

1 surviving spouse may view and copy a photograph or video
2 recording or listen to or copy an audio recording of the
3 deceased spouse's autopsy. If there is no surviving spouse,
4 then the surviving parents shall have access to such records.
5 If there is no surviving spouse or parent, then an adult child
6 shall have access to such records.

7 (3)(a) ~~However,~~ The deceased's surviving relative,
8 with whom authority rests to obtain such records, may
9 designate in writing an agent to obtain such records.

10 (b) A local governmental entity, or a state or federal
11 agency, in furtherance of its official duties, pursuant to a
12 written request, may view or copy a photograph or video
13 recording or may listen to or copy an audio recording of an
14 autopsy, and unless otherwise required in the performance of
15 their duties, the identity of the deceased shall remain
16 confidential and exempt.

17 (c) The custodian of the record, or his or her
18 designee, may not permit any other person, except an agent
19 designated in writing by the deceased's surviving relative
20 with whom authority rests to obtain such records, to view or
21 copy such photograph or video recording or listen to or copy
22 an audio recording without a court order. ~~For the purposes of~~
23 ~~this section, the term "medical examiner" means any district~~
24 ~~medical examiner, associate medical examiner, or substitute~~
25 ~~medical examiner acting pursuant to this chapter, as well as~~
26 ~~any employee, deputy, or agent of a medical examiner or any~~
27 ~~other person who may obtain possession of a photograph or~~
28 ~~audio or video recording of an autopsy in the course of~~
29 ~~assisting a medical examiner in the performance of his or her~~
30 ~~official duties.~~

1 ~~(4)(2)~~(a) The court, upon a showing of good cause, may
2 issue an order authorizing any person to view or copy a
3 photograph or video recording of an autopsy or to listen to or
4 copy an audio recording of an autopsy and may prescribe any
5 restrictions or stipulations that the court deems appropriate.

6 **(b)** In determining good cause, the court shall
7 consider whether such disclosure is necessary for the public
8 evaluation of governmental performance; the seriousness of the
9 intrusion into the family's right to privacy and whether such
10 disclosure is the least intrusive means available; and the
11 availability of similar information in other public records,
12 regardless of form.

13 **(c)** In all cases, the viewing, copying, listening to
14 or other handling of a photograph or video or audio recording
15 of an autopsy must be under the direct supervision of the
16 custodian of the record or his or her designee.

17 ~~(5)(b)~~ A surviving spouse shall be given reasonable
18 notice of a petition filed with the court to view or copy a
19 photograph or video recording of an autopsy or a petition to
20 listen to or copy an audio recording, a copy of such petition,
21 and reasonable notice of the opportunity to be present and
22 heard at any hearing on the matter. If there is no surviving
23 spouse, then such notice must be given to the parents of the
24 deceased ~~deceased's parents~~, and if the deceased has no living
25 parent, then to the adult children of the deceased.

26 ~~(6)(3)~~(a) Any custodian of a photograph or video or
27 audio recording of an autopsy who willfully and knowingly
28 violates this section commits a felony of the third degree,
29 punishable as provided in s. 775.082, s. 775.083, or s.
30 775.084.

31

1 (b) Any person who willfully and knowingly violates a
2 court order issued pursuant to this section commits a felony
3 of the third degree, punishable as provided in s. 775.082, s.
4 775.083, or s. 775.084.

5 ~~(7)(c)~~ A criminal or administrative proceeding is
6 exempt from this section, but unless otherwise exempted, is
7 subject to all other provisions of chapter 119, provided
8 however that this section does not prohibit a court in a
9 criminal or administrative proceeding upon good cause shown
10 from restricting or otherwise controlling the disclosure of an
11 autopsy, crime scene, or similar photograph or video or audio
12 recordings in the manner prescribed herein.

13 ~~(8)(4)~~ This exemption shall be given retroactive
14 application.

15 ~~(5) The exemption in this section is subject to the~~
16 ~~Open Government Sunset Review Act of 1995 in accordance with~~
17 ~~s. 119.15, and shall stand repealed on October 2, 2006, unless~~
18 ~~reviewed and saved from repeal through reenactment by the~~
19 ~~Legislature.~~

20 Section 2. This act shall take effect October 1, 2006.

21
22 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
23 COMMITTEE SUBSTITUTE FOR
24 Senate Bill 1052

25 Moves the definition of "medical examiner" to the beginning of
26 the exemption as it applies to the entire exemption.

27 Adds subsections and paragraphs to the exemption for clarity.

28 Makes technical and conforming changes, but no substantive
29 changes.