



26 | to read:

27 |       406.135 Autopsies; confidentiality of photographs and  
28 | video and audio recordings; confidentiality of reports of child  
29 | victims of domestic violence; exemption.-

30 |       (1) As used in ~~For the purpose of~~ this section, the term:

31 |       (a) "Medical examiner" means any district medical  
32 | examiner, associate medical examiner, or substitute medical  
33 | examiner acting pursuant to this chapter, as well as any  
34 | employee, deputy, or agent of a medical examiner or any other  
35 | person who may obtain possession of a report, photograph, or  
36 | audio or video recording of an autopsy in the course of  
37 | assisting a medical examiner in the performance of his or her  
38 | official duties.

39 |       (b) "Minor" means a person younger than 18 years of age  
40 | who has not had the disability of nonage removed pursuant to s.  
41 | 743.01 or s. 743.015.

42 |       (2) A photograph or video or audio recording of an autopsy  
43 | held by a medical examiner is confidential and exempt from s.  
44 | 119.07(1) and s. 24(a), Art. I of the State Constitution, except  
45 | that a surviving spouse may view and copy a photograph or video  
46 | recording or listen to or copy an audio recording of the  
47 | deceased spouse's autopsy. If there is no surviving spouse, then  
48 | the surviving parents shall have access to such records. If  
49 | there is no surviving spouse or parent, then an adult child  
50 | shall have access to such records.

51           (3) An autopsy report of a minor whose death was related  
 52 to an act of domestic violence as defined in s. 741.28 held by a  
 53 medical examiner is confidential and exempt from s. 119.07(1)  
 54 and s. 24(a), Art. I of the State Constitution, except that a  
 55 surviving parent of the deceased minor may view and copy the  
 56 report if he or she is not the parent who committed the act of  
 57 domestic violence which led to the minor's death.

58           (4)(a) The deceased's surviving relative, with whom  
 59 authority rests to obtain such records, may designate in writing  
 60 an agent to obtain such records.

61           (b) A local governmental entity, or a state or federal  
 62 agency, in furtherance of its official duties, pursuant to a  
 63 written request, may view or copy a photograph or video  
 64 recording of an autopsy or an autopsy report of a minor or may  
 65 listen to or copy an audio recording of an autopsy, and unless  
 66 otherwise required in the performance of official ~~their~~ duties,  
 67 the identity of the deceased shall remain confidential and  
 68 exempt.

69           (c) The custodian of the record, or his or her designee,  
 70 may not permit any other person, except an agent designated in  
 71 writing by the deceased's surviving relative with whom authority  
 72 rests to obtain such records, to view or copy such photograph,  
 73 ~~or~~ video recording, or autopsy report of a minor or listen to or  
 74 copy an audio recording without a court order.

75           (5)(a)~~(4)(a)~~ The court, upon a showing of good cause, may

76 | issue an order authorizing any person to view or copy a  
77 | photograph or video recording of an autopsy or an autopsy report  
78 | of a minor or to listen to or copy an audio recording of an  
79 | autopsy and may prescribe any restrictions or stipulations that  
80 | the court deems appropriate.

81 | (b) In determining good cause, the court shall consider  
82 | whether such disclosure is necessary for the public evaluation  
83 | of governmental performance; the seriousness of the intrusion  
84 | into the family's right to privacy and whether such disclosure  
85 | is the least intrusive means available; and the availability of  
86 | similar information in other public records, regardless of form.

87 | (c) In all cases, the viewing, copying, listening to, or  
88 | other handling of a photograph or video or audio recording of an  
89 | autopsy or an autopsy report of a minor must be under the direct  
90 | supervision of the custodian of the record or his or her  
91 | designee.

92 | (6)~~(5)~~ A surviving spouse must ~~shall~~ be given reasonable  
93 | notice of a petition filed with the court to view or copy a  
94 | photograph or video recording of an autopsy or a petition to  
95 | listen to or copy an audio recording, a copy of such petition,  
96 | and reasonable notice of the opportunity to be present and heard  
97 | at any hearing on the matter. If there is no surviving spouse,  
98 | then such notice must be given to the parents of the deceased,  
99 | and if the deceased has no living parent, then to the adult  
100 | children of the deceased.

101        (7) For a report of an autopsy of a minor whose death was  
102 related to an act of domestic violence as defined in s. 741.28,  
103 any surviving parent who did not commit the act of domestic  
104 violence which led to the minor's death must be given reasonable  
105 notice of a petition filed with the court to view or copy the  
106 report, a copy of such petition, and reasonable notice of the  
107 opportunity to be present and heard at any hearing on the  
108 matter.

109        (8) (a) ~~(6) (a)~~ Any custodian of a photograph or video or  
110 audio recording of an autopsy or an autopsy report of a minor  
111 who willfully and knowingly violates this section commits a  
112 felony of the third degree, punishable as provided in s.  
113 775.082, s. 775.083, or s. 775.084.

114        (b) Any person who willfully and knowingly violates a  
115 court order issued pursuant to this section commits a felony of  
116 the third degree, punishable as provided in s. 775.082, s.  
117 775.083, or s. 775.084.

118        (9) ~~(7)~~ A criminal or administrative proceeding is exempt  
119 from this section, ~~but unless otherwise exempted,~~ is subject to  
120 all other provisions of chapter 119 unless otherwise exempted.  
121 ~~provided however that~~ This section does not prohibit a court in  
122 a criminal or administrative proceeding upon good cause shown  
123 from restricting or otherwise controlling the disclosure of an  
124 autopsy, crime scene, or similar report, photograph, or video or  
125 audio recordings in the manner prescribed herein.

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126        ~~(10)(8)~~ The exemptions in this section ~~This exemption~~  
127 shall be given retroactive application.

128        (11) This section is subject to the Open Government Sunset  
129 Review Act in accordance with s. 119.15 and shall stand repealed  
130 on October 2, 2027, unless reviewed and saved from repeal  
131 through reenactment by the Legislature.

132        Section 2. The Legislature finds that it is a public  
133 necessity that autopsy reports for minor children whose deaths  
134 were related to acts of domestic violence be made confidential  
135 and exempt from s. 119.07(1), Florida Statutes, and s. 24(a),  
136 Article I of the State Constitution. The Legislature finds that  
137 autopsy reports describe the deceased in graphic and often  
138 disturbing fashion and that autopsy reports for minor children  
139 who were victims of domestic violence may describe the deceased  
140 nude, bruised, bloodied, broken, with bullet or other wounds,  
141 cut open, dismembered, or decapitated. As such, these reports  
142 often contain highly sensitive descriptions of the deceased  
143 which, if heard, viewed, copied, or publicized, could result in  
144 trauma, sorrow, humiliation, or emotional injury to the  
145 immediate family of the deceased and the deceased's minor  
146 friends, as well as injury to the memory of the deceased. The  
147 Legislature recognizes that the existence of the Internet and  
148 the proliferation of websites throughout the world encourages  
149 and promotes the wide dissemination of reports and publications  
150 24 hours a day and that widespread unauthorized dissemination of

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151 | autopsy reports for minor children whose deaths were related to  
152 | acts of domestic violence would subject the immediate family and  
153 | the minor friends of the deceased to continuous injury. The  
154 | Legislature further finds that the exemption provided in this  
155 | act should be given retroactive application because it is  
156 | remedial in nature.

157 | Section 3. This act shall take effect upon becoming a law.