

By Representatives Johnson, Miller, Lynn, Bean, Mayfield,
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1 A bill to be entitled
 2 An act relating to public records; providing an
 3 exemption from the public records law for
 4 photographs and video recordings of an autopsy;
 5 providing for access by a state or federal
 6 agency as provided by law and in furtherance of
 7 the agency's statutory duties; providing a
 8 penalty; providing for future legislative
 9 review and repeal; providing a finding of
 10 public necessity; providing an 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. (1) A photograph or video recording of an
 15 autopsy is confidential and exempt from the requirements of s.
 16 119.07(1), Florida Statutes, and Section 24(a) of Article I of
 17 the State Constitution. Notwithstanding this section, the
 18 custodian of a photograph or video recording of an autopsy
 19 shall grant a state or federal agency access to the photograph
 20 or video recording as provided by law and in furtherance of
 21 the agency's statutory duties.

22 (2) Any person who violates this section commits a
 23 felony of the third degree, punishable as provided in s.
 24 775.082, s. 775.083, or s. 775.084, Florida Statutes.

25 (3) This section is subject to the Open Government
 26 Sunset Review Act of 1995 in accordance with s. 119.15,
 27 Florida Statutes, and shall stand repealed on October 2, 2006,
 28 unless reviewed and saved from repeal through reenactment by
 29 the Legislature.

30 Section 2. The Legislature finds that photographs or
 31 video recordings of an autopsy show the deceased in graphic

1 and often disturbing fashion. Such photographs or video
2 recordings may depict the deceased nude, bruised, bloodied,
3 broken, with bullet or other wounds, cut open, dismembered, or
4 decapitated. As such, photographs or video recordings of an
5 autopsy are highly sensitive depictions of the deceased which,
6 if copied and publicized, could result in trauma, sorrow,
7 humiliation, or emotional injury to the immediate family of
8 the deceased, as well as injury to the memory of the deceased.
9 The Legislature notes that the existence of the World Wide Web
10 and the proliferation of personal computers throughout the
11 world encourages and promotes the wide dissemination of
12 photographs and video recordings 24 hours a day and that
13 widespread dissemination of autopsy photographs and video
14 recordings would subject the immediate family of the deceased
15 to continuous injury. The Legislature further notes that there
16 continues to be other types of available information, such as
17 the autopsy report, which are less intrusive and injurious to
18 the immediate family members of the deceased but which
19 continue to provide for public oversight. Given the likelihood
20 of injury to immediate family members by the dissemination of
21 autopsy photographs and video recordings and the availability
22 of less intrusive means of providing public oversight, the
23 Legislature finds that it is a public necessity that
24 photographs or video recordings of an autopsy be made
25 confidential and exempt from s. 119.07(1), Florida Statutes,
26 and Section 24(a) of Article I of the State Constitution.

27 Section 3. This act shall take effect upon becoming a
28 law.

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SENATE SUMMARY

Provides that photographs and video recordings of an autopsy are exempt from the public records law. Provides for access to a photograph or video recording by a state or federal agency as provided by law. Provides that a violation of the act is a third degree felony. Provides for future legislative review and repeal.