

Embassy Suites by Hilton Orlando Lake Buena Vista South
4955 Kyngs Heath Rd
Kissimmee, FL 34746
May 14, 2024, 10:00 AM EDT
Amended 8/12/2024

Commission members present:

Commission staff present:

Megan Neel

B. Robert Pietak, M.D. (District 4)
Kelly G. Devers, M.D. (District 13)

Kimberly Loucks (District 19)
 Brianna Bayer (District 5/24)
 Michael Bell, M.D. (District 15)
 Paul Petrino (District 15)
 Raman Baldzizhar, M.D. (District 19)
 Lindsey Page (District 15)

Bethany Hill (LifeLink)
Heather Hoog (Lions World Vision Institute)
DiAnn McCormack (Corneagen)
Mark Stong (LifeLink)
Kurt Reis (LifeNet)

A MOTION WAS MADE, SECONDED, AND PASSED UNANIMOUSLY FOR THE COMMISSION TO APPROVE THE MINUTES OF THE FEBRUARY 13, 2024, MEDICAL EXAMINERS COMMISSION MEETING.

ISSUE NUMBER 1: INFORMATIONAL ITEMS

- Status Report: MEC Appointment and Reappointments: Dr. Kirkland informed the Commission that the official recommendations for Barbara Wolf, M.D. and Amira Fox, J.D. have been sent to the Governor's Office and currently pending Governor appointment. Dr. Kirkland also informed the Commission that Dr. Joshua Stephany and Mrs. Robin Giddens-Sheppard are up for reappointment this year. Solicitation was sent to the Florida Cemetery, Cremation, and Funeral Association, and they sent a letter back recommending Mrs. Giddens-Sheppard for reappointment with no other candidates listed for recommendation. Solicitation was also sent to the Florida Association of Medical Examiners, and they sent a letter recommending Dr. Joshua Stephany for reappointment with no other candidates listed for recommendation.

A MOTION WAS MADE, SECONDED, AND PASSED UNANIMOUSLY FOR THE REAPPOINTMENT OF DR. JOSHUA STEPHANY AND MRS. ROBIN GIDDENS-SHEPPARD FOR THE MEDICAL EXAMINERS COMMISSION. (Joshua Stephany, M.D., and Robin Giddens-Sheppard, L.F.D. abstained from voting.)

- Status Report: DME Appointment and Reappointments: Dr. Kirkland informed the Commission that all district medical examiners are currently pending either appointment or reappointment. Dr. Kirkland advised that he reached out to the appointment's office for a status, but we are still waiting on appointments from the Governor.
- District 8 Medical Examiner Vacancy: Dr. Joshua Stephany informed the Commission that Dr. Thogmartin's was appointed to District 8 as the interim District Medical Examiner by State Attorney Brian Kramer. A search committee has been formed.
- 2023 Interim Drug Report: Mrs. Megan Neel informed the Commission that the 2023 Interim Drug Report has been complied and in review stage and once approved it will be posted to the website.
- 2023 Annual Workload Report: Mrs. Megan Neel informed the Commission that data is due to her by May 31, 2024.
- 2023 Paul Coverdell Forensic Science Improvement Grant Program Status Update: Mrs. Megan Neel informed the Commission that Bureau of Justice Assistance has released the funding for the 2023 Coverdell Grant. Mrs. Williams advised that districts cannot be reimbursed until the completed MOUs have been signed and returned to the grant manager.
- 2024 Paul Coverdell Forensic Science Improvement Grant Program Status Update: Mrs. Megan Neel informed the Commission that thirteen districts have sent proposals for the 2024 Coverdell Grant totaling \$65,516.93. Mrs. Neel advised that the M.E. allotment is unknown at this time.
- 2024 Legislative Session Update: FDLE General Counsel Jim Martin, J.D., informed the Commission of bills of interest to the Commission and the medical examiner community.

HB453 & SB 678 Forensic Investigative Genetic Genealogy Grant Program (Anderson/Bradley) The bill creates s. 943.327, F.S., which creates the Forensic Genetic Genealogy Grant Program within FDLE. This bill requires FDLE to annually award law enforcement agencies and medical examiners' offices funds for expenses related to using forensic genetic genealogy methods to generate investigative leads for criminal investigations of unidentified human remains. Effective Date: July 1, 2024

HB 529 & SB 474 Public Records/Photographs, Recordings, and Reports of Autopsies of Suicide Victims (Trabulsy/Grall) - The bill creates exemptions from public records requirements for photographs and/or video or audio recordings of the suicide of a person and autopsy reports of suicide victims; requires that viewing, copying, listening to, or other handling of such photographs or video or audio recordings and/or autopsy reports be under direct supervision of custodian of record or his or her designee; provides criminal penalties; provides for retroactive application; provides for future legislative review & repeal of exemptions. Effective Date: effective now

Mr. Dan Schebler inquired on what information pertaining to a suicide would be considered protected from public record requests and what must be shared when applying SB 474. Mr. Martin advised that photographs, videos, and audio recordings are protective. However, there is some debate regarding 406.135, F.S., stating all autopsy reports. Mr. Martin stated that if you looked at language of the Legislators intent, it appears that the intent of Legislators is to try and protect all information in relation to suicide deaths. But if you are a strict constructionist and you look at the law, and the law says an autopsy report, an autopsy report is a report prepared by the medical examiner, it is distinct and different from an investigative report, toxicology report, or any records that the medical examiner may review in determining cause and manner of death. Mr. Martin advised that he is not counsel to medical examiners, but he thinks that autopsy reports was meant to include all documents associated with it. It does not seem that the Legislators would carve out specific protection and then loopholes for people to go around to obtain information of a suicide death. Mr. Martin informed that the Districts should consult with their attorneys to make the ultimate determination. Mr. Martin advised that Dr. Vega has submitted a request for an Attorney General opinion with three questions to get clarification. Mr. Martin said he has spoken with the Legislators Affairs Director and conveyed the concerns of the District Medical Examiners about this issue and suggested that maybe there could be a legislative fix, where rather than autopsy report, it would say medical examiners records pertaining to a suicide death as clarification. Mr. Martin believes there may be a special session but is not sure if it can be addressed at the special session or maybe next year, just to clarify the language. The issue could get an Attorney General directional during the interim legislature meeting, but unknown if this will happen at this time. Mr. Martin acknowledged the difficulties that the districts medical examiners are experiencing interpreting the bill.

Mr. Mark Strong with LifeLink expressed the concerns of organ tissue and eye agencies with the new SB 474, advising that it could limit the agencies access to the reports that would focus on confirming suitability of organ tissue and eyes for transplantation. Agencies facilitate donation under two consensuses: the next of kind authorization and first-person authorization from the donor themselves. The agencies would have documentation to provide to the medical examiner offices to request the autopsy reports, but it is understood that the way the law is written, medical examiner offices may not be able to accommodate their requests. Mr. Strong advised that the transplant community is looking at ways to work with different medical examiner offices to facilitate getting information for the purposes of transplantation without having to go back to the families to get additional authorization.

Mr. Kenneth Jones with the Department of Health also advised that DOH has had some issues with clarification on being able to get autopsies and investigative reports for state agencies due to the new language of the bill. Mr. Jones advised state agencies are having difficulties receiving reports that would otherwise have been given without issues.

HB 1653 & SB 768 Duties and Prohibited Acts Associated with Death (Giallombardo/Stewart) - Authorizes reports regarding specified deaths and circumstances to be made to the appropriate law enforcement agency in addition to the medical examiner; increases criminal penalties for failing or refusing to report death or for refusing to make available certain information with intent to conceal death or alter evidence and circumstances surrounding death; increases criminal penalty for willfully touching, removing, or disturbing body without order from office of district medical examiner with intent to conceal death and/or alter evidence and circumstances surrounding

the death. Effective Date: July 1, 2024.

ISSUE NUMBER 2: REAPPOINTMENT NOMINATIONS FOR DISTRICTS 1,4,5 AND 6 AND ASSESSMENTS FOR DISTRICTS 3 AND 7

The Commission reviewed the constituent surveys for the reappointments of district medical examiners in District 1 (Escambia, Okaloosa, Santa Rosa and Walton counties), District 4 (Clay, Duval and Nassau counties), District 5 (Citrus, Hernando, Lake, Marion and Sumter counties) and District 6 (Pasco and Pinellas counties).

The Commission also reviewed the survey assessments for District 3 (Columbia, Dixie, Hamilton, Lafayette, Madison, and Suwannee counties) and District 7 (Volusia County). District 7 is a home rule district. District 3 is provided coverage from other District Medical Examiners.

With constituents overwhelmingly responding with approval for the district medical examiners in districts 1, 4, 5 and 6, the Commission held a vote for the districts up for reappointment. Dr. Wolf recused herself from the vote for the District 5 medical examiner. No other names were submitted for consideration in these districts.

MRS. SHEPPARD MADE A MOTION TO APPROVE THE REAPPOINTMENTS OF THE INCUMBENT MEDICAL EXAMINERS IN DISTRICTS 1, 4, 5 AND 6, MR. COX SECONDED. THE MOTION PASSED UNANIMOUSLY THAT THE REAPPOINTMENT RECOMMENDATIONS OF DISTRICT 1, 4, 5 AND 6 MEDICAL EXAMINERS BE FORWARDED TO THE GOVERNOR'S APPOINTMENTS OFFICE.

ISSUE NUMBER 3: NOMINATION FOR DISTRICT 2 MEDICAL EXAMINER

Dr. Barbara Wolf informed the Commission that the District 2 State Attorney Jack Campbell appointed Dr. Thomas Coyne as the District 2 Medical Examiner, effective May 1, 2024.

A MOTION WAS MADE, SECONDED, AND PASSED UNANIMOUSLY FOR THE COMMISSION TO APPROVE THE NOMINATION OF DR. THOMAS COYNE AS THE INTERIM DISTRICT MEDICAL EXAMINER FOR DISTRICT 2.

ISSUE NUMBER 4: UNIDENTIFIED DECEASED INITIATIVE

- On October 27, 1976, skeletal remains were discovered by a fisherman at the Talisman Sugar farm in the western region of Palm Beach County. The initial investigation revealed the white male subject was likely a homicide victim with 4 bullet wounds. Dental evaluation was conducted in November 1976 and the remains were submitted for anthropological evaluation in October of 1978. The identity of the victim had eluded investigators. On December 12, 2022, Palm Beach County Sheriff's Office confirmed that the decedent was identified via Forensic Genealogy (Othram, Inc.) and DNA confirmation (Othram, Inc.) as Douglas Streeter, (Date of Birth: 09/07/1946), a 30-year-old white male. The preliminary investigation indicates the victim traveled to South Florida from the State of Ohio in early 1976 to engage in illicit drug activity, and he never returned home. Investigators are currently pursuing leads in the homicide investigation now that the victim has been identified.
- On January 12, 1985, a skull was discovered near a deserted stable. Palm Beach County Sheriff's Office responded and identified the find as human skeletal remains. The remains were almost completely buried and were found to be more or less intact except for a single small defect of the right occipital facet. This was located immediately adjacent to the remainder of the skeletal remains. There was 1 transparent 4 petal shot cup of medium-large gauge with birdshot impressions located inside the skull. No clothing was found with the remains. An autopsy of the skeletal remains was completed with cause of death as shotgun wound of chest

and manner being homicide. On January 16, 1985, dental charting was performed. The remains were sent to the Smithsonian for anthropological evaluation with analytical response received on February 6, 1985. On March 16, 1998, an artist facial rendering was completed. On June 30, 2005, the skull was sent to UNT for DNA and on March 23, 2007, a femur was sent to UNT for DNA, with DNA profiles being uploaded into the National DNA Index. On April 26, 2013, secondary dental charting and x-rays were performed by Dr. Barbara Needell. On April 22, 2022, the left femur was sent to Othram, Inc. for DNA/Forensic Genealogy. On August 30, 2022, the skull was sent to Othram, Inc. for DNA/Forensic Genealogy. On October 20, 2023, Othram, Inc. completed a Forensic Genealogy Report indicating possible relation to the ancestral couple Joseph Cook and Nancy Middleton. Beverly Ketron and Michael Ketron, descendants of the ancestral couple (Cook and Middleton) were contacted for further information and DNA samples. On December 27, 2023, Palm Beach County Sheriff's Office confirmed that the decedent was identified via Forensic Genealogy and DNA confirmation as Terry Ketron, a 31-year-old white male.

- On December 19, 1982, the severely decomposed remains of the decedent were discovered in a wooded area approximately 140 yards north of Okeechobee Road in Loxahatchee, Florida. The remains were estimated to belong to a middle-aged white female and presented with a perforating gunshot wound to the skull. An autopsy was performed by Dr. Fred Hobin and the remains were submitted to Dr. Yasar Ican for anthropological evaluation on December 20, 1982. The cause of death was determined to be gunshot wound to the head with manner being ruled homicide. On August 20, 2013, the left femur was submitted to UNT for DNA extraction and submission to CODIS. On December 12, 2022, Palm Beach County Sheriff's Office confirmed that the decedent was identified via Forensic Genealogy and DNA Confirmation (Othram Inc.) as Leona Jean Keller, (DOB: 12/13/1945), a 37-year-old white female.
- On June 21, 2022, a set of unidentified skeletal remains were located in an empty lot in West Palm Beach, Florida. Anthropologist Dr. Heather Walsh-Haney was contacted who presented on June 22, 2022, to excavate the remains. On June 23, 2022, an autopsy/examination was performed by Dr. Wendolyn Sneed. The remains were then evaluated anthropologically by Dr. Heather Walsh-Haney. On June 23, 2023, the West Palm Beach Police Department advised of a missing person, Terrace Wright, a 25-year-old black male who had been missing since 2014. The decedents mother submitted DNA samples for a comparison. The result was negative as the comparison abilities were reportedly limited. On March 1, 2023, the right femur was turned over to the West Palm Beach Police Department who subsequently submitted the femur to BODE for DNA comparison to that of Teri Wright. On August 7, 2023, BODE Technology confirmed via DNA comparison, positive identification of the decedent as Terrance Wright (DOB: 11/18/1989), the 25-year-old black male who had gone missing in 2014.
- On September 7, 2003, a white male was discovered floating in the ocean in Palm Beach County, Florida. There were no apparent signs of foul play or trauma to the body. An autopsy was performed the same day by Dr. Barbara Wolf and the Palm Beach County Sheriff's Office issued a press release for the unidentified white male. On September 8, 2003, a blood sample was turned over to the Palm Beach County Sheriff's Office, which was then submitted to UNT for DNA submission into their National DNA Index. On October 14, 2003, following the receipt of the toxicology results, the cause of death was determined to be drowning, while the manner of death was ruled undetermined. A NamUs case was created on April 7, 2008. In the summer of 2023, the Palm Beach County Sheriff's Office, had what was left of the blood sample that was originally submitted to UNT, subsequently submitted to Othram, Inc. for forensic genealogy. On November 6, 2023, Othram Inc. completed a forensic genealogy report indicating the possible relation to the ancestral couple William Mack and Josephine Walter whose daughter, Glades Mack, had one son, Donald Hugh Kirk. The Palm Beach County Sheriff's Office located a missing person report from Fort Lauderdale Police Department from September 6, 2003. On November 14, 2023, the Palm Beach County Sheriff's Office reached out to the Marin County Sheriff's Office in California and requested that they locate Mr. Kirk's daughter to acquire a DNA sample to be sent to Othram, Inc. On December 7, 2023, Palm Beach County Sheriff's Office confirmed that the decedent was identified via Forensic

Genealogy and DNA confirmation as Donald Hugh Kirk (DOB: 7/18/1927), a 76-year-old white male.

- On 05/24/1985 at approximately 6:00pm, a decomposed body was located in an wooded area of Gibsonton, FL in unincorporated Hillsborough County. Further investigation revealed a .32 caliber revolver by the right-side waist of decedent. Cause and manner of death were determined to be: Suicide, Gunshot Wound to Head. No ID could be established. In February of 2024, through Forensic Investigative Genetic Genealogy (FIGG), we were able to finally positive ID this individual as, Charles Ray. Using FIGG, we were able to track down a potential brother who confirmed he had a missing brother from the mid-80's. We conducted a one-to-one STR comparison which confirmed the relation. FIGG is an exciting and powerful new identification technology that we're excited about using for these types of cases and hope to ID many more.

ISSUE NUMBER 5: GENETIC GENEALOGY GRANTS BILL

Ms. Leigh Clark, Deputy Director of Forensic Services with the Florida Department of Law Enforcement gave an in-dept presentation on an award that the Florida Department of Law Enforcement (FDLE) received, the BJA Missing and Unidentified Human Remains Program. Ms. Clark expanded on the services that are being offered, the criteria for participation, and current timeline. The grant is a springboard to reinvigorate services that FDLE previously offered and to maintain a robust program moving forward.

ISSUE NUMBER 6: EMERGING DRUGS

Bureau Chief Brett Kirkland, Ph.D., provided the Commission with an update on new drug trends on behalf of Bruce Goldberger, Ph.D. There were no significant new findings of drugs during the last quarter. Illicitly manufactured fentanyl is the most frequently identified drug in decedents; and polysubstance use with fentanyl is common and includes cocaine and methamphetamine. However, there has been a reported increase in carfentanil involved deaths in Palm Beach County. While the number of deaths are small, the reemergence of carfentanil in the state is concerning. N,N-Dimethylpentylone continues to be the most prevalent cathinone in decedents, and in Broward County, Alpha PiHP is identified in many cases. Other drugs identified in decedents include bromazolam, clonazolam, eutylone, fluorofentanyl, non-pharmaceutical ketamine, the nitazene analogs and xylazine. Furthermore, Dr. Kirkland informed the Commission that the toxicology laboratory directors meeting also includes directors from DUI labs, the Poison Control Center of Jacksonville, and representatives from the Department of Health. Directors and representatives will continue to meet bi-monthly to provide valuable information on emerging drug trends.

ISSUE NUMBER 7: 2024 FAME EDUCATIONAL CONFERENCE

Dr. Kirkland reported that the 2024 FAME Educational Conference is scheduled to be held July 17-19, 2024, at the Weston Sarasota, Sarasota, Florida. The event will be jointly sponsored by the District 12 Medical Examiner's Office and the University of Florida.

ISSUE NUMBER 8: OTHER BUSINESS

- Mr. Jones informed the Commission about funding that the Department of Health has to possibly use towards a new statewide case management system. Mr. Jones advised that the DOH is still moving forward with the funding, but nothing has been established yet. Dr. Kirkland informed the Commission that a work group would be formed to better access the needs of the medical examiners and communications will be sent to the medical examiners for participation in the work group.

With no further business to come before the Commission, the meeting was adjourned at 10:54 A.M.