificate of birth resulting in
20 stillbirth; providing an effective date.

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22 Be It Enacted by the Legislature of the State of Florida:
23

24 Section 1. Section 382.002, Florida Statutes, is
25 amended to read:

26 382.002 Definitions.--As used in this chapter, the
27 term:

28 (1) "Certificate of birth resulting in stillbirth"
29 means a certificate issued to record the birth of a stillborn
30 child.
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1 ~~(2)~~(1) "Certification" or "certified" means a document
2 containing all or a part of the exact information contained on
3 the original vital record, and which, when issued by the State
4 Registrar, has the full force and effect of the original vital
5 record.

6 ~~(3)~~(2) "Dead body" means a human body or such parts of
7 a human body from the condition of which it reasonably may be
8 concluded that death recently occurred.

9 ~~(4)~~(3) "Department" means the Department of Health.

10 ~~(5)~~(4) "Dissolution of marriage" includes an annulment
11 of marriage.

12 ~~(6)~~(5) "Fetal death" means death prior to the complete
13 expulsion or extraction of a product of human conception from
14 its mother if the 20th week of gestation has been reached and
15 the death is indicated by the fact that after such expulsion
16 or extraction the fetus does not breathe or show any other
17 evidence of life such as beating of the heart, pulsation of
18 the umbilical cord, or definite movement of voluntary muscles.

19 ~~(7)~~(6) "Final disposition" means the burial,
20 interment, cremation, removal from the state, or other
21 authorized disposition of a dead body or a fetus as described
22 in subsection~~(6)~~(5). In the case of cremation, dispersion of
23 ashes or cremation residue is considered to occur after final
24 disposition; the cremation itself is considered final
25 disposition.

26 ~~(8)~~(7) "Funeral director" means a licensed funeral
27 director or direct disposer licensed pursuant to chapter 497
28 or other person who first assumes custody of or effects the
29 final disposition of a dead body or a fetus as described in
30 subsection~~(6)~~(5).

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1 ~~(9)(8)~~ "Legal age" means a person who is not a minor,
2 or a minor who has had the disability of nonage removed as
3 provided under chapter 743.

4 ~~(10)(9)~~ "Live birth" means the complete expulsion or
5 extraction of a product of human conception from its mother,
6 irrespective of the duration of pregnancy, which, after such
7 expulsion, breathes or shows any other evidence of life such
8 as beating of the heart, pulsation of the umbilical cord, and
9 definite movement of the voluntary muscles, whether or not the
10 umbilical cord has been cut or the placenta is attached.

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

13 ~~(12)(11)~~ "Physician" means a person authorized to
14 practice medicine, osteopathic medicine, or chiropractic
15 medicine pursuant to chapter 458, chapter 459, or chapter 460.

16 ~~(13)(12)~~ "Registrant" means the child entered on a
17 birth certificate, the deceased entered on a death
18 certificate, and the husband or wife entered on a marriage or
19 dissolution of marriage record.

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

23 ~~(15)(13)~~ "Vital records" or "records" means
24 certificates or reports of birth, death, fetal death,
25 marriage, dissolution of marriage, name change filed pursuant
26 to s. 68.07, and data related thereto.

27 ~~(16)(14)~~ "Vital statistics" means a system of
28 registration, collection, preservation, amendment, and
29 certification of vital records, the collection of other
30 reports required by this act, and activities related thereto,
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1 including the tabulation, analysis, and publication of data
2 obtained from vital records.

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

5 382.008 Death and fetal death registration.--

6 (2)(a) The funeral director who first assumes custody
7 of a dead body or fetus shall file the certificate of death or
8 fetal death. In the absence of the funeral director, the
9 physician or other person in attendance at or after the death
10 shall file the certificate of death or fetal death. The
11 person who files the certificate shall obtain personal data
12 from the next of kin or the best qualified person or source
13 available. The medical certification of cause of death shall
14 be furnished to the funeral director, either in person or via
15 certified mail, by the physician or medical examiner
16 responsible for furnishing such information. For fetal deaths,
17 the physician, midwife, or hospital administrator shall
18 provide any medical or health information to the funeral
19 director within 72 hours after expulsion or extraction.

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

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

29 382.0085 Stillbirth registration.--

30 (1) For any stillborn child in this state, the
31 department shall, within 60 days, issue a certificate of birth

1 resulting in stillbirth upon the request of a parent named on
2 a fetal death certificate.

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

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

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

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

15 (d) That a copy of the original certificate of birth
16 resulting in stillbirth is a document that is available as a
17 public record when held by an agency as defined under s.
18 119.011(2).

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

25 (4) The certificate of birth resulting in stillbirth
26 must contain:

27 (a) The date of the stillbirth.

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

29 (c) The name of the stillborn child as provided on the
30 original or amended certificate of the fetal death report
31 pursuant to s. 382.008. If a name does not appear on the

1 original or amended fetal death certificate and the requesting
2 parent does not wish to provide a name, the Office of Vital
3 Statistics shall fill in the certificate of birth resulting in
4 stillbirth with the name "baby boy" or "baby girl" and the
5 last name of the parents as provided in s. 382.013(3).

6 (d) The state file number of the corresponding
7 certificate of fetal death.

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

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

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

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

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

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

1 (10) The department shall prescribe by rules adopted
2 pursuant to ss. 120.536(1) and 120.54 the form, content, and
3 process for the certificate of birth resulting in stillbirth.

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

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

15 (1) FILING.--

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

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

25 382.0255 Fees.--

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

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

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

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 746

- Provides for electronic receipt of a certificate of death by the local registrar.
- Provides for electronic receipt of a birth certificate for a live birth by the local registrar.
- Clarifies the requirements for the request, form, content, and process related to the issuance of a certificate of birth resulting in stillbirth.
- Provides that a certificate of birth resulting in stillbirth and the statutory definition of stillbirth may not be used for the purposes of certain civil causes of action.
- Clarifies the language related to the fee that may be charged for processing and filing a certificate of birth resulting in stillbirth.