

**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: SB 462

INTRODUCER: Senator Thompson

SUBJECT: Death Certificates

DATE: March 7, 2013

REVISED: \_\_\_\_\_

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

---

**I. Summary:**

SB 462 amends sections of the Florida Statutes to require the local registrar to record in the public records each permanent death and fetal death certificate issued by the Department of Health (DOH). The bill requires local board of county commissioners to pay the clerk of the court the standard service charge<sup>1</sup> for each death certificate automatically recorded in this way.

This bill substantially amends sections 28.222 and 382.008, F.S.

**II. Present Situation:**

In 2012, the 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>2</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>3</sup>

---

<sup>1</sup> These fees can be found in s. 28.24, F.S., for recording documents the fee is \$5 for the first page and \$4 for each additional page.

<sup>2</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>3</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.

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>4</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>5</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>6</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 28.222, F.S., to cause the board of county commissioners to pay the clerk of the court the standard service fee for each death certificate which is automatically recorded as required by s. 382.008, F.S.

**Section 2** amends s. 382.008, F.S., to require the local registrar to record in the public records all issued permanent certificates of death and fetal death, excluding any information that is made confidential and exempt under s. 119.071, F.S., in the county in which it is issued.

**Section 3** creates an effective date of July 1, 2013.

### IV. Constitutional Issues:

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

Article VII, subsection 18(a) of the Florida Constitution, provides that a county or municipality may not be bound by any general law requiring the county or municipality to spend funds or to take an action requiring the expenditure of funds, unless the Legislature has determined that such law fulfills an important state interest and unless:

- Funds have been appropriated that have been estimated at the time of enactment to be sufficient to fund such expenditure;
- The Legislature authorizes or has authorized a county or municipality to enact a funding source not available for such county or municipality on February 1, 1989, that can be used to generate the amount of funds estimated to be sufficient to fund

---

<sup>4</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>5</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>6</sup> *Id.*

such expenditure by a simple majority vote of the governing body of such county or municipality;

- The law requiring such expenditure is approved by two-thirds of the membership in each house of the Legislature;
- The expenditure is required to comply with a law that applies to all persons similarly situated, including the state and local governments; or
- The law is either required to comply with a federal requirement or required for eligibility for a federal entitlement, which federal requirement specifically contemplates actions by counties or municipalities for compliance.

Subsection 18(d) provides an exemption from this prohibition. Laws determined to have an “insignificant fiscal impact,” which means an amount not greater than the average statewide population for the applicable fiscal year times 10 cents (which is \$1.93 million for fiscal year 2011-2012), are exempt.

The extent of this bill’s fiscal impact has not yet been determined; however, if the costs incurred are greater than \$1.93 million, the law may be unenforceable unless passed by two-thirds in each house of the Legislature.

**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:**

According to the DOH, SB 462 will have an indeterminate fiscal impact on the DOH, related to the number of additional certified copies the county health departments must make and provide to the local clerks of court.

**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.)

None.

**B. Amendments:**

None.

---

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

---