

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; authorizing certain health care practitioners
9 and 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, that the
18 certificate of nonviable birth is a public record, and
19 that certain information is exempt from disclosure;
20 requiring the request for a certificate of nonviable
21 birth to be on a form prescribed by the department and
22 to include certain information; providing requirements
23 for the certificate of nonviable birth; authorizing a
24 parent to request a certificate of nonviable birth
25 regardless of the date on which the nonviable birth

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

37 |

38 | Be It Enacted by the Legislature of the State of Florida:

39 |

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

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

46 | 382.002 Definitions.—As used in this chapter, the term:

47 | (14) "Nonviable birth" means an unintentional, spontaneous
 48 | fetal demise occurring after the completion of the 9th week of
 49 | gestation but prior to the 20th week of gestation of a pregnancy
 50 | that has been verified by a health care practitioner.

51 Section 3. Paragraph (b) of subsection (2) of section
 52 382.008, Florida Statutes, is amended, and subsection (7) is
 53 added to that section, to read:

54 382.008 Death, ~~and~~ fetal death, and nonviable birth
 55 registration.—

56 (2)

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

64 (7) Upon the request of a parent of a nonviable birth, a
 65 health care practitioner licensed pursuant to chapter 464 or
 66 chapter 467 who attends or diagnoses a nonviable birth, or a
 67 health care facility licensed pursuant to chapter 383 or chapter
 68 395 at which a nonviable birth occurs, shall electronically file
 69 a registration of nonviable birth on the department electronic
 70 death registration system or on a form prescribed by the
 71 department with the department or local registrar of the
 72 district in which the nonviable birth occurred within 30 days
 73 after receipt of such request. The certificate of nonviable
 74 birth shall be registered with the department if it has been
 75 completed and filed in accordance with this chapter or adopted

76 | rules.

77 | Section 4. Subsection (9) of section 382.0085, Florida
78 | Statutes, is amended to read:

79 | 382.0085 Stillbirth registration.—

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

84 | Section 5. Section 382.0086, Florida Statutes, is created
85 | to read:

86 | 382.0086 Certificate of nonviable birth.—

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

91 | (2) The person or entity authorized to register a
92 | nonviable birth under this chapter shall advise a parent of a
93 | nonviable birth:

94 | (a) That the parent may request the preparation of a
95 | certificate of nonviable birth.

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

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

100 | (d) That a copy of the original certificate of nonviable

101 birth is available as a public record.

102 (e) That a copy of the original certificate of nonviable
103 birth will not include the parentage, the marital status of the
104 parent, the cause of death of the fetus, or any medical
105 information.

106 (3) The request for a certificate of nonviable birth must
107 be on a form prescribed by the department by rule and include
108 the date of the nonviable birth and the county in which the
109 nonviable birth occurred.

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

111 (a) The date of the nonviable birth.

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

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

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

126 (5) A certificate of nonviable birth shall be a public
127 record. The Office of Vital Statistics must inform any parent
128 who requests a certificate of nonviable birth that:

129 (a) A copy of the original certificate of nonviable birth
130 is available as a public record; and

131 (b) The parentage, the marital status of the parent, the
132 cause of death of the fetus, and any medical information will
133 not be included in the public record.

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

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

141 (8) The Office of Vital Statistics may not use a
142 certificate of nonviable birth to calculate live birth
143 statistics.

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

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

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

153 382.0255 Fees.—

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

155 (k) Not less than \$3 or more than \$5 for processing and
156 filing a new certificate of nonviable birth pursuant to s.
157 382.0086.

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