

## CHAPTER 2015-105

### Committee Substitute for House Bill No. 243

An act relating to vital statistics; amending s. 382.002, F.S.; providing and revising definitions; amending s. 382.003, F.S.; requiring the Department of Health to produce and maintain paper death certificates and fetal death certificates and issue burial-transit permits; amending s. 382.006, F.S.; providing responsibility of a funeral director for provision of electronic burial-transit permits or manually produced permits; providing responsibility of the subregistrar for manually filed paper death records; authorizing the department to adopt rules; amending s. 382.007, F.S.; revising provisions relating to records of final dispositions of dead bodies; requiring maintenance of records for a specified period; amending s. 382.008, F.S.; requiring electronic filing of death and fetal death certificates with the department or local registrar; authorizing certain legally authorized persons to provide personal data about the deceased; authorizing the department, rather than the local registrar, to grant an extension of time for providing certain information regarding a fetal death; amending s. 382.0085, F.S.; conforming a cross-reference; amending s. 382.011, F.S.; requiring a funeral director to file a death or fetal death certificate with the department, rather than with the local registrar; amending s. 382.0135, F.S.; requiring the department to electronically notify the United States Social Security Administration of deaths in the state; providing an effective date.

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

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

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

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

~~(9)(8)~~ “Final disposition” means the burial, interment, entombment, cremation, removal from the state, anatomical donation, or other authorized disposition of a dead body or a fetus as described in subsection ~~(8)~~ ~~(7)~~. 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. In the case of anatomical donation of a dead body, the donation itself is considered final disposition.

~~(10)(9)~~ “Funeral director” means a licensed funeral director or direct disposer licensed pursuant to chapter 497 who first assumes custody of or

effects the final disposition of a dead body or a fetus as described in subsection (8) (7).

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

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

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

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

382.006 Burial-transit permit.—

(1) The funeral director who first assumes custody of a dead body or fetus must obtain a burial-transit permit before ~~prior to~~ final disposition and within 5 days after death. The funeral director shall provide the electronic burial-transit permit generated from the electronic death registration system, or a manually produced permit, to the person in charge of the place of final disposition. ~~The application for a burial-transit permit must be signed by the funeral director and include the funeral director's license number. The funeral director must attest on the application that he or she has contacted the physician's or medical examiner's office and has received assurance that the physician or medical examiner will provide medical certification of the cause of death within 72 hours after receipt of the death certificate from the funeral director.~~

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

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

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

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

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

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

382.008 Death and fetal death registration.—

(1) A certificate for each death and fetal death which occurs in this state shall be filed electronically on the department electronic death registration system or on a form prescribed by the department with the department or local registrar of the district in which the death occurred within 5 days after such death and prior to final disposition, and shall be registered by the department such registrar if it has been completed and filed in accordance with this chapter or adopted rules. The certificate shall include the decedent’s social security number, if available. In addition, each certificate of death or fetal death:

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

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

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

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

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

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

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

1. An autopsy is pending.
2. Toxicology, laboratory, or other diagnostic reports have not been completed.
3. The identity of the decedent is unknown and further investigation or identification is required.

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

382.0085 Stillbirth registration.—

(9) This section or s. ~~382.002(16)~~ 382.002(15) 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 7. Subsection (3) of section 382.011, Florida Statutes, is amended to read:

382.011 Medical examiner determination of cause of death.—

(3) The funeral director shall retain the responsibility for preparation of the death or fetal death certificate, obtaining the necessary signatures, filing with the ~~department local registrar~~ in a timely manner, and arranging for

final disposition of the body when disposing of the remains when the remains are released by the medical examiner.

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

382.0135 Social security numbers; enumeration-at-birth program.—The department shall make arrangements with the United States Social Security Administration for electronic notification of deaths that occur in the state and to participate in the voluntary enumeration-at-birth program. The State Registrar is authorized to take any actions necessary to administer the program in this state, including modifying the procedures and forms used in the birth registration process.

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

Approved by the Governor June 10, 2015.

Filed in Office Secretary of State June 10, 2015.