

By Senator Smith

5-272-02

1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.07, F.S.; providing an exemption from the
4 public records law for photographs or other
5 images in the custody of a state or
6 governmental agency which depict the remains of
7 a crime victim; authorizing the release of such
8 a record to another agency for official
9 purposes; providing that such release does not
10 waive the confidentiality of the record;
11 providing for legislative review and future
12 repeal; providing a statement of public
13 necessity; providing an effective date.

15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Paragraph (ee) is added to subsection (3)
18 of section 119.07, Florida Statutes, to read:

19 119.07 Inspection, examination, and duplication of
20 records; exemptions.--

21 (3)

22 (ee) A photograph, digital image, video recording, or
23 other reproduction of a crime scene which is in the custody of
24 a state or other governmental agency and which reveals the
25 remains of a victim of the crime is confidential and exempt
26 from subsection (1) and s. 24(a), Art. I of the State
27 Constitution. However, this paragraph does not prohibit a
28 state or other governmental agency from releasing a record
29 made confidential under this paragraph to another agency for
30 official purposes, and such release does not waive the
31 exemption provided under this paragraph. This paragraph is

1 subject to the Open Government Sunset Review Act of 1995 in
2 accordance with s. 119.15, and shall stand repealed on October
3 2, 2007, unless reviewed and saved from repeal through
4 reenactment by the Legislature.

5 Section 2. The Legislature finds that it is a public
6 necessity that a photograph, digital image, video recording,
7 or other reproduction of a crime scene which reveals the
8 remains of a victim of the crime be made confidential and
9 exempt from section 119.07(1), Florida Statutes, and Section
10 24(a) of Article I of the State Constitution. The Legislature
11 finds that photographs or other images of a crime scene which
12 depict the remains of a victim of the crime are often graphic
13 and disturbing to persons who view the photographs or images.
14 Such photographs or images, if copied or publicized, could
15 result in trauma, sorrow, humiliation, or emotional injury to
16 the immediate family of the victim, as well as injury to the
17 memory of the victim. The Legislature finds that the existence
18 of the World Wide Web and the proliferation of personal
19 computers encourages and promotes the wide dissemination of
20 photographs and other images, and that widespread,
21 unauthorized dissemination of photographs or other images that
22 depict the remains of a victim of a crime would subject the
23 immediate family of the victim to continuous injury.

24 Section 3. This act shall take effect upon becoming a
25 law.

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SENATE SUMMARY

Provides that photographs or other images in the custody of a state or governmental agency which depict the remains of a crime victim are exempt from disclosure under the public records law. Provides that such records may be released to another agency for official purposes. Provides for legislative review and future repeal under the Open Government Sunset Review Act.