

CHAPTER 2012-186

Committee Substitute for House Bill No. 1351

An act relating to homeless youth; amending s. 382.002, F.S.; defining the term “certified homeless youth”; conforming a cross-reference; amending s. 382.0085, F.S.; conforming cross-references; amending s. 382.025, F.S.; providing that a minor who is a certified homeless youth or who has had the disabilities on nonage removed under specified provisions may obtain a certified copy of his or her birth certificate; creating s. 743.067, F.S.; providing that unaccompanied youths who are certified homeless youths 16 years of age or older who apply to a court to have the disabilities on nonage removed shall have court costs waived; requiring a court to advance such cases on the calendar; providing an effective date.

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

Section 1. Subsections (3) through (16) of section 382.002, Florida Statutes, are renumbered as subsections (4) through (17), respectively, a new subsection (3) is added to that section, and present subsections (7) and (8) of that section are amended, to read:

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

(3) “Certified homeless youth” means a minor who is a homeless child or youth, including an unaccompanied youth, as those terms are defined in 42 U.S.C. s. 11434a, and who has been certified as homeless or unaccompanied by:

(a) A school district homeless liaison;

(b) The director of an emergency shelter program funded by the United States Department of Housing and Urban Development, or the director’s designee; or

(c) The director of a runaway or homeless youth basic center or transitional living program funded by the United States Department of Health and Human Services, or the director’s designee.

(8)(7) “Final disposition” means the burial, interment, cremation, removal from the state, or other authorized disposition of a dead body or a fetus as described in subsection (7) (6). In the case of cremation, dispersion of ashes or cremation residue is considered to occur after final disposition; the cremation itself is considered final disposition.

(9)(8) “Funeral director” means a licensed funeral director or direct disposer licensed pursuant to chapter 497 or other person who first assumes custody of or effects the final disposition of a dead body or a fetus as described in subsection (7) (6).

Section 2. Subsection (9) of section 382.0085, Florida Statutes, is amended to read:

382.0085 Stillbirth registration.—

(9) This section or s. ~~382.002(15)~~ 382.002(14) may not be used to establish, bring, or support a civil cause of action seeking damages against any person or entity for bodily injury, personal injury, or wrongful death for a stillbirth.

Section 3. Paragraph (a) of subsection (1) of section 382.025, Florida Statutes, is amended to read:

382.025 Certified copies of vital records; confidentiality; research.—

(1) BIRTH RECORDS.—Except for birth records over 100 years old which are not under seal pursuant to court order, all birth records of this state shall be confidential and are exempt from the provisions of s. 119.07(1).

(a) Certified copies of the original birth certificate or a new or amended certificate, or affidavits thereof, are confidential and exempt from the provisions of s. 119.07(1) and, upon receipt of a request and payment of the fee prescribed in s. 382.0255, shall be issued only as authorized by the department and in the form prescribed by the department, and only:

1. To the registrant, if the registrant is of legal age, is a certified homeless youth, or is a minor who has had the disabilities of nonage removed under s. 743.01 or s. 743.015;

2. To the registrant's parent or guardian or other legal representative;

3. Upon receipt of the registrant's death certificate, to the registrant's spouse or to the registrant's child, grandchild, or sibling, if of legal age, or to the legal representative of any of such persons;

4. To any person if the birth record is over 100 years old and not under seal pursuant to court order;

5. To a law enforcement agency for official purposes;

6. To any agency of the state or the United States for official purposes upon approval of the department; or

7. Upon order of any court of competent jurisdiction.

Section 4. Section 743.067, Florida Statutes, is created to read:

743.067 Unaccompanied youths.—An unaccompanied youth, as defined in 42 U.S.C. s. 11434a, who is also a certified homeless youth, as defined in s. 382.002, and who is 16 years of age or older may petition the circuit court to have the disabilities of nonage removed under s. 743.015. The youth shall

qualify as a person not required to prepay costs and fees as provided in s. 57.081. The court shall advance the cause on the calendar.

Section 5. This act shall take effect July 1, 2012.

Approved by the Governor April 27, 2012.

Filed in Office Secretary of State April 27, 2012.