

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 Fiscal Policy

BILL: CS/SB 640

INTRODUCER: Health Policy Committee and Senator Detert

SUBJECT: Vital Statistics

DATE: April 8, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke	Stovall	HP	Fav/CS
2.	Brown	Pigott	AHS	Recommend: Favorable
3.	Jones	Hrdlicka	FP	Pre-meeting

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 640 amends several sections of ch. 382, F.S., to allow for the electronic generation and filing of burial-transit permits and death certificates with the Department of Health through the electronic death registration system.

The bill could have a positive fiscal impact on county health departments.

II. Present Situation:

Vital Statistics in Florida

The Bureau of Vital Statistics, housed within the Department of Health (DOH) and under the direction of a state registrar, is responsible for the registration, completion, storage, and preservation of all vital records in the state.¹ The registration of birth, death, and fetal death records is both a state and local function. Each local registration district is coextensive with the district for that county health department. The county health department's director or administrator traditionally serves as the local registrar and is required to see that a complete record is registered for each vital event in his or her county.² A certificate of death is a document provided by the DOH that is filed with a local registrar to officially register the death. A funeral

¹ Section 382.003, F.S.

² Bureau of Vital Statistics, Florida Health, *Vital Records Registration Handbook*, p. 8 (February 2015 Revision) available at <http://www.floridahealth.gov/certificates/documents/HB2015.pdf> (last visited on April 6, 2015).

director or direct disposer,³ whoever first assumes custody of the decedent, is required to register the death certificate.⁴

Subregistrars

In addition to the local registrar, the state registrar may also appoint one or more subregistrars for each licensed funeral home or registered direct disposal establishment. A subregistrar can issue burial-transit permits, receive death certificates, and should review all death records to prevent errors. In order to be appointed as a subregistrar, a licensed funeral director or registered direct disposer must be a notary public commissioned in Florida, attend a subregistrar training class, and sign an acceptance form.⁵

Burial-Transit Permits

A burial-transit permit is a permit that is required before the disposition of a dead body or fetus can be completed. The funeral director or direct disposer who first assumes custody of a decedent must obtain a burial-transit permit within 5 days after death occurred or was discovered.⁶ To obtain a permit the funeral director or direct disposer must complete and sign an application and present it to either the local registrar where the death occurred or to a subregistrar.⁷ A funeral director or direct disposer cannot issue a burial-transit permit to him or herself. A copy of the permit must be filed with the local registrar within 10 days of final disposition.⁸ Burial-transit permits are retained by the local registrar for 3 years after they are filed.⁹

The Electronic Death Registration System

For most deaths, death records are filed with the Electronic Death Registration System (EDRS) which is an online, electronic filing and storage system for death records including death certificates, burial-transit permits, and medical information related to the death. The EDRS allows the Florida funeral directors to electronically enter the demographic information on a decedent and send that record to the certifying physician who completes the record and sends it to the EDRS for recording.¹⁰

However, fetal death certificates are not filed through the EDRS and a few funeral establishments still file hard copy death records with the local registrar in the district where the death occurred. Such paper records are sent to the DOH by the local registrar, reviewed for errors and omissions, keyed into the EDRS, and scanned for archival storage.¹¹

³ A direct disposer is someone who is in charge of the final disposition of a body without funeral services, burial services, memorial services, visitation services, or viewings. *See* s. 497.601(1)(b), F.S.

⁴ *Supra* note 2, at p. 53.

⁵ *Id.* at 57 and s. 382.003(9), F.S.

⁶ Section 382.006(1), F.S.

⁷ *Supra* note 2, at p. 58.

⁸ *Id.* at 56.

⁹ Section 382.006(6), F.S.

¹⁰ *Supra* note 2, at p. 53-54.

¹¹ *Id.* at 8.

III. Effect of Proposed Changes:

The bill amends several sections of ch. 382, F.S., to allow for the electronic generation and filing of burial-transit permits and death certificates with the DOH through the EDRS.

The bill authorizes the DOH to assume responsibility for death certificates and burial-transit permits in order to use the EDRS. The bill:

- Defines “burial-transit permit,” as a permit issued by the DOH that authorizes the final disposition of a dead body;
- Allows certificates of death or fetal death to be filed electronically with the EDRS;
- Requires funeral director to file death certificates with the DOH, not the local registrar;
- Requires a DOH-appointed subregistrar, rather than the local registrar, to be responsible for producing and maintaining paper death certificates and burial-transit permits;
- Requires the funeral director who first assumes custody of a dead body or fetus to provide a manually produced or electronic burial-transit permit from the EDRS to the person in charge of final disposition;
- Allows the DOH, rather than the local registrar, to grant a funeral director an extension of time, if he or she is unable to provide the medical certification of cause of death within 72 hours; and
- Repeals language requiring the local registrar to keep burial-transit permits for 3 years.

The bill amends several provisions in order to facilitate the transition from paper death records to electronic records. The bill:

- Repeals the requirement, that the funeral director’s signature, license number, and attestation that he or she has contacted the medical examiner’s office to ensure that the medical examiner will be providing medical certification of the cause of death is included a burial-transit permit application;
- Repeals the provision allowing aliases to be written on the backs of paper death certificates;
- Repeals the requirement of a funeral director to file a burial-transit permit within 10 days after the burial with the local registrar;
- Requires that the Social Security Administration be notified electronically of deaths through the EDRS;
- Allows a person in charge of a premises where final dispositions are made to use the burial-transit permit on file to satisfy record keeping requirements for all deceased persons disposed of under his or her charge; and
- Requires a funeral director, when disposing of a dead body in a cemetery with no person in charge, to enter the date of final disposition, mark the burial-transit permit with “no person in charge,” and keep it on file for at least 3 years after final disposition.

The bill replaces “next of kin” with “legally authorized person,” as defined in the Funeral, Cemetery, and Consumer Services Act. This allows person completing a death certificate to acquire personal data from any of the following persons:

- The decedent, if directions are provided on a will;
- The person designated by the decedent on the United States Department of Defense Record of Emergency Data, if the decedent died while in military service;

- The surviving spouse, unless the spouse has been arrested for committing an act of violence against the decedent;
- A son or daughter who is 18 years of age or older;
- A parent;
- A brother or sister who is 18 years of age or older;
- A grandparent; or
- Any person in the next degree of kinship.¹²

The bill also makes numerous clarifying and technical changes such as: using the term “disposition,” or “final disposition,” in place of more specific types of disposition; adding “entombment” to the definition of “final disposition;” and correcting cross references and conforming other provisions as necessary due to changes made in the bill.

The bill has an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The mandate restrictions do not apply because the bill does not affect counties and municipalities.

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:

Under the bill, county health departments may see a positive fiscal impact by not having to print and store paper burial-transit permits.¹³

¹² Section 497.005(39), F.S.

¹³ Department of Health Bill Analysis, *Senate Bill 640*, (Feb. 4, 2015) (on file with Senate Fiscal Policy Committee).

VI. Technical Deficiencies:

None.

VII. Related Issues:

The DOH is granted rulemaking authority to implement the changes made by the bill that require DOH-appointed subregistrars, rather than the local registrar, to produce and maintain paper death certificates and burial-transit permits.

VIII. Statutes Affected:

This bill substantially amends sections 382.002, 382.003, 382.006, 382.007, 382.008, 382.0085, 382.011, and 382.0135 of the Florida Statutes.

IX. 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 10, 2015:

The CS allows funeral directors to provide manually produced, as well as electronic, burial-transit permits, to the person in charge of final disposition of a dead body or fetus.

- B. **Amendments:**

None.