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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/27/2017	.	
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The Committee on Governmental Oversight and Accountability
(Bean) recommended the following:

Senate Amendment (with title amendment)

Delete lines 12 - 49

and insert:

Section 1. Subsection (7) is added to section 382.008,
Florida Statutes, to read:

382.008 Death, ~~and fetal death,~~ and nonviable birth
registration; exemption.—

(7) (a) An original certificate of nonviable birth shall



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10 contain all information required by the department for legal,
11 social, and health research purposes. The department may issue a
12 certified copy of an original certificate of nonviable birth
13 containing confidential and exempt information to:

14 1. The fetus' parents;

15 2. An agency of the state or local government or the
16 Federal Government for official purposes upon approval of the
17 department; or

18 3. Any person authorized to receive the certified copy upon
19 an order of any court of competent jurisdiction.

20 (b) All information relating to the cause of death of the
21 nonviable fetus, parentage of the fetus, marital status of each
22 parent, and any medical information included in all nonviable
23 birth records of this state are confidential and exempt from the
24 provisions of s. 119.07(1), and s. 24(a), Art. I of the State
25 Constitution, except for such information released for health
26 research purposes as approved by the department.

27 (c) The department must issue a certified copy of a
28 certificate of nonviable birth, excluding the portion containing
29 information that is confidential and exempt from s. 119.07(1)
30 and s. 24(a) Art. I of the State Constitution, as provided in
31 paragraph (b), to any person authorized by paragraph (a) to
32 receive it who requests a certified copy upon receipt of the
33 request and payment of the fee specified in s. 382.0255.

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36 repealed on October 2, 2022, unless reviewed and saved from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

38 Section 2. The Legislature finds that it is a public



39 necessity that the cause of death and parentage of the fetus,
40 marital status of the parents, and medical information included
41 in nonviable birth records be held confidential and exempt from
42 s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the
43 State Constitution to protect the privacy rights of a parent who
44 experiences a nonviable birth. Medical information and the cause
45 of death of the fetus is sensitive and personal in nature and
46 the public disclosure of such information may lead to an
47 unwarranted invasion into the lives of parents experiencing a
48 nonviable birth. The public disclosure of information regarding
49 the parentage of the fetus and marital status of the parents may
50 discourage individuals from requesting a certificate of
51 nonviable birth because of an actual or perceived stigma
52 regarding the nonviability of the fetus, the fetus' parentage,
53 or the parents' marital status. Currently, such information is
54 confidential and exempt from public disclosure in death and
55 fetal death records. The Legislature further finds that the same
56 protections should be afforded to parents who wish to
57 memorialize a nonviable birth with a certificate of nonviable
58 birth as part of their grieving process.

59
60 ===== T I T L E A M E N D M E N T =====

61 And the title is amended as follows:

62 Delete lines 3 - 5

63 and insert:

64 382.008, F.S.; providing that a certificate of
65 nonviable birth must contain information as required
66 by the Department of Health; authorizing the
67 department to issue a certified copy of a certificate



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68 of nonviable birth to specified persons; providing
69 that certain information included in nonviable birth
70 records is confidential and exempt from public records
71 requirements; requiring the department to authorize
72 the issuance of a certified copy of a certificate of
73 nonviable birth subject to certain conditions;
74 providing