

By Senator Smith

14-332-03

1 A bill to be entitled
2 An act relating to autopsies; amending s.
3 406.135, F.S.; providing for survivors of
4 deceased persons to designate agents to view or
5 obtain autopsy records from medical examiners;
6 providing an effective date.

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

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10 Section 1. Subsection (1) of section 406.135, Florida
11 Statutes, is amended to read:

12 406.135 Autopsies; confidentiality of photographs and
13 video and audio recordings; exemption.--

14 (1) A photograph or video or audio recording of an
15 autopsy in the custody of a medical examiner is confidential
16 and exempt from the requirements of s. 119.07(1) and s. 24(a),
17 Art. I of the State Constitution, except that a surviving
18 spouse may view and copy a photograph or video or listen to or
19 copy an audio recording of the deceased spouse's autopsy. If
20 there is no surviving spouse, then the surviving parents shall
21 have access to such records. If there is no surviving spouse
22 or parent, then an adult child shall have access to such
23 records. However, any survivor may designate an agent to
24 obtain such records. A local governmental entity, or a state
25 or federal agency, in furtherance of its official duties,
26 pursuant to a written request, may view or copy a photograph
27 or video or may listen to or copy an audio recording of an
28 autopsy, and unless otherwise required in the performance of
29 their duties, the identity of the deceased shall remain
30 confidential and exempt. The custodian of the record, or his
31 or her designee, may not permit any other person, except an

1 agent designated in writing by a survivor,to view or copy
2 such photograph or video recording or listen to or copy an
3 audio recording without a court order. For the purposes of
4 this section, the term "medical examiner" means any district
5 medical examiner, associate medical examiner, or substitute
6 medical examiner acting pursuant to this chapter, as well as
7 any employee, deputy, or agent of a medical examiner or any
8 other person who may obtain possession of a photograph or
9 audio or video recording of an autopsy in the course of
10 assisting a medical examiner in the performance of his or her
11 official duties.

12 Section 2. This act shall take effect July 1, 2003.

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15 SENATE SUMMARY

16 Allows survivors to designate an agent to view or obtain
17 autopsy records from a medical examiner.

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