

By Senator Garcia

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A bill to be entitled
An act relating to public records; amending s. 406.11,
F.S.; creating an exemption from public records
requirements for autopsy reports of certain sudden and
unexpected deaths; specifying circumstances under
which such autopsy reports and certain information
contained therein may be disclosed; providing for
future legislative review and repeal of the exemption;
providing a statement of public necessity; providing a
contingent effective date.

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

Section 1. Paragraph (f) is added to subsection (3) of
section 406.11, Florida Statutes, as created by SB 188, 2026
Regular Session, to read:

406.11 Examinations, investigations, and autopsies.—

(3)

(f) An autopsy report of an autopsy performed pursuant to
paragraph (b) or paragraph (c) of an infant or a child who dies
suddenly and unexpectedly or of an individual of any age whose
death is suspected to be caused by SADS held by a medical
examiner is confidential and exempt from s. 119.07(1) and s.
24(a), Art. I of the State Constitution, except that:

1. The surviving parents and adult siblings of the deceased
may view and copy the autopsy report.

2. The autopsy report may be released to the Department of
Health upon request as needed in connection with the performance
of its epidemiological research and tracking duties. The

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Department of Health shall maintain the confidential and exempt status of any such autopsy report it receives.

3. Information contained in an autopsy report, including personal health information, may be submitted to a public health authority in accordance with 45 C.F.R. ss. 164.500-164.535.

4. Deidentified information and aggregate data extracted from autopsy reports prepared pursuant to this subsection may be released to national research institutions for purposes of epidemiological research and tracking.

This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that autopsy reports of an infant or a child who dies suddenly and unexpectedly or of an individual of any age whose death is suspected to be caused by Sudden Arrhythmic Death Syndrome which are held by a medical examiner or the Department of Health be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. Section 406.11(3), Florida Statutes, requires that autopsies in such sudden and unexpected deaths include microscopic and toxicology studies and a review of the deceased's immunization and medical records to prepare the autopsy report. The Legislature finds that autopsy reports in such cases will include findings of a sensitive nature, the release of which could result in emotional injury to the immediate family of the deceased and detract from the memory of

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59 the deceased. The Legislature recognizes that the existence of
60 the Internet and the proliferation of personal computers and
61 cellular telephones throughout the world encourages and promotes
62 the wide dissemination of such reports and that widespread
63 unauthorized dissemination of such reports could subject the
64 immediate family of the deceased to continuous injury.

65 Section 3. This act shall take effect on the same date that
66 SB 188 or similar legislation takes effect, if such legislation
67 is adopted in the same legislative session or an extension
68 thereof and becomes a law.