

**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.)

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

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BILL: SB 640

INTRODUCER: Senator Detert

SUBJECT: Vital Statistics

DATE: March 2, 2015

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

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	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Looke</u>	<u>Stovall</u>	<u>HP</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>AHS</u>	_____
3.	_____	_____	<u>FP</u>	_____

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**I. Summary:**

SB 640 amends several sections of ch. 382, F.S., to facilitate the electronic generation and filing of burial-transit permits and death certificates with the Department of Health (DOH) through the electronic death registration system (EDRS).

**II. Present Situation:**

**Vital Statistics in Florida**

The Bureau of Vital Statistics (BVS), housed within the DOH and under the direction of a state registrar, is responsible for the uniform and efficient registration, completion, storage, and preservation of all vital records in the state.<sup>1</sup> 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 and the county health department's director or administrator traditionally serves as the local registrar for that county or counties.<sup>2</sup> The registration of death certificates is the responsibility of the funeral director or direct disposer<sup>3</sup> who first assumes custody of the decedent.<sup>4</sup>

**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. In order to be appointed

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<sup>1</sup> Section 382.003, F.S.

<sup>2</sup> Bureau of Vital Statistics, *Vital Records Registration Handbook*, p. 8 (December 2012) available at <http://www.floridahealth.gov/certificates/certificates/EDRS/documents/HB2012Final.pdf>, (last visited March 5, 2015).

<sup>3</sup> 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(2), F.S.

<sup>4</sup> *Supra* note 2, at 59.

as a subregistrar, a licensed funeral director or registered direct disposer must be a notary public, attend a training class, and sign an acceptance form. Subregistrars have the authority to issue burial-transit permits and should review all death records to prevent errors and omissions and to accept or reject records accordingly.<sup>5</sup>

### **The Electronic Death Registration System**

For most deaths, death records are filed with the 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 is designed to allow 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.<sup>6</sup>

In 2014, 99.6 percent of the 187,856 death certificates filed were filed online through the EDRS,<sup>7</sup> 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.<sup>8</sup> 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.

### **Burial-Transit Permits**

The funeral director or direct disposer who first assumes custody of a dead body must obtain a burial-transit permit within 5 days after death or before final disposition of the body.<sup>9</sup> A permit is either generated by the EDRS or produced by a local registrar or subregistrar. To obtain the permit when paper death records were filed, the funeral director or direct disposer must complete and sign the application for burial transit permit and present it to either the local registrar of the county in which the death occurred or to a subregistrar. A funeral director or direct disposer cannot issue a burial transit permit to himself and the permit must be filed with the local registrar within 10 days of final disposition. Burial-transit permits are retained by the local registrar for 3 years after they are filed.<sup>10</sup>

## **III. Effect of Proposed Changes:**

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 DOH through the EDRS.

The bill authorizes the DOH to assume responsibility for death certificates and burial-transit permits rather than just the local registrar 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 and requires the funeral director who first assumes custody

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<sup>5</sup> Supra note 2, at 63.

<sup>6</sup> Id. p. 60.

<sup>7</sup> Florida House of Representatives, *CS/HB 243 Staff Analysis*, p. 3, (Feb. 18, 2015) available at <http://www.flsenate.gov/Session/Bill/2015/0243/Analyses/h0243c.HHSC.PDF>, (last visited March 5, 2015).

<sup>8</sup> Supra note 2 at 7.

<sup>9</sup> Section 382.006(1), F.S.

<sup>10</sup> See supra note 2 at 64, and ss. 382.006 and 382.007, F.S.

of a dead body or fetus to provide an electronic burial-transit permit from the EDRS to the person in charge of final disposition;

- The bill removes language requiring the local registrar to keep burial-transit permits for 3 years;
- The bill makes DOH appointed subregistrars, rather than the local registrar, responsible for producing and maintaining paper death certificates and burial-transit permits and allows the department to adopt rules to implement these changes;
- The bill requires all certificates of death or fetal death to be filed electronically with the EDRS and makes the funeral director in charge responsible for filing such certificates with the DOH, however such certificates may still be filed with the local registrar on a form prescribed by the DOH; and
- If a funeral director is unable to provide the medical certification of cause of death within 72 hours, the bill allows the DOH, rather than the local registrar, to grant the funeral director an extension of time.

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

- The bill removes requirements necessary when submitting an application for a burial-transit permit including 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;
- The bill removes a provision allowing aliases to be written on the backs of paper death certificates;
- The bill requires that the Social Security Administration be notified electronically of deaths through the EDRS; and
- The bill allows any 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. When disposing of a dead body in a cemetery with no person in charge, the funeral director must 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. By this change, the person completing a death certificate may acquire personal information 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;
- The 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.

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 such as “burial” or “internment”; 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 establishes an effective date of July 1, 2015.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

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:

County health departments may see a positive fiscal impact by not having to print and store paper burial-transit permits.

**VI. Technical Deficiencies:**

SB 640 amends s. 382.006, F.S., to require the provision of an electronic burial-transit permit generated from the EDRS to the person in charge of the place of final disposition, however, some burial-transit permits are created manually and not generated electronically from the EDRS. The bill should be amended to include manually produced burial-transit permits in this section.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

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

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

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

None.

**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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