



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

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

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

11 406.135 Autopsies; confidentiality of photographs and
12 video and audio recordings; exemption.--

13 (1) A photograph or video or audio recording of an autopsy
14 in the custody of a medical examiner is confidential and exempt
15 from the requirements of s. 119.07(1) and s. 24(a), Art. I of
16 the State Constitution, except that a surviving spouse may view
17 and copy a photograph or video or listen to or copy an audio
18 recording of the deceased spouse's autopsy. If there is no
19 surviving spouse, then the surviving parents shall have access
20 to such records. If there is no surviving spouse or parent, then
21 an adult child shall have access to such records. However, the
22 deceased's surviving relative, with whom authority rests to
23 obtain such records, may designate in writing an agent to obtain
24 such records. A local governmental entity, or a state or
25 federal agency, in furtherance of its official duties, pursuant
26 to a written request, may view or copy a photograph or video or
27 may listen to or copy an audio recording of an autopsy, and
28 unless otherwise required in the performance of their duties,



29 | the identity of the deceased shall remain confidential and
30 | exempt. The custodian of the record, or his or her designee, may
31 | not permit any other person, except an agent designated in
32 | writing by the deceased's surviving relative with whom authority
33 | rests to obtain such records, to view or copy such photograph or
34 | video recording or listen to or copy an audio recording without
35 | a court order. For the purposes of this section, the term
36 | "medical examiner" means any district medical examiner,
37 | associate medical examiner, or substitute medical examiner
38 | acting pursuant to this chapter, as well as any employee,
39 | deputy, or agent of a medical examiner or any other person who
40 | may obtain possession of a photograph or audio or video
41 | recording of an autopsy in the course of assisting a medical
42 | examiner in the performance of his or her official duties.

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