

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Health Policy

**BILL:** CS/SB 462

**INTRODUCER:** Health Policy Committee and Senator Thompson

**SUBJECT:** Death Certificates

**DATE:** March 14, 2013      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke	Stovall	HP	<b>Fav/CS</b>
2.			CA	
3.			AHS	
4.			AP	
5.				
6.				

**Please see Section VIII. for Additional Information:**

- |                              |                                     |   |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

CS/SB 462 amends the Florida Statutes to require the clerk of the circuit court, or local recording entity, to record permanent death certificates for local deaths which they receive electronically from the State Registrar. Any fees associated with recording such death certificates must be waived.

This bill substantially amends section 382.008, F.S.

**II. Present Situation:**

In 2012, the Department of Health (DOH) implemented a statewide Electronic Death Registration System (EDRS) and presently 98 percent of all Florida death records are filed electronically. The EDRS allows funeral directors and physicians to complete and certify death records online through a secure internet site. Funeral directors complete the demographic information on the decedent within EDRS once they have met with the family, after which the physician receives an email notification and the physician logs on to the EDRS to complete the

medical information.<sup>1</sup> Before the EDRS, the process of registering and recording a death was a slow and laborious paper process, requiring travel to and from the local county health department along with the record having to pass through multiple units within the county and state offices.<sup>2</sup>

Once on file with the DOH's Bureau of Vital Statistics (Bureau), certified copies of registered death and fetal death records are issued by the Bureau upon request. These records may be needed for families to close out estates, to claim social security benefits, to be aware of any medical issues that need to be noted for future generations, or for tracing one's family roots, etc.<sup>3</sup> Certified death records issued by the Bureau may also be delivered to the county clerk's office to be officially recorded.

In 2012, there were 405,600 requests received for certified death and fetal death records, but only a small percentage of certified death certificates issued were delivered to their respective county clerk's office by citizens who wished them recorded.<sup>4</sup> The Bureau also transmits an electronic copy of all Florida death records to the Florida Association of Clerks of Court on a bi-weekly basis. However, the information in the electronic copy is not officially recorded by the clerks of court.<sup>5</sup>

### III. Effect of Proposed Changes:

**Section 1** amends 382.008, F.S., to require:

- The State Registrar to submit an electronic file of each permanent death certificate to the Florida Association of Court Clerks and Comptrollers (Association), Inc., twice a month.
- The Association to submit that file to the clerk of the circuit court, or recording entity, for each county.
- The clerk of the circuit court, or recording entity, to record into the public record the permanent certificate of death for each death that occurred in their respective county.
- The clerk of the circuit court, or recording entity, to waive any fees associated with recording those death certificates.

**Section 2** creates an effective date of July 1, 2013.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

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<sup>1</sup> Electronic Death Registration System Brochure, found at:

[http://www.doh.state.fl.us/Planning\\_eval/Vital\\_Statistics/EDRS/EDRSBrochure4web.pdf](http://www.doh.state.fl.us/Planning_eval/Vital_Statistics/EDRS/EDRSBrochure4web.pdf), last visited on Mar. 11, 2013.

<sup>2</sup> Electronic Death Registration System, found at:

[http://www.doh.state.fl.us/Planning\\_eval/Vital\\_Statistics/EDRS/index.html](http://www.doh.state.fl.us/Planning_eval/Vital_Statistics/EDRS/index.html), last visited Mar. 11, 2013.

<sup>3</sup> The Bureau of Vital Statistics, found at: [http://www.doh.state.fl.us/planning\\_eval/vital\\_statistics/index.html](http://www.doh.state.fl.us/planning_eval/vital_statistics/index.html), last visited on Mar. 8, 2013.

<sup>4</sup> Department of Health, Bill Analysis for SB 462, on file with the Senate Health Policy Committee, *Note: In Miami-Dade County in 2011 only 4,300 of 18,723, or 23 percent, of death certificates issued were recorded.*

<sup>5</sup> *Id.*

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

CS/SB 462 may create an indeterminate fiscal impact on local clerks of the court stemming from an extra workload generated by recording the death certificates mandated by this bill.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Health Policy on March 14, 2013:**

The CS substantially amends SB 462 to:

- Require the State Registrar to submit an electronic file of each permanent death certificate to the Florida Association of Court Clerks and Comptrollers (Association), Inc., twice a month.
- Require the Association to submit that file to the clerk of the circuit court, or recording entity, for each county.
- Require the clerk of the circuit court, or recording entity, to record into the public record the permanent certificate of death for each death that occurred in their respective county.
- Require the clerk of the circuit court, or recording entity, to waive any fees associated with recording those death certificates.

- Delete provisions requiring counties to pay fees associated with filing permanent death certificates.
- Delete provisions requiring the local registrar to record each issued permanent death certificate.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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