

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

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

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14 **Section 1. Paragraph (f) of subsection (3) of section**
15 **406.11, Florida Statutes, as created by HB 819, 2026 Regular**
16 **Session, is redesignated as paragraph (g), and a new paragraph**
17 **(f) is added to that subsection, to read:**

18 406.11 Examinations, investigations, and autopsies.—

19 (3)

20 (f) An autopsy report of an autopsy performed pursuant to
21 paragraph (b) or paragraph (c) of an infant or a child who dies
22 suddenly and unexpectedly or of an individual of any age whose
23 death is suspected to be caused by SADS held by a medical
24 examiner is confidential and exempt from s. 119.07(1) and s.
25 24(a), Art. I of the State Constitution, except that:

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

28 2. The autopsy report may be released to the Department of
29 Health upon request as needed in connection with the performance
30 of its epidemiological research and tracking duties. The
31 Department of Health shall maintain the confidential and exempt
32 status of any such autopsy report it receives.

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

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

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42 Act in accordance with s. 119.15 and shall stand repealed on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

45 **Section 2.** The Legislature finds that it is a public
46 necessity that autopsy reports of an infant or a child who dies
47 suddenly and unexpectedly or of an individual of any age whose
48 death is suspected to be caused by Sudden Arrhythmic Death
49 Syndrome which are held by a medical examiner or the Department
50 of Health be made confidential and exempt from s. 119.07(1),

51 Florida Statutes, and s. 24(a), Article I of the State
52 Constitution. Section 406.11(3), Florida Statutes, requires that
53 autopsies in such sudden and unexpected deaths include
54 microscopic and toxicology studies and a review of the
55 deceased's immunization and medical records to prepare the
56 autopsy report. The Legislature finds that autopsy reports in
57 such cases will include findings of a sensitive nature, the
58 release of which could result in emotional injury to the
59 immediate family of the deceased and detract from the memory of
60 the deceased. The Legislature recognizes that the existence of
61 the Internet and the proliferation of personal computers and
62 cellular telephones throughout the world encourages and promotes
63 the wide dissemination of such reports and that widespread
64 unauthorized dissemination of such reports could subject the
65 immediate family of the deceased to continuous injury.

66 **Section 3.** This act shall take effect on the same date
67 that HB 819 or similar legislation takes effect, if such
68 legislation is adopted in the same legislative session or an
69 extension thereof and becomes a law.