

1 A bill to be entitled
2 An act relating to certificates of birth and
3 death; creating "Katherine's Law"; amending s.
4 382.002, F.S.; providing definitions; amending
5 s. 382.008, F.S.; authorizing the State
6 Registrar of the Office of Vital Statistics of
7 the Department of Health to receive
8 electronically the certificate of death or
9 fetal death which is required to be filed with
10 the local registrar; creating s. 382.0085,
11 F.S.; requiring the Department of Health to
12 issue a certificate of birth resulting in
13 stillbirth upon request of specified parent;
14 requiring that the person required to file the
15 fetal death certificate advise a parent of a
16 stillborn child about the availability of a
17 certificate of birth resulting in stillbirth;
18 requiring that the person required to file the
19 fetal death certificate inform a parent of a
20 stillborn child that copies of the birth
21 certificate resulting in stillbirth may be
22 available as a public record; requiring the use
23 of a form prescribed by the Department of
24 Health and the provision of specified
25 information to request a certificate of birth
26 resulting in stillbirth; providing requirements
27 for the certificate of birth resulting in
28 stillbirth; designating the certificate of
29 birth resulting in stillbirth as a public
30 record; authorizing a parent to request a
31 certificate of birth resulting in stillbirth

1 without regard to the date on which the
 2 certificate of fetal death was issued;
 3 designating the refusal to issue a certificate
 4 of birth resulting in stillbirth to certain
 5 persons as final agency action that is not
 6 subject to administrative review; prohibiting
 7 the use of certificates of birth resulting in
 8 stillbirth to calculate live birth statistics;
 9 prohibiting provisions from being used in
 10 certain civil actions; authorizing rulemaking
 11 by the Department of Health for the certificate
 12 of birth resulting in stillbirth; amending s.
 13 382.013, F.S.; authorizing the State Registrar
 14 of the Office of Vital Statistics of the
 15 Department of Health to receive electronically
 16 the birth certificate for each live birth that
 17 is required to be filed with the local
 18 registrar; amending s. 382.0255, F.S.;
 19 authorizing the Department of Health to collect
 20 fees for a certificate of birth resulting in
 21 stillbirth; providing an effective date.

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

24
 25 Section 1. Short title.--This act may be cited as
 26 "Katherine's Law."

27 Section 2. Section 382.002, Florida Statutes, is
 28 amended to read:

29 382.002 Definitions.--As used in this chapter, the
 30 term:

31

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

4 ~~(2)(1)~~ "Certification" or "certified" means a document
5 containing all or a part of the exact information contained on
6 the original vital record, and which, when issued by the State
7 Registrar, has the full force and effect of the original vital
8 record.

9 ~~(3)(2)~~ "Dead body" means a human body or such parts of
10 a human body from the condition of which it reasonably may be
11 concluded that death recently occurred.

12 ~~(4)(3)~~ "Department" means the Department of Health.

13 ~~(5)(4)~~ "Dissolution of marriage" includes an annulment
14 of marriage.

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

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

29 ~~(8)(7)~~ "Funeral director" means a licensed funeral
30 director or direct disposer licensed pursuant to chapter 497
31 or other person who first assumes custody of or effects the

1 final disposition of a dead body or a fetus as described in
2 subsection~~(6)~~~~(5)~~.

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

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

13 ~~(11)~~~~(10)~~ "Medical examiner" means a person appointed
14 pursuant to chapter 406.

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

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

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

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

29 ~~(16)~~~~(14)~~ "Vital statistics" means a system of
30 registration, collection, preservation, amendment, and
31 certification of vital records, the collection of other

1 reports required by this act, and activities related thereto,
2 including the tabulation, analysis, and publication of data
3 obtained from vital records.

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

6 382.008 Death and fetal death registration.--

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

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

28 Section 4. Section 382.0085, Florida Statutes, is
29 created to read:

30 382.0085 Stillbirth registration.--
31

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

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

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

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

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

17 (d) That a copy of the original certificate of birth
18 resulting in stillbirth is a document that is available as a
19 public record when held by an agency as defined under s.
20 119.011(2).

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

27 (4) The certificate of birth resulting in stillbirth
28 must contain:

29 (a) The date of the stillbirth.

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

31

1 (c) The name of the stillborn child as provided on the
2 original or amended certificate of the fetal death report
3 pursuant to s. 382.008. If a name does not appear on the
4 original or amended fetal death certificate and the requesting
5 parent does not wish to provide a name, the Office of Vital
6 Statistics shall fill in the certificate of birth resulting in
7 stillbirth with the name "baby boy" or "baby girl" and the
8 last name of the parents as provided in s. 382.013(3).

9 (d) The state file number of the corresponding
10 certificate of fetal death.

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

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

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

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

28 (8) The Office of Vital Statistics may not use a
29 certificate of birth resulting in stillbirth to calculate live
30 birth statistics.

31

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

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

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

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

19 (1) FILING.--

20 (h) The State Registrar may receive electronically a
21 birth certificate for each live birth 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 birth certificate. The receipt of a birth certificate by
25 electronic transfer constitutes delivery to the State
26 Registrar as required by law.

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

29 382.0255 Fees.--

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

31

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

4 Section 7. This act shall take effect July 1, 2006.
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31