

1                   A bill to be entitled  
2           An act relating to vital statistics; amending s.  
3           382.002, F.S.; providing and revising definitions;  
4           amending s. 382.003, F.S.; requiring the Department of  
5           Health to produce and maintain paper death  
6           certificates and fetal death certificates and issue  
7           burial-transit permits; amending s. 382.006, F.S.;  
8           providing responsibility of a funeral director for  
9           provision of electronic burial-transit permits or  
10          manually produced permits; providing responsibility of  
11          the subregistrar for manually filed paper death  
12          records; authorizing the department to adopt rules;  
13          amending s. 382.007, F.S.; revising provisions  
14          relating to records of final dispositions of dead  
15          bodies; requiring maintenance of records for a  
16          specified period; amending s. 382.008, F.S.; requiring  
17          electronic filing of death and fetal death  
18          certificates with the department or local registrar;  
19          authorizing certain legally authorized persons to  
20          provide personal data about the deceased; authorizing  
21          the department, rather than the local registrar, to  
22          grant an extension of time for providing certain  
23          information regarding a fetal death; amending s.  
24          382.0085, F.S.; conforming a cross-reference; amending  
25          s. 382.011, F.S.; requiring a funeral director to file  
26          a death or fetal death certificate with the

27 department, rather than with the local registrar;  
 28 amending s. 382.0135, F.S.; requiring the department  
 29 to electronically notify the United States Social  
 30 Security Administration of deaths in the state;  
 31 providing an effective date.

32  
 33 Be It Enacted by the Legislature of the State of Florida:

34  
 35 Section 1. Subsections (1) through (17) of section  
 36 382.002, Florida Statutes, are renumbered as subsections (2)  
 37 through (18), respectively, present subsections (8) and (9) are  
 38 amended, and a new subsection (1) is added to that section, to  
 39 read:

40 382.002 Definitions.—As used in this chapter, the term:

41 (1) "Burial-transit permit" means a permit issued by the  
 42 department that authorizes the final disposition of a dead body.

43 (9)-(8) "Final disposition" means the burial, interment,  
 44 entombment, cremation, removal from the state, anatomical  
 45 donation, or other authorized disposition of a dead body or a  
 46 fetus as described in subsection (8) (7). In the case of  
 47 cremation, dispersion of ashes or cremation residue is  
 48 considered to occur after final disposition; the cremation  
 49 itself is considered final disposition. In the case of  
 50 anatomical donation of a dead body, the donation itself is  
 51 considered final disposition.

52 (10)-(9) "Funeral director" means a licensed funeral

53 director or direct disposer licensed pursuant to chapter 497 who  
54 first assumes custody of or effects the final disposition of a  
55 dead body or a fetus as described in subsection (8) ~~(7)~~.

56 Section 2. Subsection (9) of section 382.003, Florida  
57 Statutes, is amended to read:

58 382.003 Powers and duties of the department.—The  
59 department shall:

60 (9) Appoint one or more suitable persons to act as  
61 subregistrars, who shall be authorized to produce and maintain  
62 paper ~~receive~~ death certificates and fetal death certificates  
63 and to issue burial-transit ~~burial~~ permits in and for such  
64 portions of one or more districts as may be designated. A  
65 subregistrar may be removed from office by the department for  
66 neglect of or failure to perform his or her duty in accordance  
67 with this chapter.

68 Section 3. Subsections (1) and (6) of section 382.006,  
69 Florida Statutes, are amended, and subsection (7) is added to  
70 that section, to read:

71 382.006 Burial-transit permit.—

72 (1) The funeral director who first assumes custody of a  
73 dead body or fetus must obtain a burial-transit permit before  
74 ~~prior to~~ final disposition and within 5 days after death. The  
75 funeral director shall provide the electronic burial-transit  
76 permit generated from the electronic death registration system,  
77 or a manually produced permit, to the person in charge of the  
78 place of final disposition. ~~The application for a burial-transit~~

79 ~~permit must be signed by the funeral director and include the~~  
 80 ~~funeral director's license number. The funeral director must~~  
 81 ~~attest on the application that he or she has contacted the~~  
 82 ~~physician's or medical examiner's office and has received~~  
 83 ~~assurance that the physician or medical examiner will provide~~  
 84 ~~medical certification of the cause of death within 72 hours~~  
 85 ~~after receipt of the death certificate from the funeral~~  
 86 ~~director.~~

87       (6) For manually filed paper death records, the  
 88 subregistrar in the licensed funeral or direct disposal  
 89 establishment is responsible for producing and maintaining death  
 90 and fetal death certificates and burial-transit permits in  
 91 accordance with this chapter. ~~Burial-transit permits filed with~~  
 92 ~~the local registrar under the provisions of this chapter may be~~  
 93 ~~destroyed after the expiration of 3 years from the date of~~  
 94 ~~filing.~~

95       (7) The department may adopt rules to implement this  
 96 section.

97       Section 4. Section 382.007, Florida Statutes, is amended  
 98 to read:

99       382.007 Final dispositions prohibited without burial-  
 100 transit permit; records of dead bodies disposed.-A person in  
 101 charge of any premises on which final dispositions are made  
 102 shall not inter or permit the interment or other disposition of  
 103 any dead body unless it is accompanied by a burial-transit  
 104 permit. ~~Any~~ Such person shall enter ~~endorse~~ upon the permit the

105 date of final interment, ~~or other disposition, over his or her~~  
106 ~~signature, and shall return all permits so endorsed to the local~~  
107 ~~registrar of the district where the place of final disposition~~  
108 ~~is located within 10 days from the date of interment or other~~  
109 ~~disposition.~~ He or she shall keep a record of all dead bodies  
110 buried ~~interred~~ or otherwise disposed of on the premises under  
111 his or her charge, in each case stating the name of each  
112 deceased person, place of death, date of final ~~burial or other~~  
113 disposition, and name and address of the funeral director which  
114 record shall at all times be open to official inspection. The  
115 burial-transit permit on file may satisfy this requirement. The  
116 funeral director, when burying a dead body in a cemetery having  
117 no person in charge, shall enter the date of final disposition  
118 on ~~sign~~ the ~~burial-transit permit, giving the date of burial,~~  
119 ~~and shall write across the face of the permit the words "No~~  
120 ~~person in charge,"~~ on the permit, and keep the permit on file  
121 for at least 3 years after the date of final disposition and  
122 ~~file the permit within 10 days after burial with the local~~  
123 ~~registrar of the district in which the cemetery is located.~~

124 Section 5. Subsection (1), paragraph (a) of subsection  
125 (2), and paragraph (a) of subsection (3) of section 382.008,  
126 Florida Statutes, are amended to read:

127 382.008 Death and fetal death registration.—

128 (1) A certificate for each death and fetal death which  
129 occurs in this state shall be filed electronically on the  
130 department electronic death registration system or on a form

131 prescribed by the department with the department or local  
132 registrar of the district in which the death occurred within 5  
133 days after such death and prior to final disposition, and shall  
134 be registered by the department ~~such registrar~~ if it has been  
135 completed and filed in accordance with this chapter or adopted  
136 rules. The certificate shall include the decedent's social  
137 security number, if available. In addition, each certificate of  
138 death or fetal death:

139 (a) If requested by the informant, shall include aliases  
140 or "also known as" (AKA) names of a decedent in addition to the  
141 decedent's name of record. Aliases shall be entered on the face  
142 of the death certificate in the space provided for name if there  
143 is sufficient space. ~~If there is not sufficient space, aliases~~  
144 ~~may be recorded on the back of the certificate and shall be~~  
145 ~~considered part of the official record of death;~~

146 (b) If the place of death is unknown, shall be registered  
147 in the registration district in which the dead body or fetus is  
148 found within 5 days after such occurrence; and

149 (c) If death occurs in a moving conveyance, shall be  
150 registered in the registration district in which the dead body  
151 was first removed from such conveyance.

152 (2) (a) The funeral director who first assumes custody of a  
153 dead body or fetus shall file the certificate of death or fetal  
154 death. In the absence of the funeral director, the physician or  
155 other person in attendance at or after the death or the district  
156 medical examiner of the county in which the death occurred or

157 the body was found shall file the certificate of death or fetal  
158 death. The person who files the certificate shall obtain  
159 personal data from a legally authorized person as described in  
160 s. 497.005 ~~the next of kin~~ or the best qualified person or  
161 source available. The medical certification of cause of death  
162 shall be furnished to the funeral director, either in person or  
163 via certified mail or electronic transfer, by the physician or  
164 medical examiner responsible for furnishing such information.  
165 For fetal deaths, the physician, midwife, or hospital  
166 administrator shall provide any medical or health information to  
167 the funeral director within 72 hours after expulsion or  
168 extraction.

169 (3) Within 72 hours after receipt of a death or fetal  
170 death certificate from the funeral director, the medical  
171 certification of cause of death shall be completed and made  
172 available to the funeral director by the decedent's primary or  
173 attending physician or, if s. 382.011 applies, the district  
174 medical examiner of the county in which the death occurred or  
175 the body was found. The primary or attending physician or  
176 medical examiner shall certify over his or her signature the  
177 cause of death to the best of his or her knowledge and belief.  
178 As used in this section, the term "primary or attending  
179 physician" means a physician who treated the decedent through  
180 examination, medical advice, or medication during the 12 months  
181 preceding the date of death.

182 (a) The department ~~local registrar~~ may grant the funeral

183 director an extension of time upon a good and sufficient showing  
 184 of any of the following conditions:

- 185 1. An autopsy is pending.
- 186 2. Toxicology, laboratory, or other diagnostic reports  
 187 have not been completed.
- 188 3. The identity of the decedent is unknown and further  
 189 investigation or identification is required.

190 Section 6. Subsection (9) of section 382.0085, Florida  
 191 Statutes, is amended to read:

192 382.0085 Stillbirth registration.—

193 (9) This section or s. 382.002(16) ~~382.002(15)~~ may not be  
 194 used to establish, bring, or support a civil cause of action  
 195 seeking damages against any person or entity for bodily injury,  
 196 personal injury, or wrongful death for a stillbirth.

197 Section 7. Subsection (3) of section 382.011, Florida  
 198 Statutes, is amended to read:

199 382.011 Medical examiner determination of cause of death.—

200 (3) The funeral director shall retain the responsibility  
 201 for preparation of the death or fetal death certificate,  
 202 obtaining the necessary signatures, filing with the department  
 203 ~~local registrar~~ in a timely manner, and arranging for final  
 204 disposition of the body when ~~disposing of the remains when the~~  
 205 ~~remains are~~ released by the medical examiner.

206 Section 8. Section 382.0135, Florida Statutes, is amended  
 207 to read:

208 382.0135 Social security numbers; enumeration-at-birth



209 | program.—The department shall make arrangements with the United  
210 | States Social Security Administration for electronic  
211 | notification of deaths that occur in the state and to  
212 | participate in the voluntary enumeration-at-birth program. The  
213 | State Registrar is authorized to take any actions necessary to  
214 | administer the program in this state, including modifying the  
215 | procedures and forms used in the birth registration process.

216 |         Section 9. This act shall take effect July 1, 2015.