

By Senator Bean

4-00515-17

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1 A bill to be entitled

2 An act relating to public records; amending s.
3 382.008, F.S.; providing that certain information
4 included in nonviable birth records is confidential
5 and exempt from public records requirements; providing
6 for future legislative review and repeal of the
7 exemption; providing a statement of public necessity;
8 providing a contingent effective date.
9

10 Be It Enacted by the Legislature of the State of Florida:
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12 Section 1. Subsection (6) of section 382.008, Florida
13 Statutes, is amended to read:

14 382.008 Death, ~~and fetal death,~~ and nonviable birth
15 registration.—

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

26 (b) All information relating to cause of death in all
27 nonviable birth records and the parentage, marital status, and
28 medical information included in all nonviable birth records of
29 this state are confidential and exempt from the provisions of s.
30 119.07(1) and s. 24(a), Art. I of the State Constitution, except
31 for health research purposes as approved by the department. The
32 department may not issue copies of nonviable birth records

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33 except as provided in s. 382.025. This paragraph is subject to
34 the Open Government Sunset Review Act in accordance with s.
35 119.15 and shall stand repealed on October 2, 2022, unless
36 reviewed and saved from repeal through reenactment by the
37 Legislature.

38 Section 2. The Legislature finds that it is a public
39 necessity that cause of death, parentage, marital status, and
40 medical information included in nonviable birth records be held
41 confidential and exempt from s. 119.07(1), Florida Statutes, and
42 s. 24(a), Article I of the State Constitution to protect the
43 privacy rights of a woman who experiences a nonviable birth.
44 Currently, death and fetal death records containing such
45 information are confidential and exempt from s. 119.07(1),
46 Florida Statutes. The Legislature further finds that the public
47 disclosure of such information may discourage such an individual
48 from seeking medical care from a licensed health care
49 practitioner or health care facility.

50 Section 3. This act shall take effect on the same date that
51 SB ____ or similar legislation takes effect, if such legislation
52 is adopted in the same legislative session or an extension
53 thereof and becomes a law.