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The Committee on State Administration recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to autopsies; amending s. 406.135, F.S.; providing for certain survivors of deceased persons to designate agents to view or obtain autopsy records from medical examiners; providing an effective date.

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

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

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

(1) A photograph or video or audio recording of an autopsy in the custody of a medical examiner is confidential and exempt from the requirements of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except that a surviving spouse may view and copy a photograph or video or listen to or copy an audio recording of the deceased spouse's autopsy. If there is no



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29 surviving spouse, then the surviving parents shall have access
30 to such records. If there is no surviving spouse or parent, then
31 an adult child shall have access to such records. However, the
32 deceased's surviving relative, with whom authority rests to
33 obtain such records, may designate in writing an agent to obtain
34 such records. A local governmental entity, or a state or
35 federal agency, in furtherance of its official duties, pursuant
36 to a written request, may view or copy a photograph or video or
37 may listen to or copy an audio recording of an autopsy, and
38 unless otherwise required in the performance of their duties,
39 the identity of the deceased shall remain confidential and
40 exempt. The custodian of the record, or his or her designee, may
41 not permit any other person, except an agent designated in
42 writing by the deceased's surviving relative with whom authority
43 rests to obtain such records, to view or copy such photograph or
44 video recording or listen to or copy an audio recording without
45 a court order. For the purposes of this section, the term
46 "medical examiner" means any district medical examiner,
47 associate medical examiner, or substitute medical examiner
48 acting pursuant to this chapter, as well as any employee,
49 deputy, or agent of a medical examiner or any other person who
50 may obtain possession of a photograph or audio or video
51 recording of an autopsy in the course of assisting a medical
52 examiner in the performance of his or her official duties.

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