

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Cortes, B. offered the following:

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Amendment

Remove lines 16-42 and insert:

(6) (a) The original certificate of death or fetal death shall contain all the information required by the department for legal, social, and health research purposes. All information relating to cause of death in all death and fetal death records and the parentage, marital status, and medical information included in all fetal death records of this state are confidential and exempt from the provisions of s. 119.07(1), except for health research purposes as approved by the department; nor may copies of the same be issued except as provided in s. 382.025.

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17 (8) (a) The original certificate of nonviable birth shall
18 contain all the information required by the department for
19 legal, social, and health research purposes. The department may
20 issue a certified copy of an original nonviable birth
21 certificate which includes the confidential and exempt
22 information:

23 1. To the fetus' parents;

24 2. To any agency of the state or local government or the
25 United States for official purposes upon approval of the
26 department; or

27 3. Upon order of any court of competent jurisdiction

28 (b) All information relating to the cause of death of the
29 nonviable fetus, parentage of the fetus, marital status of the
30 parent, and any medical information included in all nonviable
31 birth records of this state are confidential and exempt from the
32 provisions of s. 119.07(1), and s. 24(a), Art. I of the State
33 Constitution, except for health research purposes as approved by
34 the department.

35 (c) The department shall authorize the issuance of a
36 certified copy of all or part of any nonviable birth
37 certificates, excluding that portion which is confidential and
38 exempt from the provisions of s. 119.07(1) and s. 24(a) Art. I
39 of the State Constitution, as provided under s. 382.008, to any
40 person requesting it, as provided under s. 382.008, and upon

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41 receipt of a request and payment of the fee prescribed by s.
42 382.0255.

43 (d) This subsection is subject to the Open Government
44 Sunset Review Act in accordance with s. 119.15 and shall stand
45 repealed on October 2, 2022, unless reviewed and saved from
46 repeal.

47 Section 2. The Legislature finds that the cause of death
48 and parentage of the fetus, marital status of the parents, and
49 medical information included in nonviable birth records to be
50 held confidential and exempt from s. 119.07(1), Florida
51 Statutes, and s. 24(a), Art. I of the State Constitution to
52 protect the privacy rights of a parent who experiences a
53 nonviable birth records. Medical information, including the
54 cause of death of the fetus as well as any medical information,
55 is sensitive and personal in nature and disclosure of such
56 information may lead to an unwarranted invasion into the lives
57 of parents experiencing a nonviable birth. Disclosure of
58 information regarding the parentage of the fetus and marital
59 status of the parents may discourage individuals that would
60 otherwise request a certificate of nonviable birth from doing so
61 due to real or perceived stigma regarding the nonviability of
62 the fetus, the fetus' parentage or the parents' marital status.
63 Currently, death and fetal death records make such information
64 confidential and exempt from public disclosure. The Legislature
65 finds that the same protections should be afforded to parents

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Bill No. HB 103 (2017)

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66 | who wish to memorialize a nonviable birth with a certificate of
67 | nonviable birth as part of their grieving process.
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