

By the Committee on Law Enforcement & Public Safety and
 Representatives Roberts-Burke, Casey, Chestnut and Smith

1 A bill to be entitled
 2 An act relating to medical examiners; amending
 3 s. 406.06, F.S.; specifying certain
 4 circumstances under which a medical examiner
 5 may be suspended; amending s. 406.075, F.S.;
 6 providing additional disciplinary measures and
 7 grounds for discipline applicable to medical
 8 examiners; amending s. 406.11, F.S.;
 9 restricting to certain purposes the
 10 examinations, investigations, and autopsies
 11 medical examiners are required or authorized to
 12 make or have performed; requiring notification
 13 of and approval by next of kin for a medical
 14 examiner to retain or furnish any body part of
 15 a deceased person for research or certain other
 16 purposes; providing for adoption of rules to
 17 incorporate by reference parameters or
 18 guidelines of practice or standards of conduct
 19 relating to examinations, investigations, and
 20 autopsies performed by medical examiners;
 21 providing an effective date.

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

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 25 Section 1. Subsections (6) and (7) are added to
 26 section 406.06, Florida Statutes, to read:

27 406.06 District medical examiners; associates.--

28 (6) The Governor may suspend a medical examiner for
 29 violation of s. 406.11(2)(b).

30 (7) The Medical Examiners Commission may temporarily
 31 suspend a medical examiner who is unable to carry out the

1 duties of a medical examiner by reason of the use of alcohol,
2 drugs, narcotics, chemicals, or any other type of material.
3 The commission shall reinstate the medical examiner if the
4 medical examiner shows the commission that he or she is under
5 appropriate treatment or in an appropriate program addressing
6 the use of alcohol, drugs, narcotics, chemicals, or any other
7 type of material and is again capable of carrying out the
8 duties of a medical examiner.

9 Section 2. Subsection (1) of section 406.075, Florida
10 Statutes, is amended to read:

11 406.075 Grounds for discipline; disciplinary
12 proceedings.--

13 (1) A ~~district or associate~~ medical examiner may be
14 reprimanded, placed on a period of probation, removed, or
15 suspended by the Medical Examiners Commission for any of the
16 following:

17 (a) Failure to comply with the provisions of this
18 chapter or with the rules of the commission.

19 (b) Misuse or misappropriation of public funds or
20 property.

21 (c) Being convicted or found guilty, regardless of
22 adjudication, of a crime in any jurisdiction which directly
23 relates to the duties of the district medical examiner or the
24 ability to perform the duties of the medical examiner.

25 (d) Disciplinary action against him or her by any
26 state board licensing him or her as a physician.

27 (e) Having a financial interest in any funeral or
28 direct disposal establishment or transportation service which
29 does business, directly or indirectly, with the office of the
30 district medical examiner.

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1 (f) A material misrepresentation of his or her
2 education, training, experience, or expertise while in his or
3 her capacity as a medical examiner.

4 (g) A material misrepresentation of data upon which an
5 opinion or conclusion as a medical examiner is based.

6 (h) Violation of s. 406.11(2)(b).

7 (i) Negligence or the failure to perform the duties
8 required of a medical examiner with that level of care or
9 skill which is recognized by reasonably prudent medical
10 examiners as being acceptable under similar conditions and
11 circumstances.

12 Section 3. Section 406.11, Florida Statutes, is
13 amended to read:

14 406.11 Examinations, investigations, and autopsies.--

15 (1) In any of the following circumstances involving
16 the death of a human being, the medical examiner of the
17 district in which the death occurred or the body was found
18 shall determine the cause of death and shall, for that
19 purpose, make or have performed such examinations,
20 investigations, and autopsies as he or she shall deem
21 necessary or as shall be requested by the state attorney:

22 (a) When any person dies in the state:

- 23 1. Of criminal violence.
- 24 2. By accident.
- 25 3. By suicide.
- 26 4. Suddenly, when in apparent good health.
- 27 5. Unattended by a practicing physician or other
28 recognized practitioner.
- 29 6. In any prison or penal institution.
- 30 7. In police custody.
- 31 8. In any suspicious or unusual circumstance.

- 1 9. By criminal abortion.
- 2 10. By poison.
- 3 11. By disease constituting a threat to public health.
- 4 12. By disease, injury, or toxic agent resulting from
5 employment.
- 6 (b) When a dead body is brought into the state without
7 proper medical certification.
- 8 (c) When a body is to be cremated, dissected, or
9 buried at sea.
- 10 (2)(a) The district medical examiner shall have the
11 authority in any case coming under subsection (1)~~any of the~~
12 ~~above categories~~ to perform, or have performed, whatever
13 autopsies or laboratory examinations he or she deems necessary
14 and in the public interest to determine the identification of
15 or cause or manner of death of the deceased or to obtain
16 evidence necessary for forensic examination.
- 17 (b) The Medical Examiners Commission shall adopt
18 ~~promulgate~~ rules, pursuant to chapter 120, providing for the
19 notification of the next of kin that an investigation by the
20 medical examiner's office is being conducted. A medical
21 examiner may not retain or furnish any body part of the
22 deceased for research or any other purpose which is not in
23 conjunction with a determination of the identification of or
24 cause or manner of death of the deceased or the presence of
25 disease or which is not otherwise authorized by this chapter,
26 part X of chapter 732, or chapter 873, without notification of
27 and approval by the next of kin.
- 28 (3) The Medical Examiners Commission may adopt rules
29 incorporating by reference parameters or guidelines of
30 practice or standards of conduct relating to examinations,
31 investigations, or autopsies performed by medical examiners.

1 Section 4. This act shall take effect July 1 of the
2 year in which enacted.
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