

1 A bill to be entitled

2 An act relating to vital statistics; amending s.  
3 382.002, F.S.; providing and revising definitions;  
4 amending s. 382.003, F.S.; requiring the Department of  
5 Health to produce and maintain paper death  
6 certificates and fetal death certificates and issue  
7 burial-transit permits; amending s. 382.006, F.S.;  
8 providing responsibility of a funeral director for  
9 provision of electronic burial-transit permits;  
10 providing responsibility of the subregistrar for  
11 manually filed paper death records; authorizing the  
12 department to adopt rules; amending s. 382.007, F.S.;  
13 revising provisions relating to records of final  
14 dispositions of dead bodies; requiring maintenance of  
15 records for a specified period; amending s. 382.008,  
16 F.S.; requiring electronic filing of death and fetal  
17 death certificates with the department or local  
18 registrar; authorizing certain legally authorized  
19 persons to provide personal data about the deceased;  
20 authorizing the department, rather than the local  
21 registrar, to grant an extension of time for providing  
22 certain information regarding a fetal death; amending  
23 s. 382.0085, F.S.; conforming a cross-reference;  
24 amending s. 382.011, F.S.; requiring a funeral  
25 director to file a death or fetal death certificate  
26 with the department, rather than with the local

27 registrar; amending s. 382.0135, F.S.; requiring the  
 28 department to electronically notify the United States  
 29 Social Security Administration of deaths in the state;  
 30 providing an effective date.

31

32 Be It Enacted by the Legislature of the State of Florida:

33

34 Section 1. Subsections (1) through (17) of section  
 35 382.002, Florida Statutes, are renumbered as subsections (2)  
 36 through (18), respectively, present subsections (8) and (9) are  
 37 amended, and a new subsection (1) is added to that section, to  
 38 read:

39 382.002 Definitions.—As used in this chapter, the term:

40 (1) "Burial-transit permit" means a permit issued by the  
 41 department that authorizes the final disposition of a dead body.

42 (9)~~(8)~~ "Final disposition" means the burial, interment,  
 43 entombment, cremation, removal from the state, anatomical  
 44 donation, or other authorized disposition of a dead body or a  
 45 fetus as described in subsection (8) ~~(7)~~. In the case of  
 46 cremation, dispersion of ashes or cremation residue is  
 47 considered to occur after final disposition; the cremation  
 48 itself is considered final disposition. In the case of  
 49 anatomical donation of a dead body, the donation itself is  
 50 considered final disposition.

51 (10)~~(9)~~ "Funeral director" means a licensed funeral  
 52 director or direct disposer licensed pursuant to chapter 497 who

53 first assumes custody of or effects the final disposition of a  
 54 dead body or a fetus as described in subsection (8) ~~(7)~~.

55 Section 2. Subsection (9) of section 382.003, Florida  
 56 Statutes, is amended to read:

57 382.003 Powers and duties of the department.—The  
 58 department shall:

59 (9) Appoint one or more suitable persons to act as  
 60 subregistrars, who shall be authorized to produce and maintain  
 61 paper ~~receive~~ death certificates and fetal death certificates  
 62 and to issue burial-transit ~~burial~~ permits in and for such  
 63 portions of one or more districts as may be designated. A  
 64 subregistrar may be removed from office by the department for  
 65 neglect of or failure to perform his or her duty in accordance  
 66 with this chapter.

67 Section 3. Subsections (1) and (6) of section 382.006,  
 68 Florida Statutes, are amended, and subsection (7) is added to  
 69 that section, to read:

70 382.006 Burial-transit permit.—

71 (1) The funeral director who first assumes custody of a  
 72 dead body or fetus must obtain a burial-transit permit before  
 73 ~~prior to~~ final disposition and within 5 days after death. The  
 74 funeral director shall provide the electronic burial-transit  
 75 permit generated from the electronic death registration system  
 76 to the person in charge of the place of final disposition. ~~The~~  
 77 ~~application for a burial-transit permit must be signed by the~~  
 78 ~~funeral director and include the funeral director's license~~

79 ~~number. The funeral director must attest on the application that~~  
80 ~~he or she has contacted the physician's or medical examiner's~~  
81 ~~office and has received assurance that the physician or medical~~  
82 ~~examiner will provide medical certification of the cause of~~  
83 ~~death within 72 hours after receipt of the death certificate~~  
84 ~~from the funeral director.~~

85 (6) For manually filed paper death records, the  
86 subregistrar in the licensed funeral or direct disposal  
87 establishment is responsible for producing and maintaining death  
88 and fetal death certificates and burial-transit permits in  
89 accordance with this chapter. ~~Burial-transit permits filed with~~  
90 ~~the local registrar under the provisions of this chapter may be~~  
91 ~~destroyed after the expiration of 3 years from the date of~~  
92 ~~filing.~~

93 (7) The department may adopt rules to implement this  
94 section.

95 Section 4. Section 382.007, Florida Statutes, is amended  
96 to read:

97 382.007 Final dispositions prohibited without burial-  
98 transit permit; records of dead bodies disposed.—A person in  
99 charge of any premises on which final dispositions are made  
100 shall not inter or permit the interment or other disposition of  
101 any dead body unless it is accompanied by a burial-transit  
102 permit. ~~Any~~ Such person shall enter ~~endorse~~ upon the permit the  
103 date of final interment, ~~or other disposition,~~ ~~over his or her~~  
104 ~~signature, and shall return all permits so endorsed to the local~~

105 ~~registrar of the district where the place of final disposition~~  
 106 ~~is located within 10 days from the date of interment or other~~  
 107 ~~disposition.~~ He or she shall keep a record of all dead bodies  
 108 buried ~~interred~~ or otherwise disposed of on the premises under  
 109 his or her charge, in each case stating the name of each  
 110 deceased person, place of death, date of final ~~burial or other~~  
 111 disposition, and name and address of the funeral director which  
 112 record shall at all times be open to official inspection. The  
 113 burial-transit permit on file may satisfy this requirement. The  
 114 funeral director, when burying a dead body in a cemetery having  
 115 no person in charge, shall enter the date of final disposition  
 116 on sign the ~~burial-transit~~ permit, ~~giving the date of burial,~~  
 117 ~~and shall write across the face of the permit the words "No~~  
 118 ~~person in charge,"~~ on the permit, and keep the permit on file  
 119 for at least 3 years after the date of final disposition and  
 120 ~~file the permit within 10 days after burial with the local~~  
 121 ~~registrar of the district in which the cemetery is located.~~

122 Section 5. Subsection (1), paragraph (a) of subsection  
 123 (2), and paragraph (a) of subsection (3) of section 382.008,  
 124 Florida Statutes, are amended to read:

125 382.008 Death and fetal death registration.—

126 (1) A certificate for each death and fetal death which  
 127 occurs in this state shall be filed electronically on the  
 128 department electronic death registration system or on a form  
 129 prescribed by the department with the department or local  
 130 registrar of the district in which the death occurred within 5

131 days after such death and prior to final disposition, and shall  
132 be registered by the department ~~such registrar~~ if it has been  
133 completed and filed in accordance with this chapter or adopted  
134 rules. The certificate shall include the decedent's social  
135 security number, if available. In addition, each certificate of  
136 death or fetal death:

137 (a) If requested by the informant, shall include aliases  
138 or "also known as" (AKA) names of a decedent in addition to the  
139 decedent's name of record. Aliases shall be entered on the face  
140 of the death certificate in the space provided for name if there  
141 is sufficient space. ~~If there is not sufficient space, aliases~~  
142 ~~may be recorded on the back of the certificate and shall be~~  
143 ~~considered part of the official record of death;~~

144 (b) If the place of death is unknown, shall be registered  
145 in the registration district in which the dead body or fetus is  
146 found within 5 days after such occurrence; and

147 (c) If death occurs in a moving conveyance, shall be  
148 registered in the registration district in which the dead body  
149 was first removed from such conveyance.

150 (2) (a) The funeral director who first assumes custody of a  
151 dead body or fetus shall file the certificate of death or fetal  
152 death. In the absence of the funeral director, the physician or  
153 other person in attendance at or after the death or the district  
154 medical examiner of the county in which the death occurred or  
155 the body was found shall file the certificate of death or fetal  
156 death. The person who files the certificate shall obtain

157 | personal data from a legally authorized person as described in  
158 | s. 497.005 ~~the next of kin~~ or the best qualified person or  
159 | source available. The medical certification of cause of death  
160 | shall be furnished to the funeral director, either in person or  
161 | via certified mail or electronic transfer, by the physician or  
162 | medical examiner responsible for furnishing such information.  
163 | For fetal deaths, the physician, midwife, or hospital  
164 | administrator shall provide any medical or health information to  
165 | the funeral director within 72 hours after expulsion or  
166 | extraction.

167 |       (3) Within 72 hours after receipt of a death or fetal  
168 | death certificate from the funeral director, the medical  
169 | certification of cause of death shall be completed and made  
170 | available to the funeral director by the decedent's primary or  
171 | attending physician or, if s. 382.011 applies, the district  
172 | medical examiner of the county in which the death occurred or  
173 | the body was found. The primary or attending physician or  
174 | medical examiner shall certify over his or her signature the  
175 | cause of death to the best of his or her knowledge and belief.  
176 | As used in this section, the term "primary or attending  
177 | physician" means a physician who treated the decedent through  
178 | examination, medical advice, or medication during the 12 months  
179 | preceding the date of death.

180 |       (a) The department ~~local registrar~~ may grant the funeral  
181 | director an extension of time upon a good and sufficient showing  
182 | of any of the following conditions:

183 1. An autopsy is pending.

184 2. Toxicology, laboratory, or other diagnostic reports  
185 have not been completed.

186 3. The identity of the decedent is unknown and further  
187 investigation or identification is required.

188 Section 6. Subsection (9) of section 382.0085, Florida  
189 Statutes, is amended to read:

190 382.0085 Stillbirth registration.—

191 (9) This section or s. 382.002(16) ~~382.002(15)~~ may not be  
192 used to establish, bring, or support a civil cause of action  
193 seeking damages against any person or entity for bodily injury,  
194 personal injury, or wrongful death for a stillbirth.

195 Section 7. Subsection (3) of section 382.011, Florida  
196 Statutes, is amended to read:

197 382.011 Medical examiner determination of cause of death.—

198 (3) The funeral director shall retain the responsibility  
199 for preparation of the death or fetal death certificate,  
200 obtaining the necessary signatures, filing with the department  
201 ~~local registrar~~ in a timely manner, and arranging for final  
202 disposition of the body when ~~disposing of the remains when the~~  
203 ~~remains are~~ released by the medical examiner.

204 Section 8. Section 382.0135, Florida Statutes, is amended  
205 to read:

206 382.0135 Social security numbers; enumeration-at-birth  
207 program.—The department shall make arrangements with the United  
208 States Social Security Administration for electronic

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209 notification of deaths that occur in the state and to  
210 participate in the voluntary enumeration-at-birth program. The  
211 State Registrar is authorized to take any actions necessary to  
212 administer the program in this state, including modifying the  
213 procedures and forms used in the birth registration process.

214 Section 9. This act shall take effect July 1, 2015.