

By Senators Kirkpatrick, Holzendorf, Brown-Waite, Williams,  
Gutman and Crist

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A bill to be entitled  
An act relating to medical examiners; amending  
s. 406.06, F.S.; providing additional grounds  
for the suspension of medical examiners;  
amending s. 406.075, F.S.; providing penalties  
for disciplinary violations; amending s.  
406.11, F.S.; specifying medical examiners'  
duties regarding autopsies; providing an  
effective date.

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

Section 1. Subsections (6) and (7) are added to  
section 406.06, Florida Statutes, to read:  
406.06 District medical examiners; associates.--  
(6) The Governor may suspend a medical examiner for a  
violation of s. 406.11(2)(b).  
(7) The Medical Examiners Commission may temporarily  
suspend a medical examiner who is unable to carry out the  
duties of a medical examiner by reason of the use of alcohol,  
drugs, narcotics, chemicals, or any other type of material.  
The commission shall reinstate the medical examiner if the  
medical examiner shows the commission that he or she is under  
appropriate treatment or in an appropriate program addressing  
the use of alcohol, drugs, narcotics, chemicals, or any other  
type of material and is again capable of carrying out the  
duties of a medical examiner.

Section 2. Subsection (1) of section 406.075, Florida  
Statutes, is amended to read:  
406.075 Grounds for discipline; disciplinary  
proceedings.--

1           (1) A ~~district or associate~~ medical examiner may be  
2 reprimanded, placed on probation, removed, or suspended by the  
3 Medical Examiners Commission for any of the following:

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

6           (b) Misuse or misappropriation of public funds or  
7 property.

8           (c) Being convicted or found guilty, regardless of  
9 adjudication, of a crime in any jurisdiction which directly  
10 relates to the duties of the district medical examiner or the  
11 ability to perform the duties of the medical examiner.

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

14           (e) Having a financial interest in any funeral or  
15 direct disposal establishment or transportation service which  
16 does business, directly or indirectly, with the office of the  
17 district medical examiner.

18           (f) A material misrepresentation of his or her  
19 education, training, experience, or expertise while in his or  
20 her capacity as a medical examiner.

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

23           (h) A violation of s. 406.11(2)(b).

24           (i) Negligence or failure to perform his or her  
25 professional duties with the level of care and skill of a  
26 reasonably prudent medical examiner under similar conditions  
27 and circumstances.

28           Section 3. Section 406.11, Florida Statutes, is  
29 amended to read:

30           406.11 Examinations, investigations, and autopsies.--

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1           (1) In any of the following circumstances involving  
2 the death of a human being, the medical examiner of the  
3 district in which the death occurred or the body was found  
4 shall determine the cause of death and shall, for that  
5 purpose, make or have performed such examinations,  
6 investigations, and autopsies as he or she shall deem  
7 necessary or as shall be requested by the state attorney:

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

- 9           1. Of criminal violence.  
10           2. By accident.  
11           3. By suicide.  
12           4. Suddenly, when in apparent good health.  
13           5. Unattended by a practicing physician or other  
14 recognized practitioner.  
15           6. In any prison or penal institution.  
16           7. In police custody.  
17           8. In any suspicious or unusual circumstance.  
18           9. By criminal abortion.  
19           10. By poison.  
20           11. By disease constituting a threat to public health.  
21           12. By disease, injury, or toxic agent resulting from  
22 employment.

23           (b) When a dead body is brought into the state without  
24 proper medical certification.

25           (c) When a body is to be cremated, dissected, or  
26 buried at sea.

27           (2)(a) The district medical examiner shall have the  
28 authority in any case coming under subsection (1) ~~any of the~~  
29 ~~above categories~~ to perform, or have performed, whatever  
30 autopsies or laboratory examinations he or she deems necessary  
31 and in the public interest to identify the deceased, to

1 determine the cause of death of the deceased, or to obtain  
2 evidence required for forensic examination.

3 (b) The Medical Examiners Commission shall adopt  
4 ~~promulgate~~ rules, pursuant to chapter 120, providing for the  
5 notification of the next of kin that an investigation by the  
6 medical examiner's office is being conducted. A medical  
7 examiner may not retain or furnish any body part of a deceased  
8 person for research or other purposes that are not in  
9 conjunction with a determination of the identity of the  
10 deceased, the cause or manner of death, or the presence of  
11 disease, or as provided in chapter 873, or part X of chapter  
12 732, or chapter 406, without notification and approval of the  
13 next of kin.

14 (3) The Medical Examiners Commission may adopt rules  
15 incorporating by reference practice parameters or guidelines  
16 or standards of conduct relating to investigations or the  
17 performance of autopsies.

18 Section 4. This act shall take effect July 1, 1998.

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21 SENATE SUMMARY

22 Revises provisions related to medical examiners. Provides  
23 additional grounds for their suspension and provides  
24 additional penalties that may be imposed for disciplinary  
25 violations. Specifies medical examiner duties regarding  
26 autopsies.  
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