

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

26        (b) This subsection is subject to the Open Government  
27 Review Act in accordance with s. 119.15, and shall stand  
28 repealed on October 2, 2022, unless reviewed and saved from  
29 repeal through reenactment by the Legislature.

30        Section 2. The Legislature finds that it is a public  
31 necessity that information relating to the cause of death,  
32 parentage, marital status, and medical information included in  
33 nonviable birth records be held confidential and exempt from s.  
34 119.07(1), Florida Statutes, and s. 24(a), Art. I of the State  
35 Constitution to protect the privacy rights of an individual  
36 undergoing a nonviable birth. Currently, death and fetal death  
37 records containing such information are confidential and exempt  
38 from s. 119.07(1), Florida Statutes, and s. 24(a), Art. I of the  
39 State Constitution. The Legislature further finds that the  
40 public disclosure of such information may discourage such an  
41 individual from seeking medical care from a licensed health care  
42 practitioner or health care facility.

43        Section 3. This act shall take effect on the same date  
44 that HB 101 or similar legislation takes effect, if such  
45 legislation is adopted in the same legislative session or an  
46 extension thereof and becomes a law.