

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

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1 Committee/Subcommittee hearing bill: Criminal Justice  
 2 Subcommittee

3 Representative Clemons offered the following:

4

5 **Amendment**

6 Remove lines 57-111 and insert:

7 autopsy report if the surviving parent did not commit the act of  
 8 domestic violence which led to the minor's death.

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

12 (b) A local governmental entity, or a state or federal  
 13 agency, in furtherance of its official duties, pursuant to a  
 14 written request, may view or copy a minor's autopsy report or a  
 15 photograph or video recording of an autopsy, or may listen to or  
 16 copy an audio recording of an autopsy, and unless otherwise

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17 required in the performance of official ~~their~~ duties, the  
18 identity of the deceased shall remain confidential and exempt.

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

26 (4) (a) The court, upon a showing of good cause, may issue  
27 an order authorizing any person to view or copy a minor's  
28 autopsy report or a photograph or video recording of an autopsy  
29 or to listen to or copy an audio recording of an autopsy and may  
30 prescribe any restrictions or stipulations that the court deems  
31 appropriate.

32 (b) In determining good cause, the court shall consider  
33 whether such disclosure is necessary for the public evaluation  
34 of governmental performance; the seriousness of the intrusion  
35 into the family's right to privacy and whether such disclosure  
36 is the least intrusive means available; and the availability of  
37 similar information in other public records, regardless of form.

38 (c) In all cases, the viewing, copying, listening to, or  
39 other handling of a minor's autopsy report or a photograph or  
40 video or audio recording of an autopsy must be under the direct

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41 supervision of the custodian of the record or his or her  
42 designee.

43 (5)(a) A surviving spouse must ~~shall~~ be given reasonable  
44 notice of a petition filed with the court to view or copy a  
45 photograph or video recording of an autopsy or a petition to  
46 listen to or copy an audio recording, a copy of such petition,  
47 and reasonable notice of the opportunity to be present and heard  
48 at any hearing on the matter. If there is no surviving spouse,  
49 then such notice must be given to the parents of the deceased,  
50 and if there is ~~the deceased has~~ no living parent, then to the  
51 adult children of the deceased.

52 (b) For an autopsy report of a minor whose death was  
53 related to an act of domestic violence as defined in s. 741.28,  
54 any surviving parent who did not commit the act of domestic  
55 violence which led to the minor's death must be given reasonable  
56 notice of a petition filed with the court to view or copy the  
57 autopsy report, a copy of such petition, and reasonable notice  
58 of the opportunity to be present and heard at any hearing on the  
59 matter.

60 (6)(a) Any custodian of a minor's autopsy report or a  
61 photograph or video or audio recording of an autopsy who