

By the Committees on Fiscal Policy; and Health Policy; and
Senator Detert

594-03784-15

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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 burial-transit
9 permits to certain persons; deleting provisions
10 requiring a funeral director to sign an application
11 for a burial-transit permit and to provide certain
12 information on the application; assigning
13 responsibility for manually filed paper death records
14 to the subregistrar; deleting a provision authorizing
15 burial-transit permits filed with a local registrar to
16 be destroyed after a certain period; authorizing the
17 department to adopt rules; amending s. 382.007, F.S.;
18 revising provisions relating to the final dispositions
19 and records of final dispositions of dead bodies;
20 requiring maintenance of records for a specified
21 period; amending s. 382.008, F.S.; requiring
22 electronic filing of death and fetal death
23 certificates with the department or local registrar on
24 a prescribed form; requiring the department, rather
25 than the local registrar, to register the certificate;
26 authorizing certain legally authorized persons to
27 provide personal data about the deceased; authorizing
28 the department, rather than the local registrar, to
29 grant an extension of time for providing certain

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30 information regarding a death or a fetal death;
31 amending s. 382.0085, F.S.; conforming a cross-
32 reference; amending s. 382.011, F.S.; providing that a
33 funeral director retains the responsibility to file a
34 death or fetal death certificate with the department,
35 rather than with the local registrar; amending s.
36 382.0135, F.S.; requiring the department to
37 electronically notify the United States Social
38 Security Administration of deaths in the state;
39 providing an effective date.
40

41 Be It Enacted by the Legislature of the State of Florida:
42

43 Section 1. Present subsections (1) through (17) of section
44 382.002, Florida Statutes, are redesignated as subsections (2)
45 through (18), respectively, a new subsection (1) is added to
46 that section, and present subsections (8) and (9) of that
47 section are amended, to read:

48 382.002 Definitions.—As used in this chapter, the term:

49 (1) "Burial-transit permit" means a permit issued by the
50 department which authorizes the final disposition of a dead
51 body.

52 (9)~~(8)~~ "Final disposition" means the burial, interment,
53 entombment, cremation, removal from the state, anatomical
54 donation, or other authorized disposition of a dead body or a
55 fetus as described in subsection (8) ~~(7)~~. In the case of
56 cremation, dispersion of ashes or cremation residue is
57 considered to occur after final disposition; the cremation
58 itself is considered final disposition. In the case of

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59 anatomical donation of a dead body, the donation itself is
60 considered final disposition.

61 ~~(10)~~~~(9)~~ "Funeral director" means a licensed funeral
62 director or direct disposer licensed pursuant to chapter 497 who
63 first assumes custody of or effects the final disposition of a
64 dead body or a fetus as described in subsection (8) ~~(7)~~.

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

67 382.003 Powers and duties of the department.—The department
68 shall:

69 (9) Appoint one or more suitable persons to act as
70 subregistrars, who shall be authorized to produce and maintain
71 paper ~~receive~~ death certificates and fetal death certificates
72 and to issue burial-transit ~~burial~~ permits in and for such
73 portions of one or more districts as may be designated. A
74 subregistrar may be removed from office by the department for
75 neglect of or failure to perform his or her duty in accordance
76 with this chapter.

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

80 382.006 Burial-transit permit.—

81 (1) The funeral director who first assumes custody of a
82 dead body or fetus must obtain a burial-transit permit before
83 ~~prior to~~ final disposition and within 5 days after death. The
84 funeral director shall provide the manually produced burial-
85 transit permit or the electronic burial-transit permit generated
86 from the electronic death registration system to the person in
87 charge of the place of final disposition ~~The application for a~~

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88 ~~burial-transit permit must be signed by the funeral director and~~
89 ~~include the funeral director's license number. The funeral~~
90 ~~director must attest on the application that he or she has~~
91 ~~contacted the physician's or medical examiner's office and has~~
92 ~~received assurance that the physician or medical examiner will~~
93 ~~provide medical certification of the cause of death within 72~~
94 ~~hours after receipt of the death certificate from the funeral~~
95 ~~director.~~

96 (6) For manually filed paper death records, the
97 subregistrar in the licensed funeral or direct disposal
98 establishment is responsible for producing and maintaining death
99 and fetal death certificates and burial-transit permits in
100 accordance with this chapter ~~Burial-transit permits filed with~~
101 ~~the local registrar under the provisions of this chapter may be~~
102 ~~destroyed after the expiration of 3 years from the date of~~
103 ~~filing.~~

104 (7) The department may adopt rules to implement this
105 section.

106 Section 4. Section 382.007, Florida Statutes, is amended to
107 read:

108 382.007 Final dispositions prohibited without burial-
109 transit permit; records of dead bodies disposed.—A person in
110 charge of any premises on which final dispositions are made
111 shall not dispose ~~inter~~ or permit the ~~interment or other~~
112 disposition of any dead body unless it is accompanied by a
113 burial-transit permit. ~~Any~~ Such person shall enter ~~endorse~~ upon
114 the permit the date of final interment, ~~or other~~ disposition,
115 ~~over his or her signature, and shall return all permits so~~
116 ~~endorsed to the local registrar of the district where the place~~

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117 ~~of final disposition is located within 10 days from the date of~~
118 ~~interment or other disposition.~~ He or she shall keep a record of
119 all dead bodies ~~interred or otherwise~~ disposed of on the
120 premises under his or her charge, in each case stating the name
121 of each deceased person, place of death, date of final burial or
122 ~~other~~ disposition, and name and address of the funeral director,
123 which record shall at all times be open to official inspection.
124 The burial-transit permit on file may satisfy this requirement.
125 The funeral director, when disposing of burying a dead body in a
126 cemetery having no person in charge, shall enter the date of
127 final disposition on sign the burial-transit permit, giving the
128 ~~date of burial, and shall write across the face of the permit~~
129 ~~the words "No person in charge,"~~ on the permit, and keep the
130 permit on file for at least 3 years after the date of final
131 disposition and file the permit within 10 days after burial with
132 ~~the local registrar of the district in which the cemetery is~~
133 ~~located.~~

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

137 382.008 Death and fetal death registration.-

138 (1) A certificate for each death and fetal death which
139 occurs in this state shall be filed electronically on the
140 department electronic death registration system or on a form
141 ~~prescribed by the department~~ with the department or local
142 registrar of the district in which the death occurred on a form
143 prescribed by the department. A certificate shall be filed
144 within 5 days after ~~such~~ death and prior to final disposition,
145 and shall be registered by the department ~~such registrar~~ if it

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146 has been completed and filed in accordance with this chapter ~~or~~
147 ~~adopted rules~~. The certificate shall include the decedent's
148 social security number, if available. In addition, each
149 certificate of death or fetal death:

150 (a) If requested by the informant, shall include aliases or
151 "also known as" (AKA) names of a decedent in addition to the
152 decedent's name of record. Aliases shall be entered on the face
153 of the death certificate in the space provided for name if there
154 is sufficient space. ~~If there is not sufficient space, aliases~~
155 ~~may be recorded on the back of the certificate and shall be~~
156 ~~considered part of the official record of death;~~

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

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

163 (2) (a) The funeral director who first assumes custody of a
164 dead body or fetus shall file the certificate of death or fetal
165 death. In the absence of the funeral director, the physician or
166 other person in attendance at or after the death or the district
167 medical examiner of the county in which the death occurred or
168 the body was found shall file the certificate of death or fetal
169 death. The person who files the certificate shall obtain
170 personal data from a legally authorized person as defined in s.
171 497.005 ~~the next of kin~~ or the best qualified person or source
172 available. The medical certification of cause of death shall be
173 furnished to the funeral director, either in person or via
174 certified mail or electronic transfer, by the physician or

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175 medical examiner responsible for furnishing such information.
176 For fetal deaths, the physician, midwife, or hospital
177 administrator shall provide any medical or health information to
178 the funeral director within 72 hours after expulsion or
179 extraction.

180 (3) Within 72 hours after receipt of a death or fetal death
181 certificate from the funeral director, the medical certification
182 of cause of death shall be completed and made available to the
183 funeral director by the decedent's primary or attending
184 physician or, if s. 382.011 applies, the district medical
185 examiner of the county in which the death occurred or the body
186 was found. The primary or attending physician or medical
187 examiner shall certify over his or her signature the cause of
188 death to the best of his or her knowledge and belief. As used in
189 this section, the term "primary or attending physician" means a
190 physician who treated the decedent through examination, medical
191 advice, or medication during the 12 months preceding the date of
192 death.

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

- 196 1. An autopsy is pending.
- 197 2. Toxicology, laboratory, or other diagnostic reports have
198 not been completed.
- 199 3. The identity of the decedent is unknown and further
200 investigation or identification is required.

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

203 382.0085 Stillbirth registration.—

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

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

210 382.011 Medical examiner determination of cause of death.-

211 (3) The funeral director shall retain the responsibility
212 for preparation of the death or fetal death certificate,
213 obtaining the necessary signatures, filing with the department
214 ~~local registrar~~ in a timely manner, and arranging for final
215 disposition of the body when disposing of the remains when the
216 ~~remains are~~ released by the medical examiner.

217 Section 8. Section 382.0135, Florida Statutes, is amended
218 to read:

219 382.0135 Social security numbers; electronic notification
220 of deaths; enumeration-at-birth program.-The department shall
221 make arrangements with the United States Social Security
222 Administration to provide electronic notification of deaths that
223 occur in the state and to participate in the voluntary
224 enumeration-at-birth program. The State Registrar is authorized
225 to take any actions necessary to administer the program in this
226 state, including modifying the procedures and forms used in the
227 birth registration process.

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