

1 A bill to be entitled
2 An act relating to certificates of nonviable birth;
3 creating the "Grieving Families Act"; amending s.
4 382.002, F.S.; providing a definition; amending
5 382.008, F.S.; authorizing the State Registrar of the
6 Office of Vital Statistics of the Department of Health
7 to electronically receive a certificate of nonviable
8 birth; authorizing certain health care practitioners
9 and health care facilities to electronically file a
10 registration of nonviable birth within a specified
11 timeframe; amending s. 382.0085, F.S.; conforming a
12 cross-reference; creating s. 382.0086, F.S.; requiring
13 the Department of Health to issue a certificate of
14 nonviable birth within a specified timeframe upon the
15 request of a parent; requiring the person registering
16 the nonviable birth to advise the parent that a
17 certificate of nonviable birth is available and that
18 the certificate of nonviable birth is a public record;
19 requiring the request for a certificate of nonviable
20 birth to be on a form prescribed by the department and
21 to include certain information; providing requirements
22 for the certificate of nonviable birth; authorizing a
23 parent to request a certificate of nonviable birth
24 regardless of the date on which the nonviable birth
25 occurred; designating the refusal to issue a

26 certificate of nonviable birth to certain persons as
 27 final agency action that is not subject to
 28 administrative review; prohibiting the use of
 29 certificates of nonviable birth to calculate live
 30 birth statistics; prohibiting specified provisions
 31 from being used in certain civil actions; authorizing
 32 the department to adopt rules; amending s. 382.0255,
 33 F.S.; authorizing the department to collect fees for
 34 processing and filing a new certificate of nonviable
 35 birth; providing an effective date.

36
 37 Be It Enacted by the Legislature of the State of Florida:

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 39 Section 1. This act may be cited as the "Grieving Families
 40 Act."

41 Section 2. Subsections (14) through (18) of section
 42 382.002, Florida Statutes, are renumbered as subsections (15)
 43 through (19), respectively, and a new subsection (14) is added
 44 to that section to read:

45 382.002 Definitions.—As used in this chapter, the term:
 46 (14) "Nonviable birth" means an unintentional, spontaneous
 47 fetal demise occurring after the completion of the 9th week of
 48 gestation but prior to the 20th week of gestation of a pregnancy
 49 that has been verified by a health care practitioner.

50 Section 3. Paragraph (b) of subsection (2) of section

51 382.008, Florida Statutes, is amended, and subsection (7) is
52 added to that section, to read:

53 382.008 Death, ~~and fetal death,~~ and nonviable birth
54 registration.—

55 (2)

56 (b) The State Registrar may receive electronically a
57 certificate of death, ~~or fetal death,~~ or nonviable birth which
58 is required to be filed with the registrar under this chapter
59 through facsimile or other electronic transfer for the purpose
60 of filing the certificate. The receipt of a certificate of
61 death, ~~or fetal death,~~ or nonviable birth by electronic transfer
62 constitutes delivery to the State Registrar as required by law.

63 (7) Upon the request of a parent of a nonviable birth, a
64 health care practitioner licensed pursuant to chapter 464 or
65 chapter 467 who attends or diagnoses a nonviable birth, or a
66 health care facility licensed pursuant to chapter 383 or chapter
67 395 at which a nonviable birth occurs, shall electronically file
68 a registration of nonviable birth on the department electronic
69 death registration system or on a form prescribed by the
70 department with the department or local registrar of the
71 district in which the nonviable birth occurred within 30 days
72 after receipt of such request. The certificate of nonviable
73 birth shall be registered with the department if it has been
74 completed and filed in accordance with this chapter or adopted
75 rules.

76 Section 4. Subsection (9) of section 382.0085, Florida
 77 Statutes, is amended to read:

78 382.0085 Stillbirth registration.—

79 (9) This section or s. 382.002(17) ~~382.002(16)~~ may not be
 80 used to establish, bring, or support a civil cause of action
 81 seeking damages against any person or entity for bodily injury,
 82 personal injury, or wrongful death for a stillbirth.

83 Section 5. Section 382.0086, Florida Statutes, is created
 84 to read:

85 382.0086 Certificate of nonviable birth.—

86 (1) For any nonviable birth in this state, the department
 87 shall issue a certificate of nonviable birth within 60 days upon
 88 the request of a parent named on the registration of nonviable
 89 birth.

90 (2) The person or entity authorized to register a
 91 nonviable birth under this chapter shall advise a parent of a
 92 nonviable birth:

93 (a) That the parent may request the preparation of a
 94 certificate of nonviable birth.

95 (b) That the parent may obtain a certificate of nonviable
 96 birth by contacting the Office of Vital Statistics.

97 (c) How the parent may contact the Office of Vital
 98 Statistics to request a certificate of nonviable birth.

99 (d) That a copy of the original certificate of nonviable
 100 birth is available as a public record when held by an agency as

101 defined in s. 119.011(2).

102 (3) The request for a certificate of nonviable birth must
103 be on a form prescribed by the department by rule and include
104 the date of the nonviable birth and the county in which the
105 nonviable birth occurred.

106 (4) The certificate of nonviable birth must contain:

107 (a) The date of the nonviable birth.

108 (b) The county in which the nonviable birth occurred.

109 (c) The name of the fetus, as provided on the registration
110 of nonviable birth pursuant to s. 382.008. If a name does not
111 appear on the original or amended registration of nonviable
112 birth and the requesting parent does not wish to provide a name,
113 the Office of Vital Statistics shall fill in the certificate of
114 nonviable birth with the name "baby boy" or "baby girl" and the
115 last name of the parents as provided in s. 382.013(3). If the
116 sex of the child is unknown, the Office of Vital Statistics
117 shall fill in the certificate of nonviable birth with the name
118 "baby" and the last name of the parents as provided in s.
119 382.013(3).

120 (d) The following statement which must appear on the front
121 of the certificate: "This certificate is not proof of a live
122 birth."

123 (5) A certificate of nonviable birth shall be a public
124 record when held by an agency as defined in s. 119.011(2). The
125 Office of Vital Statistics must inform any parent who requests a

126 certificate of nonviable birth that a copy of the original
127 certificate of nonviable birth is available as a public record.

128 (6) A parent may request that the Office of Vital
129 Statistics issue a certificate of nonviable birth regardless of
130 the date on which the nonviable birth occurred.

131 (7) It is final agency action, not subject to review under
132 chapter 120, for the Office of Vital Statistics to refuse to
133 issue a certificate of nonviable birth to a person who is not a
134 parent named on the nonviable birth registration.

135 (8) The Office of Vital Statistics may not use a
136 certificate of nonviable birth to calculate live birth
137 statistics.

138 (9) This section or s. 382.002(14) may not be used to
139 establish, bring, or support a civil cause of action seeking
140 damages against any person or entity for bodily injury, personal
141 injury, or wrongful death for a nonviable birth.

142 (10) The department shall prescribe by rules adopted
143 pursuant to ss. 120.536(1) and 120.54 the form, content, and
144 process for the certificate of nonviable birth.

145 Section 6. Paragraph (k) is added to subsection (1) of
146 section 382.0255, Florida Statutes, to read:

147 382.0255 Fees.—

148 (1) The department is entitled to fees, as follows:

149 (k) Not less than \$3 or more than \$5 for processing and
150 filing a new certificate of nonviable birth pursuant to s.

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151 | 382.0086.

152 | Section 7. This act shall take effect July 1, 2017.