

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1052

SPONSOR: Senator Smith

SUBJECT: Autopsy Records

DATE: April 22, 2003

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Greenbaum</u>	<u>Roberts</u>	<u>JU</u>	<u>Fav/1 Amendment</u>
2.	<u>Dugger</u>	<u>Cannon</u>	<u>CJ</u>	<u>Favorable</u>
3.	<u>Rhea</u>	<u>Wilson</u>	<u>GO</u>	<u>Favorable</u>
4.	<u>Noble</u>	<u>Sadberry</u>	<u>ACJ</u>	<u>Favorable</u>
5.	_____	_____	<u>AP</u>	_____
6.	_____	_____	_____	_____

I. Summary:

This bill creates an exception to the public records exemption for autopsy records by providing that any survivor of the deceased who has access to the records under the exemption may designate an agent to obtain such autopsy records.

This bill substantially amends the following section of the Florida Statutes: s. 406.135.

II. Present Situation:

Chapter 2001-1, L.O.F., created s. 406.135, F.S., a public records exemption for photographs, video or audio recordings of an autopsy held by a medical examiner. These records are confidential and exempt from public disclosure except that a surviving spouse may obtain such records. If no surviving spouse, then the deceased's surviving parents may view and copy such autopsy records. If no surviving parents, then an adult child of the deceased may view and copy such records. Additionally, local governmental entities, and state and federal agencies may request in writing to view and copy the autopsy records when such records are necessary in furtherance of that governmental agency's duties. Finally, the custodian of such autopsy records is prohibited from releasing autopsy records to any other person not authorized under the exemption without a court order.

III. Effect of Proposed Changes:

This bill amends s. 406.135, F.S., to provide an exception to the public records exemption for autopsy records by providing that any survivor of the deceased who has access to the records under the exemption may designate an agent to obtain such autopsy records.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

This bill does not create an exemption under Article I, s. 24 of the State Constitution. It creates an exception to an existing exemption only.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

#1 by Judiciary:

Clarifies that the surviving relative who has the authority to view and copy the autopsy records is authorized to designate an agent for that purpose. (WITH TITLE AMENDMENT)