

1 A bill to be entitled
2 An act relating to certificates of nonviable birth;
3 creating the "Grieving Families Act"; amending s.
4 382.002, F.S.; providing a definition; amending
5 382.008, F.S.; authorizing the State Registrar of the
6 Office of Vital Statistics of the Department of Health
7 to electronically receive a certificate of nonviable
8 birth; requiring certain health care practitioners and
9 health care facilities to electronically file a
10 registration of nonviable birth within a specified
11 timeframe; amending s. 382.0085, F.S.; conforming a
12 cross-reference; creating s. 382.0086, F.S.; requiring
13 the Department of Health to issue a certificate of
14 nonviable birth within a specified timeframe upon the
15 request of a parent; requiring the person registering
16 the nonviable birth to advise the parent that a
17 certificate of nonviable birth is available and that
18 the certificate of nonviable birth is a public record;
19 requiring the request for a certificate of nonviable
20 birth to be on a form prescribed by the department and
21 to include certain information; providing requirements
22 for the certificate of nonviable birth; authorizing a
23 parent to request a certificate of nonviable birth
24 regardless of the date on which the nonviable birth
25 occurred; designating the refusal to issue a

26 certificate of nonviable birth to certain persons as
 27 final agency action that is not subject to
 28 administrative review; prohibiting the use of
 29 certificates of nonviable birth to calculate live
 30 birth statistics; prohibiting specified provisions
 31 from being used in certain civil actions; authorizing
 32 the department to adopt rules; amending s. 382.0255,
 33 F.S.; authorizing the department to collect fees for
 34 processing and filing a new certificate of nonviable
 35 birth; providing an effective date.

36
 37 Be It Enacted by the Legislature of the State of Florida:

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 39 Section 1. This act may be cited as the "Grieving Families
 40 Act."

41 Section 2. Subsections (14) through (18) of section
 42 382.002, Florida Statutes, are renumbered as subsections (15)
 43 through (19), respectively, and a new subsection (14) is added
 44 to that section to read:

45 382.002 Definitions.—As used in this chapter, the term:
 46 (14) "Nonviable birth" means an unintentional, spontaneous
 47 fetal demise occurring before a gestation period of 20 completed
 48 weeks.

49 Section 3. Paragraph (b) of subsection (2) of section
 50 382.008, Florida Statutes, is amended, and subsection (7) is

51 added to that section, to read:

52 382.008 Death, ~~and~~ fetal death, and nonviable birth
53 registration.-

54 (2)

55 (b) The State Registrar may receive electronically a
56 certificate of death, ~~or~~ fetal death, or nonviable birth which
57 is required to be filed with the registrar under this chapter
58 through facsimile or other electronic transfer for the purpose
59 of filing the certificate. The receipt of a certificate of
60 death, ~~or~~ fetal death, or nonviable birth by electronic transfer
61 constitutes delivery to the State Registrar as required by law.

62 (7) A health care practitioner licensed pursuant to
63 chapter 458, chapter 459, chapter 464, or chapter 467 who
64 attends or diagnoses a nonviable birth, or a health care
65 facility licensed pursuant to chapter 383 or chapter 395 at
66 which a nonviable birth occurs, shall electronically file a
67 registration of nonviable birth on the department electronic
68 death registration system or on a form prescribed by the
69 department with the department or local registrar of the
70 district in which the nonviable birth occurred within 5 days
71 after such nonviable birth, and shall be registered with the
72 department if it has been completed and filed in accordance with
73 this chapter or adopted rules.

74 Section 4. Subsection (9) of section 382.0085, Florida
75 Statutes, is amended to read:

76 | 382.0085 Stillbirth registration.—

77 | (9) This section or s. 382.002(17) ~~382.002(16)~~ may not be
78 | used to establish, bring, or support a civil cause of action
79 | seeking damages against any person or entity for bodily injury,
80 | personal injury, or wrongful death for a stillbirth.

81 | Section 5. Section 382.0086, Florida Statutes, is created
82 | to read:

83 | 382.0086 Certificate of nonviable birth.—

84 | (1) For any nonviable birth in this state, the department
85 | shall issue a certificate of nonviable birth within 60 days upon
86 | the request of a parent named on the registration of nonviable
87 | birth.

88 | (2) The person who is required to register a nonviable
89 | birth under this chapter shall advise a parent of a nonviable
90 | birth:

91 | (a) That the parent may request the preparation of a
92 | certificate of nonviable birth.

93 | (b) That the parent may obtain a certificate of nonviable
94 | birth by contacting the Office of Vital Statistics.

95 | (c) How the parent may contact the Office of Vital
96 | Statistics to request a certificate of nonviable birth.

97 | (d) That a copy of the original certificate of nonviable
98 | birth is available as a public record when held by an agency as
99 | defined in s. 119.011(2).

100 | (3) The request for a certificate of nonviable birth must

101 be on a form prescribed by the department by rule and include
 102 the date of the nonviable birth and the county in which the
 103 nonviable birth occurred.

104 (4) The certificate of nonviable birth must contain:

105 (a) The date of the nonviable birth.

106 (b) The county in which the nonviable birth occurred.

107 (c) The name of the fetus, as provided on the registration
 108 of nonviable birth pursuant to s. 382.008. If a name does not
 109 appear on the original or amended registration of nonviable
 110 birth and the requesting parent does not wish to provide a name,
 111 the Office of Vital Statistics shall fill in the certificate of
 112 nonviable birth with the name "baby boy" or "baby girl" and the
 113 last name of the parents as provided in s. 382.013(3). If the
 114 sex of the child is unknown, the Office of Vital Statistics
 115 shall fill in the certificate of nonviable birth with the name
 116 "baby" and the last name of the parents as provided in s.
 117 382.013(3).

118 (d) The following statement which must appear on the front
 119 of the certificate: "This certificate is not proof of a live
 120 birth."

121 (5) A certificate of nonviable birth shall be a public
 122 record when held by an agency as defined in s. 119.011(2). The
 123 Office of Vital Statistics must inform any parent who requests a
 124 certificate of nonviable birth that a copy of the original
 125 certificate of nonviable birth is available as a public record.

126 (6) A parent may request that the Office of Vital
127 Statistics issue a certificate of nonviable birth regardless of
128 the date on which the nonviable birth occurred.

129 (7) It is final agency action, not subject to review under
130 chapter 120, for the Office of Vital Statistics to refuse to
131 issue a certificate of nonviable birth to a person who is not a
132 parent named on the nonviable birth registration.

133 (8) The Office of Vital Statistics may not use a
134 certificate of nonviable birth to calculate live birth
135 statistics.

136 (9) This section or s. 382.002(14) may not be used to
137 establish, bring, or support a civil cause of action seeking
138 damages against any person or entity for bodily injury, personal
139 injury, or wrongful death for a nonviable birth.

140 (10) The department shall prescribe by rules adopted
141 pursuant to ss. 120.536(1) and 120.54 the form, content, and
142 process for the certificate of nonviable birth.

143 Section 6. Paragraph (k) is added to subsection (1) of
144 section 382.0255, Florida Statutes, to read:

145 382.0255 Fees.—

146 (1) The department is entitled to fees, as follows:

147 (k) Not less than \$3 or more than \$5 for processing and
148 filing a new certificate of nonviable birth pursuant to s.
149 382.0086.

150 Section 7. This act shall take effect July 1, 2017.