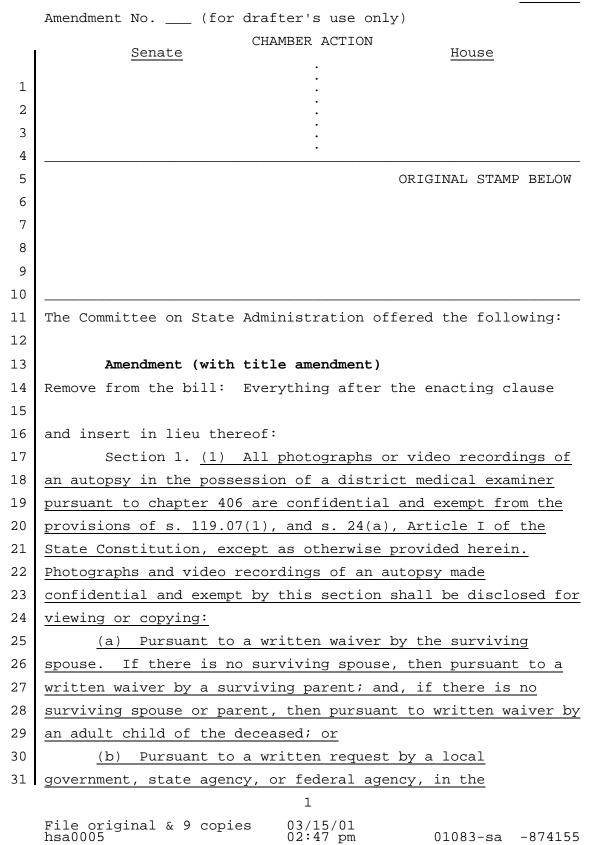
HOUSE AMENDMENT

Bill No. HB 1083



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Amendment No. ____ (for drafter's use only)

furtherance of its official duties; and, unless otherwise 1 2 required in the performance of their duties, the identity of 3 the deceased shall remain confidential and exempt. 4 (2) Any person may petition the court for an order to 5 make the photographs and video recordings available for 6 inspection. Pursuant to such a public records petition, and 7 the petitioner's showing of good cause, the court may authorize inspection pursuant to the terms and conditions 8 which it deems appropriate, but shall not authorize copying; 9 10 provided that the surviving spouse is given reasonable notice of the petition, and a copy of the petition, and reasonable 11 12 notice of the opportunity to be present and heard at any hearing on the matter. If there is no surviving spouse, then 13 14 such notice must be given to the deceased's parents, and if 15 the deceased has no living parents, then to the adult children of the deceased. 16 17 In determining good cause the court shall consider: 18 a) The necessity of the viewing in determining governmental accountability; 19 The ramifications of the viewing with respect to 20 b) 21 the family's right to privacy; and The availability of similar information in other 22 C) 23 forms. 24 The viewing or copying of an autopsy photograph or (3) 25 video recording pursuant to this section shall be under the direct supervision of the custodian of the record or his or 26 27 her designee. The district medical examiner or associate medical 28 (4) 29 examiner, in his or her official capacity, may use the 30 photographs or video recordings for the purposes of seeking another expert medical opinion, for providing professional 31 2 File original & 9 copies 03/15/01 hsa0005 02:47 pm 01083-sa -874155

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training, for case-related medical or scientific research 1 2 purposes, or for other purposes solely related to the accomplishment of the district or associate medical examiner's 3 4 duties and responsibilities. However, the identity of the deceased shall remain confidential and exempt, unless a waiver 5 has been obtained as provided for in subsection (1)(a). 6 7 (5) Any person who willfully or knowingly violates this section commits a felony of the third degree, punishable 8 as provided in ss. 775.082, 775.083, or 775.084. 9 10 (6) This exemption shall be given retroactive 11 application. This section is subject to the Open Government 12 Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2006, unless reviewed and 13 saved from repeal through reenactment by the Legislature. 14 15 Section 2. The Legislature finds that it is a public necessity that photographs or video recordings of an autopsy 16 be made confidential and exempt. Photographs or video 17 18 recordings of an autopsy are highly sensitive, graphic depictions of the deceased, which, if viewed, copied, or 19 publicized, could result in trauma, sorrow, humiliation, or 20 emotional injury to the immediate family of the deceased, and 21 is an invasion of that family's privacy, as well as injurious 22 to the memories of the deceased. Furthermore, the Legislature 23 24 finds that the existence of the World Wide Web and the proliferation of personal computers throughout the world 25 encourages and promotes the worldwide dissemination of 26 27 photographs and video recordings 24 hours a day, and that widespread dissemination of autopsy photographs and video 28 recordings would subject the immediate family of the deceased 29 30 to continuous injury. The Legislature further finds that there are other types of available information, such as the 31 3

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autopsy report, which is less intrusive and injurious to the 1 2 immediate family member of the deceased but which continues to 3 provide for public oversight. Furthermore, the Legislature 4 finds that it is a public necessity that the exemption 5 provided in this act be given retroactive application because 6 it is remedial in nature and it furthers the public policy 7 embodied in s. 382.008, that all information on the death 8 certificate relating to the cause of death is confidential. Section 3. This act shall take effect upon becoming a 9 10 law and shall apply to all autopsy photographs and video recordings in the custody of a district medical examiner, 11 12 whether made before or after the effective date of this act. 13 14 15 =========== T I T L E AMENDMENT =============== 16 And the title is amended as follows: 17 On page 1, lines 3 through 7, remove from the title of the bill: all of said lines 18 19 20 and insert in lieu thereof: exemption from public records requirements for 21 22 photographs and video recordings of an autopsy; 23 providing exceptions; providing a 24 25 26 27 28 29 30 31 4

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