

By the Committee on Criminal Justice and 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 or manner of death of the deceased, or to
2 obtain 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 without notification and
9 approval of the next of kin. A medical examiner may retain or
10 furnish any body part of a deceased person in conjunction with
11 any criminal matter or preservation of forensic evidence or a
12 determination of the identity of the deceased, the cause or
13 manner of death, or the presence of disease, or as provided in
14 chapter 873, or part X of chapter 732, or chapter 406, without
15 notification and approval of the next of kin.

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

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

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22 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
23 COMMITTEE SUBSTITUTE FOR
24 Senate Bill 562

- 25 . Allows a medical examiner to make a determination on a
26 deceased's "manner of death."
27 . Allows a medical examiner to retain or furnish body parts
28 for "any criminal matter or preservation of forensic
29 evidence."
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