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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

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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

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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~~

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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

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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

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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

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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

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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

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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.