

By Representative Hafner

1 A bill to be entitled
2 An act relating to medical examiners; amending
3 s. 406.11, F.S.; authorizing medical examiners
4 to obtain records necessary for their
5 investigations of deaths; amending s. 406.12,
6 F.S.; specifying certain medical information or
7 other records pertinent to death investigations
8 that must be reported to the medical examiner;
9 providing that documents or records made
10 confidential by statute do not lose such status
11 upon receipt by the medical examiner; providing
12 immunity from civil liability for persons who
13 provide such information to the medical
14 examiner; providing an effective date.

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

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18 Section 1. Section 406.11, Florida Statutes, is
19 amended to read:

20 406.11 Examinations, investigations, and autopsies.--

21 (1) In any of the following circumstances involving
22 the death of a human being, the medical examiner of the
23 district in which the death occurred or the body was found
24 shall determine the cause of death and shall make or have
25 performed such examinations, investigations, and autopsies as
26 he or she determines ~~shall deem~~ necessary or as are ~~shall be~~
27 requested by the state attorney:

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

- 29 1. Of criminal violence.
30 2. By accident.
31 3. By suicide.

- 1 4. Suddenly, when in apparent good health.
2 5. Unattended by a practicing physician or other
3 recognized practitioner.
4 6. In any prison or penal institution.
5 7. In police custody.
6 8. In any suspicious or unusual circumstance.
7 9. By criminal abortion.
8 10. By poison.
9 11. By disease constituting a threat to public health.
10 12. By disease, injury, or toxic agent resulting from
11 employment.
- 12 (b) When a dead body is brought into the state without
13 proper medical certification.
- 14 (c) When a body is to be cremated, dissected, or
15 buried at sea.
- 16 (2)(a) The district medical examiner ~~shall have the~~
17 ~~authority~~ in any case coming under any of the above categories
18 <U>may to perform, or have performed, whatever autopsies or
19 laboratory examinations he or she determines ~~deems~~ necessary
20 in the public interest and to obtain records he or she
21 determines necessary to the investigation.
- 22 (b) The Medical Examiners Commission shall promulgate
23 rules, pursuant to chapter 120, providing for the notification
24 of the next of kin that an investigation by the medical
25 examiner's office is being conducted.
- 26 Section 2. Section 406.12, Florida Statutes, is
27 amended to read:
- 28 406.12 Duty to report; prohibited acts.--It is the
29 duty of any person in the district where a death occurs,
30 including all municipalities and unincorporated and federal
31 areas, who becomes aware of the death of any person occurring

1 under the circumstances described in s. 406.11 to report such
2 death and circumstances forthwith to the district medical
3 examiner. Any person who knowingly fails or refuses to report
4 such death and circumstances, who refuses to make available
5 prior medical or other information pertinent to the death
6 investigation, including, but not limited to, medical records,
7 hospital records, dental records, nursing home records,
8 at-home nursing care records, psychiatric records, sexually
9 transmitted disease records, emergency medical services
10 records, and other records of health care or treatment whether
11 or not such records are elsewhere declared to be privileged or
12 confidential, or who, without an order from the office of the
13 district medical examiner, willfully touches, removes, or
14 disturbs the body, clothing, or any article upon or near the
15 body, with the intent to alter the evidence or circumstances
16 surrounding the death, shall be guilty of a misdemeanor of the
17 first degree, punishable as provided in s. 775.082 or s.
18 775.083. Documents or records made confidential by statute do
19 not lose such status upon receipt by the medical examiner. A
20 person who provides privileged or confidential records or
21 information to the medical examiner pursuant to this chapter
22 is immune from civil liability arising out of the provision of
23 such records or information.

24 Section 3. This act shall take effect July 1, 1997.
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SENATE SUMMARY

Provides that a medical examiner may, in investigating a death, obtain records necessary to the investigation. Specifies certain records relating to a death investigation which must be reported to the medical examiner. Provides that documents or records made confidential by statute do not lose such status upon receipt by the medical examiner. A person who provides privileged or confidential records or information to the medical examiner is immune from civil liability arising out of provision of such information.