

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 243 Vital Statistics

SPONSOR(S): Roberson

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Health Quality Subcommittee		Castagna	O'Callaghan
2) Health Care Appropriations Subcommittee			
3) Health & Human Services Committee			

SUMMARY ANALYSIS

In September of 2012, the Department of Health's (DOH) Bureau of Vital Statistics fully implemented an Electronic Death Registration System (EDRS). The EDRS enables death certificates to be completed and submitted electronically. HB 243 updates ch. 382, F.S., the Vital Statistics Act (Act), to include DOH's EDRS processes and authorizes DOH to perform certain tasks related to death registration and final disposition of deceased persons. In addition, the bill updates the Act to reflect the use of the EDRS to generate and maintain burial-transit permits, and report deaths by:

- Specifying that burial-transit permits will be generated electronically from the EDRS and removing certain application processes for paper permits;
- Specifying that when a paper death certificate or burial-transit permit is filed, a subregistrar is responsible for producing and maintaining such documents;
- Removing the requirement that a burial-transit permit be submitted to the local registrar by a person in charge of the premises where a final disposition takes place;
- Removing the requirement for a local registrar to keep the burial-transit permit on file for 3 years;
- Authorizing the use of the EDRS to electronically register a death or fetal death certificate;
- Allowing a burial-transit permit on file to satisfy certain record keeping requirements;
- Requiring a funeral director, who buries a dead body in a cemetery where no one is in charge to keep the burial-transit permit on file for 3 years instead of filing it with the local registrar;
- Requiring electronic notification of deaths to the Social Security Administration through the EDRS; and
- Removing a provision that allows alias information to be reported on the back of a paper death certificate.

The bill also makes additional changes related to death certificate registrations and final dispositions by:

- Clarifying who can provide personal information about a decedent for the completion of a death certificate;
- Including entombment in the definition of final disposition; and
- Defining burial-transit permit;

The bill provides DOH with specific rulemaking authority.

The bill has minimal positive fiscal impact on DOH and no fiscal impact on local government.

The bill provides an effective date of July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Bureau of Vital Statistics

The Florida Vital Statistics Act¹ authorizes the Department of Health (DOH) to establish the Bureau of Vital Statistics (Bureau), which is responsible for the uniform and efficient registration, compilation, storage, and preservation of all vital records in Florida.² Vital records are certificates or reports of birth, death, fetal death, marriage, dissolution of marriage, or name change. The Bureau is required to:

- Uniformly enforce the law throughout the state.
- Establish registration districts throughout the state, which districts may be consolidated or subdivided to facilitate registration.
- Appoint a local registrar of vital statistics for each registration district in the state.
- Procure the complete registration of all vital records in each registration district and in the Bureau.
- Investigate cases of irregularity or violation of law and, when necessary, report cases of violations to the state attorney in the registration district in which the violation occurs.
- Approve all forms used in registering, recording, certifying, and preserving vital records.
- Prepare and publish an annual report of vital statistics.
- Appoint one or more suitable persons to act as subregistrars, who are authorized to receive death certificates and fetal death certificates and to issue burial-transit permits.
- Accept, use, and produce all records, reports, and documents necessary in paper or electronic form, and adopt and enforce all rules necessary for the acceptance, use, production, issuance, recording, maintenance, and processing of such records, reports, and documents.
- By rule require that forms, documents, and information submitted to DOH in the creation or amendment of a vital record be under oath.³

The Bureau is under the direction of a state registrar to ensure uniform and efficient compilation and storage of all vital records in the state. Each county has a local registrar of vital statistics at the local county health department (CHD). Subregistrars are located in funeral homes or medical examiner offices and are appointed as an extension of the local registrar to ensure compliance with the processes in ch. 382, F.S.⁴

Registration of Deaths

Death Certificates

Section 382.008, F.S., sets forth the requirements for certificates of death. A certificate of death is required to be filed with the Bureau within 5 days of the death and prior to final disposition. Final disposition means the burial, interment, cremation, removal from the state, or other authorized disposition of a dead body.⁵

¹ Chapter 382, F.S.

² Section 382.003, F.S.

³ *Id.*

⁴ Florida Dep't of Health, Bureau of Vital Statistics, *Vital Registration Handbook 2014*, available at www.floridahealth.gov/certificates/documents/HB2013.pdf (last accessed January 23, 2015).

⁵ Section 382.002(9), F.S.

The registration of the death certificate is the responsibility of the funeral director or direct disposer⁶ who first assumes custody of a decedent. In the absence of a funeral director, the physician or other person in attendance at or after the death is required to file the certificate of death or fetal death. The person completing the death certificate must obtain the decedent's personal data from a family member. The physician must, within 72 hours after a death, certify the cause of death and make the certification available to the funeral director. The medical certification is completed by the physician in charge of the decedent's care for the illness or condition which resulted in death, the physician in attendance at the time of death or immediately before or after such death,⁷ or the medical examiner if a cause of death determination is required.⁸ Once medical certification is complete, the certificate is submitted to the Bureau via the Electronic Death Registration System (EDRS), or local registrar. Local registrars are currently authorized by law to issue extensions for death certificate registrations.⁹

Electronic Death Registration System

As of September 2012, the Bureau uses the EDRS to register deaths in Florida. Almost all death certificates are registered using the EDRS. In 2014, death certificates filed through the EDRS accounted for 99.6 percent of the total 187,856 certificates filed.¹⁰ The EDRS allows funeral directors and physicians to complete and certify death certificates online through a secure internet site. Funeral directors electronically enter the demographic information on the decedent, send that information to the certifying physician in electronic format if they are an online user, or via facsimile, and once medical certification is complete, the funeral director or physician electronically certifies the death certificate to the Bureau.¹¹ Before the EDRS, the process of registering and recording a death was a laborious paper process, requiring travel to and from physicians' offices and the local CHD. Death certificates had to pass through multiple units within the county and state offices.¹²

The EDRS is synched with Social Security Administration (SSA) databases for verification of social security information of decedents. When a death occurs, the SSA is notified electronically through the EDRS. Prior to the implementation of the EDRS, a funeral director or person in charge of completing the death certificate submitted forms to the local Social Security Office for reporting purposes.

Paper Filing of Records

Although almost all deaths are registered electronically, the paper filing processes are used during EDRS technical problems, for fetal deaths, and for funeral homes that are not connected to the EDRS.¹³ Prior to the Bureau's implementation of the EDRS, local registrars oversaw the paper death registration process in each county. Currently, local registrars still receive and submit paper death certificates to the Bureau.

Final Disposition

Burial-Transit Permit

⁶ "Funeral director" is a licensed funeral director or direct disposer licensed pursuant to ch. 497, F.S., or other person who first assumes custody of or effects the final disposition of a dead body. Section 382.002(9), F.S.

⁷ Section 382.008, F.S.

⁸ Section 382.011, F.S.

⁹ Section 382.008(4), F.S.

¹⁰ The EDRS is not used for fetal deaths and only 20 funeral homes in Florida do not have EDRS access, requiring the use of the manual, paper death certificate process. Email correspondence with Florida Dep't of Health State Deputy Registrar Ken Jones on January 29, 2015 (on file with committee staff).

¹¹ Florida Dep't of Health, Bureau of Vital Statistics, *Vital Registration Handbook 2014, Ch. 4: Registration of Deaths*, available at www.floridahealth.gov/certificates/documents/HB2013.pdf (last accessed January 23, 2015).

¹² Florida Dep't of Health, *Electronic Death Registration*, available at <http://www.floridahealth.gov/certificates/certificates/EDRS/index.html> (last accessed January 29, 2015).

¹³ See *supra* note 10.

A burial-transit permit (permit) is required to ensure compliance with death registration rules and guidelines and to grant permission for final disposition. A permit is generated from the EDRS, or manually produced by local registrars or subregistrars. The funeral director or direct disposer, or whoever first assumes custody of a body, is responsible for completion of the permit.¹⁴ The funeral director or direct disposer must have the permit in his or her possession before final disposition of the decedent is authorized, and the permit must accompany the body to the place of final disposition. If the body is transported outside the state, the permit is required to accompany the body to its destination.¹⁵ Section 382.007, F.S., requires a copy of the permit to be filed with the local registrar in the county that the cemetery is located within 10 days of final disposition.

The direct disposer must keep a record of all bodies disposed. In the event that a decedent is buried by a funeral director in a cemetery with no person in charge, he or she must enter the date of final disposition and note on the permit that no person in charge was present.

Effect of Proposed Changes

The bill updates ch. 382, F.S., the Vital Statistics Act (Act), to reflect the use of the Electronic Death Registration System (EDRS) to complete and submit death certificates, generate burial-transit permits, and report deaths.

Death Certificates

The bill authorizes in s. 382.008(1), F.S., the use of EDRS to electronically register a death or fetal death certificate. It also removes a provision from s. 382.008(1)(a), F.S., that allows alias information to be reported on the back of a paper death certificate.

Currently, the person responsible for completing a death certificate must acquire personal data from the “next of kin” of the decedent. The bill clarifies in s. 382.008(2)(a), F.S., who is authorized to provide such information by referencing s. 497.005, F.S., in the Funeral, Cemetery, and Consumer Services Act, which lists:

- The decedent, if directions are provided on a will;
- The person designated by the decedent on the United States Department of Defense Record of Emergency Data, if the decedent died while in military service;
- The surviving spouse; unless the spouse has been arrested for committing an act of violence against the decedent;
- The son or daughter who is 18 or older;
- A parent;
- A brother or sister who is 18 or older;
- A grandparent; or
- Any person in the next degree of kinship.

Burial-Transit Permit

The bill updates the Act to reflect the use of electronic burial-transit permits (permits) by:

- Requiring in s. 382.006(1), F.S., that electronic permits be provided to the person in charge of final disposition and removing certain application processes for paper permits;
- Removing the requirement in s. 382.007, F.S., that a person in charge of the premises where a final disposition takes place must submit the permit to the local registrar;
- Removing the requirement in s. 382.006(6), F.S., for a local registrar to keep the permit on file for 3 years;

¹⁴ Florida Dep’t of Health, Bureau of Vital Statistics, *Vital Registration Handbook 2014, Ch. 6: The Burial-Transit Permit* available at www.floridahealth.gov/certificates/documents/HB2013.pdf (last accessed January 27, 2015).

¹⁵ Section 382.006(4), F.S.

- Allowing in s. 382.007, F.S., a permit on file to satisfy certain record keeping requirements for premises where a final disposition takes place;
- Requiring in s. 382.007, F.S., a funeral director who buries a dead body in a cemetery where no one is in charge to keep the permit on file for 3 years instead of filing it with the local registrar;
- Specifying in s. 382.003(9), F.S., and s. 382.006(6), F.S., that when a paper death certificate or permit is filed, a subregistrar is responsible for producing and maintaining such documents; and
- Defining “burial-transit permit” in s. 382.002, F.S., and adding “entombment” to the definition of final disposition in s. 382.002(9), F.S.

Notification of Deaths

The bill requires in s. 382.0135, F.S., the Social Security Administration to be notified electronically of deaths through the EDRS.

The bill provides an effective date of July 1, 2015.

B. SECTION DIRECTORY:

Section 1. Amends s. 382.002, F.S., relating to definitions.

Section 2. Amends s. 382.003, F.S., relating to powers and duties of the Department of Health.

Section 3. Amends s. 382.006, F.S., relating to burial-transit permits.

Section 4. Amends s. 382.007, F.S., relating to final dispositions prohibited without burial-transit permit; records of dead bodies disposed.

Section 5. Amends s. 328.008, F.S., relating to death and fetal death registration.

Section 6. Amends s. 382.0085, F.S., relating to stillbirth registration.

Section 7. Amends s. 382.011, F.S., relating to medical examiner determination of cause of death.

Section 8. Amends s. 382.0135, F.S., relating to social security numbers; enumeration at birth program.

Section 9. Provides an effective date of July 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

To the extent funeral establishments will file electronic death certificates, there will be nominal cost-savings for CHDs associated with no longer printing and storing paper permits.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill grants the Department of Health rulemaking authority to implement the burial-transit permit process.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES