

1 A bill to be entitled
 2 An act relating to a review under the Open Government
 3 Sunset Review Act; amending s. 382.008, F.S., which
 4 provides an exemption from public records requirements
 5 for certain information included in nonviable birth
 6 certificates issued by the Department of Health;
 7 removing the scheduled repeal of the exemption; making
 8 technical changes; providing an 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 (8) of section 382.008, Florida
 13 Statutes, is amended to read:

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

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

- 22 1. ~~To the fetus' parent;~~
 23 2. ~~To any local, state, or federal agency for official~~
 24 ~~purposes upon approval by the department; or~~
 25 3. ~~Upon the order of any court of competent jurisdiction.~~

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26 (b) All information relating to the cause of death and
27 parentage of a nonviable fetus, the marital status of such
28 fetus' parent, and any medical information included in nonviable
29 birth records held by a state agency is confidential and exempt
30 from s. 119.07(1) and s. 24(a), Art. I of the State
31 Constitution, but may be released for health research purposes
32 as approved by the department.

33 (c)1. The department shall authorize the issuance of a
34 certified copy of all or part of an original nonviable birth
35 certificate, excluding any information that is confidential and
36 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
37 Constitution, to any person requesting such copy, pursuant to
38 paragraph (b), upon receipt of a request and payment of the fee
39 prescribed in s. 382.0255.

40 2. The department may issue a certified copy of an
41 original nonviable birth certificate which includes the
42 confidential and exempt information:

43 a. To the fetus' parent;

44 b. To any local, state, or federal agency for official
45 purposes upon approval by the department; or

46 c. Upon the order of any court of competent jurisdiction.

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

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51 | Section 2. This act shall take effect October 1, 2022. |