

By Senator Detert

28-00744-15

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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.; authorizing the Department
5 of 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 requiring a funeral director to provide electronic
9 burial-transit permits to certain persons; assigning
10 responsibility for manually filed paper death records
11 to the subregistrar; authorizing the department to
12 adopt rules; amending s. 382.007, F.S.; revising
13 provisions relating to records of final dispositions
14 of dead bodies; requiring maintenance of records for a
15 specified period; amending s. 382.008, F.S.; requiring
16 electronic filing of death and fetal death
17 certificates with the department or local registrar on
18 a prescribed form; authorizing certain legally
19 authorized persons to provide personal data about the
20 deceased; authorizing the department, rather than the
21 local registrar, to grant an extension of time for
22 providing certain information regarding a death or a
23 fetal death; amending s. 382.0085, F.S.; conforming a
24 cross-reference; amending s. 382.011, F.S.; retaining
25 a funeral director's responsibility to file a death or
26 fetal death certificate with the department, rather
27 than with the local registrar; amending s. 382.0135,
28 F.S.; requiring the department to electronically
29 notify the United States Social Security

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30 Administration of deaths in the state; providing an
31 effective date.

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

34
35 Section 1. Present subsections (1) through (17) of section
36 382.002, Florida Statutes, are redesignated 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 department

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59 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 to the person in charge of the place of final disposition. ~~The~~
78 ~~application for a burial-transit permit must be signed by the~~
79 ~~funeral director and include the funeral director's license~~
80 ~~number. The funeral director must attest on the application that~~
81 ~~he or she has contacted the physician's or medical examiner's~~
82 ~~office and has received assurance that the physician or medical~~
83 ~~examiner will provide medical certification of the cause of~~
84 ~~death within 72 hours after receipt of the death certificate~~
85 ~~from the funeral director.~~

86 (6) For manually filed paper death records, the
87 subregistrar in the licensed funeral or direct disposal

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88 establishment is responsible for producing and maintaining death
89 and fetal death certificates and burial-transit permits in
90 accordance with this chapter. Burial-transit permits filed with
91 the local registrar under the provisions of this chapter may be
92 destroyed after the expiration of 3 years from the date of
93 filing.

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

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

98 382.007 Final dispositions prohibited without burial-
99 transit permit; records of dead bodies disposed.—A person in
100 charge of any premises on which final dispositions are made
101 shall not dispose ~~inter~~ or permit the ~~interment or other~~
102 disposition of any dead body unless it is accompanied by a
103 burial-transit permit. ~~Any~~ Such person shall enter ~~endorse~~ upon
104 the permit the date of final interment, or other disposition,
105 ~~over his or her signature, and shall return all permits so~~
106 ~~endorsed to the local registrar of the district where the place~~
107 ~~of final disposition is located within 10 days from the date of~~
108 ~~interment or other disposition.~~ He or she shall keep a record of
109 all dead bodies ~~interred or otherwise~~ disposed of on the
110 premises under his or her charge, in each case stating the name
111 of each deceased person, place of death, date of final ~~burial or~~
112 ~~other~~ disposition, and name and address of the funeral director,
113 which record shall at all times be open to official inspection.
114 The burial-transit permit on file may satisfy this requirement.
115 The funeral director, when disposing of ~~burying~~ a dead body in a
116 cemetery having no person in charge, shall enter the date of

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117 ~~final disposition on sign the burial-transit permit, giving the~~
118 ~~date of burial, and shall write across the face of the permit~~
119 ~~the words "No person in charge," on the permit, and keep the~~
120 ~~permit on file for at least 3 years after the date of final~~
121 ~~disposition and file the permit within 10 days after burial with~~
122 ~~the local registrar of the district in which the cemetery is~~
123 ~~located.~~

124 Section 5. Subsection (1), paragraph (a) of subsection (2),
125 and paragraph (a) of subsection (3) of section 382.008, Florida
126 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 on a form
133 prescribed by the department. A certificate shall be filed
134 within 5 days after such death and prior to final disposition,
135 and shall be registered by the department such registrar if it
136 has been completed and filed in accordance with this chapter ~~or~~
137 ~~adopted rules~~. The certificate shall include the decedent's
138 social security number, if available. In addition, each
139 certificate of death or fetal death:

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

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146 ~~considered part of the official record of death;~~

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

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

153 (2) (a) The funeral director who first assumes custody of a
154 dead body or fetus shall file the certificate of death or fetal
155 death. In the absence of the funeral director, the physician or
156 other person in attendance at or after the death or the district
157 medical examiner of the county in which the death occurred or
158 the body was found shall file the certificate of death or fetal
159 death. The person who files the certificate shall obtain
160 personal data from a legally authorized person as defined in s.
161 497.005 ~~the next of kin~~ or the best qualified person or source
162 available. The medical certification of cause of death shall be
163 furnished to the funeral director, either in person or via
164 certified mail or electronic transfer, by the physician or
165 medical examiner responsible for furnishing such information.
166 For fetal deaths, the physician, midwife, or hospital
167 administrator shall provide any medical or health information to
168 the funeral director within 72 hours after expulsion or
169 extraction.

170 (3) Within 72 hours after receipt of a death or fetal death
171 certificate from the funeral director, the medical certification
172 of cause of death shall be completed and made available to the
173 funeral director by the decedent's primary or attending
174 physician or, if s. 382.011 applies, the district medical

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175 examiner of the county in which the death occurred or the body
176 was found. The primary or attending physician or medical
177 examiner shall certify over his or her signature the cause of
178 death to the best of his or her knowledge and belief. As used in
179 this section, the term "primary or attending physician" means a
180 physician who treated the decedent through examination, medical
181 advice, or medication during the 12 months preceding the date of
182 death.

183 (a) The department ~~local registrar~~ may grant the funeral
184 director an extension of time if upon a good and sufficient
185 ~~showing of~~ any of the following conditions exist:

186 1. An autopsy is pending.

187 2. Toxicology, laboratory, or other diagnostic reports have
188 not been completed.

189 3. The identity of the decedent is unknown and further
190 investigation or identification is required.

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

193 382.0085 Stillbirth registration.—

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

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

200 382.011 Medical examiner determination of cause of death.—

201 (3) The funeral director shall retain the responsibility
202 for preparation of the death or fetal death certificate,
203 obtaining the necessary signatures, filing with the department

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204 ~~local registrar~~ in a timely manner, and arranging for final
205 disposition of the body when disposing of the remains when the
206 ~~remains are~~ released by the medical examiner.

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

209 382.0135 Social security numbers; electronic notification
210 of deaths; enumeration-at-birth program.—The department shall
211 make arrangements with the United States Social Security
212 Administration to provide electronic notification of deaths that
213 occur in the state and to participate in the voluntary
214 enumeration-at-birth program. The State Registrar is authorized
215 to take any actions necessary to administer the program in this
216 state, including modifying the procedures and forms used in the
217 birth registration process.

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