

By the Committee on Health Policy; and Senator Bean

588-02416-17

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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.

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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.

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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  
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35 119.15 and shall stand repealed on October 2, 2022, unless  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 672 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.