

**By** the Committees on Governmental Oversight and Accountability;  
and Health Policy; and Senator Bean

585-02943-17

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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 a certificate of  
4       nonviable birth must contain information as required  
5       by the Department of Health; authorizing the  
6       department to issue a certified copy of a certificate  
7       of nonviable birth to specified persons; providing  
8       that certain information included in nonviable birth  
9       records is confidential and exempt from public records  
10      requirements; requiring the department to authorize  
11      the issuance of a certified copy of a certificate of  
12      nonviable birth subject to certain conditions;  
13      providing for future legislative review and repeal of  
14      the exemption; providing a statement of public  
15      necessity; providing a contingent effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

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

21       382.008 Death, ~~and fetal death,~~ and nonviable birth  
22 registration; exemption.—

23       (7) (a) An original certificate of nonviable birth shall  
24 contain all information required by the department for legal,  
25 social, and health research purposes. The department may issue a  
26 certified copy of an original certificate of nonviable birth  
27 containing confidential and exempt information to:

28       1. The fetus' parents;

29       2. An agency of the state or local government or the

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30 Federal Government for official purposes upon approval of the  
31 department; or

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

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

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

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

52 Section 2. The Legislature finds that it is a public  
53 necessity that the cause of death and parentage of the fetus,  
54 marital status of the parents, and medical information included  
55 in nonviable birth records be held confidential and exempt from  
56 s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the  
57 State Constitution to protect the privacy rights of a parent who  
58 experiences a nonviable birth. Medical information and the cause

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59 of death of the fetus is sensitive and personal in nature and  
60 the public disclosure of such information may lead to an  
61 unwarranted invasion into the lives of parents experiencing a  
62 nonviable birth. The public disclosure of information regarding  
63 the parentage of the fetus and marital status of the parents may  
64 discourage individuals from requesting a certificate of  
65 nonviable birth because of an actual or perceived stigma  
66 regarding the nonviability of the fetus, the fetus' parentage,  
67 or the parents' marital status. Currently, such information is  
68 confidential and exempt from public disclosure in death and  
69 fetal death records. The Legislature further finds that the same  
70 protections should be afforded to parents who wish to  
71 memorialize a nonviable birth with a certificate of nonviable  
72 birth as part of their grieving process.

73       Section 3. This act shall take effect on the same date that  
74 SB 672 or similar legislation takes effect, if such legislation  
75 is adopted in the same legislative session or an extension  
76 thereof and becomes a law.