

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
CRIMINAL JUSTICE
Senator Martin, Chair
Senator Smith, Vice Chair

MEETING DATE: Tuesday, October 7, 2025
TIME: 9:00—10:30 a.m.
PLACE: *Mallory Horne Committee Room*, 37 Senate Building

MEMBERS: Senator Martin, Chair; Senator Smith, Vice Chair; Senators Bernard, Bradley, Garcia, Pizzo, Simon, and Yarborough

TAB		BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
		Presentation by Florida Department of Law Enforcement on Law Enforcement Access to Certain Records		Presented
		Other Related Meeting Documents		



Florida Department of Law Enforcement

Law Enforcement Access to Certain Records

Senate Committee on Criminal Justice

Vaden Pollard, Deputy Commissioner

October 7, 2025



Florida Department of Law Enforcement

Objectives and Agenda

- Explain how and when blood/toxicology is collected
- Clarify access to medical, autopsy, and mental health records
- Differentiate live-suspect vs. deceased-suspect procedures
- Identify legal roadblocks and lawful pathways
- Summarize key Florida and Federal laws



Evidence Collection

- Medical Examiner (ME) collects blood/fluids during autopsy for violent, suspicious, or unexplained deaths
- Deceased victims: standard toxicology; samples may include vitreous, urine, or tissues
- Living suspects: blood sought for alcohol, drugs, DNA (esp. DUI homicides)
- Implied-consent/DUI: mandatory blood draw with probable cause in fatal/serious crashes (s. 316.1933, F.S.)





Collecting & Testing Blood Evidence

- ME has statutory authority to perform autopsies and necessary lab exams (ch. 406, F.S.)
- For living suspects: typically a search warrant; best practice post-*Missouri v. McNeely*, 569 U.S. 141 (2013)
- Toxicology reveals alcohol, medications, and toxins; supports timelines and narratives



Blood Evidence — Utility & Limitations

- Corroborates/refutes claims (e.g., impairment, poisoning, incapacitation)
- Most probative when collected promptly; decomposition complicates sampling
- Hospital-drawn labs exist but are protected medical records (access requires process)



Legal Considerations/Framework for Blood Results

- Hospitals cannot release patient labs without legal process
- In Florida, a subpoena duces tecum with patient notice is the standard (s. 395.3025, F.S., and s. 456.057, F.S.)
- HIPAA generally prohibits disclosure absent valid court order/subpoena/warrant
- Search warrants may be sought but can be contentious versus statutory subpoena-with-notice scheme



Investigative Role

- ME performs autopsies in suspicious, violent, or unexplained deaths (s. 406.11, F.S.)
- Determines cause and manner; clarifies injuries, trajectories, defensive wounds, and timelines
- Findings can contradict or corroborate statements



Evidence & Disclosure

- ME may recover bullets, trace/foreign DNA; provides specimens/evidence to investigators
- Toxicology from autopsy informs incapacitation and cause
- Autopsy reports generally public in Florida; photographs remain confidential to the public



Procedures for Live Suspects

- Preserve admissibility: warrants/consent for body fluids and searches
- Miranda warning and voluntariness govern interviews
- Medical/mental health records require legal process; suspects may contest



Procedures for Deceased Suspects

- No personal privacy or Fifth Amendment rights post-mortem
- ME authority covers autopsy, toxicology, and evidence collection from the body
- Searches of residences/property may still require warrants if third-party interests exist
- Focus shifts to motive/circumstances; case often exceptionally cleared after full inquiry



Florida Law

- Chapters 395 and 456, F.S., require hospitals and providers to keep records confidential
- Release typically via subpoena/court order with notice to patient/representative under s. 395.3025, F.S., and s. 456.057, F.S.
- Patients/families can request and voluntarily share their own records



HIPAA – Federal Overlay

- 45 C.F.R. Part 164
 - Protected Health Information (PHI) disclosure allowed with valid court order, subpoena, or patient authorization
 - Limited exceptions (e.g., report crime on premises; alert LE if death may be from crime)
- Aligns with Florida process — no general LE access absent legal compulsion





Baker Act & Privilege

- Clinical mental health records are confidential (ch. 394, F.S.)
- Release requires patient consent or court order with good-cause findings
- Psychotherapist-patient privilege (s. 90.503, F.S.) limits admissibility
- Duty-to-warn exception for specific, imminent threats (minimum necessary disclosure)



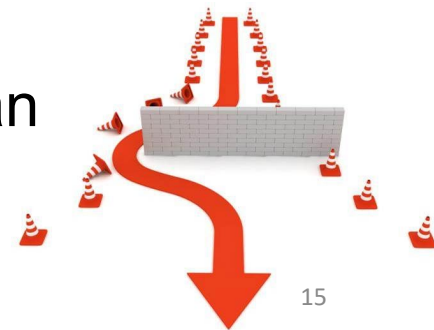
Federal and State Law

- Strict federal confidentiality under 42 C.F.R. Part 2, even program enrollment is protected
- Disclosure only with patient consent or a special court order meeting Part 2 criteria
- Section 397.501, F.S., parallels protections; limited sharing for court-ordered treatment



Federal and State Law

- Delays from subpoena-with-notice; risk of tipping off suspects
- Coordinate with prosecutors: timing, investigative subpoenas, or warrants where appropriate
- Leverage non-protected sources (family interviews, medications seized via warrant)
- For decedents: notice goes to next of kin; ME can access relevant history directly





Federal and State Law

- Sections 406.11 (ME jurisdiction), 395.3025, 456.057, 394.4615, 397.501, and 316.1933, F.S.
- HIPAA Privacy Rule (45 C.F.R. Part 164)
- Substance Use Treatment Confidentiality (42 C.F.R. Part 2)
- *Missouri v. McNeely*, 569 U.S. 141 (2013)



Access Conclusion

- ME system supplies core forensic evidence for death cases
- Medical/mental health records require formal legal channels — plan for time
- Privacy protections are deliberate; judicial oversight preserves admissibility



QUESTIONS?

Vaden Pollard

Deputy Commissioner

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Will Grissom

Legislative Affairs Director

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October 7, 2025

Meeting Date

Criminal Justice

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

FDLE Presentation

Bill Number or Topic

Amendment Barcode (if applicable)

Name Vaden Pollard

Phone (850) 410-7001

Address 2331 Phillips Road

Street

Email VadenPollard@fdle.state.fl.us

Tallahassee

City

FL

State

32308

Zip

Speaking: ☐ For ☐ Against ☒ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

FDLE

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Education Pre-K - 12, *Chair*
Education Postsecondary, *Vice Chair*
Appropriations Committee on Criminal and
Civil Justice
Appropriations Committee on Pre-K - 12 Education
Children, Families, and Elder Affairs
Criminal Justice
Fiscal Policy
Rules

JOINT COMMITTEE:

Joint Legislative Auditing Committee

SENATOR COREY SIMON

3rd District

October 6th, 2025

The Honorable Jonathan Martin

Chair, Committee on Criminal Justice

201 The Capitol

404 South Monroe Street

Tallahassee, FL 32399-1100

Dear Chair Martin,

Senator Simon respectfully requests an excused absence from the October 7th, 2025, meeting of the Committee on Criminal Justice.

I appreciate your consideration.

Sincerely,

Stephen Huddleston

Stephen Huddleston

Legislative Aide to Senator Corey Simon



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Committee on Criminal and
Civil Justice, *Chair*
Children, Families, and Elder Affairs, *Vice Chair*
Appropriations
Appropriations Committee on Health and
Human Services
Criminal Justice
Ethics and Elections
Rules

SENATOR ILEANA GARCIA

36th District

October 6th, 2025

The Honorable Jonathan Martin

Chair, Committee on Criminal Justice

510 Knott Building

404 South Monroe Street

Tallahassee, FL 32399-1100

Dear Chair Martin,

I respectfully request an excused absence from October 7th, 2025, meeting of the Committee on Criminal Justice.

I appreciate your consideration.

Sincerely,

Senator Ileana Garcia

REPLY TO:

☐ 2828 Coral Way, Suite 208, Miami, Florida 33145 (305) 442-6841

☐ 314 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5036

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

CourtSmart Tag Report

Room: SB 37

Case No.:

Type:

Caption: Senate Criminal Justice Committee

Judge:

Started: 10/7/2025 9:01:04 AM

Ends: 10/7/2025 9:54:58 AM

Length: 00:53:54

9:01:04 AM	Sen. Martin (Chair) calls meeting to order
9:01:10 AM	Role call
9:01:35 AM	Opening remarks by Sen. Martin (Chair)
9:04:14 AM	Presentation by Vaden Pollard FDLE Deputy Commissioner
9:20:05 AM	Questions:
9:20:10 AM	Sen. Smith (Vice Chair)
9:21:27 AM	Vaden Pollard
9:23:34 AM	Sen. Smith (Vice Chair)
9:24:03 AM	Vaden Pollard
9:24:35 AM	Sen. Smith (Vice Chair)
9:25:11 AM	Vaden Pollard
9:25:47 AM	Sen. Smith (Vice Chair)
9:26:23 AM	Vaden Pollard
9:26:34 AM	Sen. Martin (Chair)
9:27:49 AM	Vaden Pollard
9:27:59 AM	Sen. Martin (Chair)
9:28:34 AM	Vaden Pollard
9:29:17 AM	Sen. Martin (Chair)
9:29:34 AM	Vaden Pollard
9:29:58 AM	Sen. Martin (Chair)
9:31:05 AM	Vaden Pollard
9:31:54 AM	Sen. Martin (Chair)
9:32:35 AM	Vaden Pollard
9:32:40 AM	Sen. Martin (Chair)
9:33:05 AM	Vaden Pollard
9:33:21 AM	Sen. Pizzo
9:33:42 AM	Vaden Pollard
9:34:27 AM	Sen. Pizzo
9:34:31 AM	Vaden Pollard
9:34:39 AM	Sen. Pizzo
9:34:46 AM	Vaden Pollard
9:34:58 AM	Sen. Pizzo
9:35:24 AM	Vaden Pollard
9:35:36 AM	Sen. Pizzo
9:35:45 AM	Vaden Pollard
9:36:01 AM	Sen. Pizzo
9:36:17 AM	Sen. Martin (Chair)
9:36:50 AM	Sen. Pizzo
9:37:01 AM	Sen. Martin (Chair)
9:37:21 AM	Sen. Pizzo
9:37:26 AM	Vaden Pollard
9:37:33 AM	Sen. Pizzo
9:37:36 AM	Vaden Pollard
9:37:45 AM	Sen. Pizzo
9:37:53 AM	Sen. Martin (Chair)
9:38:03 AM	Sen. Smith (Vice Chair)
9:39:05 AM	Vaden Pollard
9:43:23 AM	Sen. Smith (Vice Chair)
9:45:48 AM	Vaden Pollard
9:47:17 AM	Sen. Brenard
9:47:55 AM	Vaden Pollard
9:50:01 AM	Sen. Pizzo

9:51:41 AM	Vaden Pollard
9:52:21 AM	Sen. Smith (Vice Chair)
9:52:46 AM	Vaden Pollard
9:53:40 AM	Sen. Martin (Chair) closing
9:54:45 AM	Adjournment
9:54:58 AM	