



26 reports be under the direct supervision of the  
 27 custodian of record or his or her designee; requiring  
 28 that certain surviving parents of a minor whose death  
 29 was related to an act of domestic violence be given  
 30 notice of petitions to view or copy the minor's  
 31 autopsy report and the opportunity to be present and  
 32 heard at related hearings; providing penalties;  
 33 providing construction; providing for retroactive  
 34 application; providing for future legislative review  
 35 and repeal of the exemption; providing a statement of  
 36 public necessity; providing an effective date.

37

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

39

40 Section 1. Paragraph (p) of subsection (2) of section  
 41 119.071, Florida Statutes, is amended to read:

42 119.071 General exemptions from inspection or copying of  
 43 public records.—

44 (2) AGENCY INVESTIGATIONS.—

45 (p)1. As used in this paragraph, the term:

46 a. "Killing of a law enforcement officer who was acting in  
 47 accordance with his or her official duties" means all acts or  
 48 events that cause or otherwise relate to the death of a law  
 49 enforcement officer who was acting in accordance with his or her  
 50 official duties, including any related acts or events

51 immediately preceding or subsequent to the acts or events that  
52 were the proximate cause of death.

53 b. "Killing of a minor" means all acts or events that  
54 cause or otherwise relate to the death of a victim who has not  
55 reached the age of 18 at the time of death, including any  
56 related acts or events immediately preceding or subsequent to  
57 the acts or events that were the proximate cause of the death of  
58 a victim under the age of 18, events that depict a victim under  
59 the age of 18 being killed, or events that depict the body of a  
60 victim under the age of 18 who has been killed.

61 ~~c.b.~~ "Killing of a victim of mass violence" means events  
62 that depict either a victim being killed or the body of a victim  
63 killed in an incident in which three or more persons, not  
64 including the perpetrator, are killed by the perpetrator of an  
65 intentional act of violence.

66 2.a. A photograph or video or audio recording that depicts  
67 or records the killing of a law enforcement officer who was  
68 acting in accordance with his or her official duties or the  
69 killing of a victim of mass violence is confidential and exempt  
70 from s. 119.07(1) and s. 24(a), Art. I of the State  
71 Constitution, except that a surviving spouse of the decedent may  
72 view and copy any such photograph or video recording or listen  
73 to or copy any such audio recording. If there is no surviving  
74 spouse, the surviving parents shall have access to such records.  
75 If there is no surviving spouse or parent, the adult children

76 shall have access to such records. Nothing in this sub-  
 77 subparagraph ~~paragraph~~ precludes a surviving spouse, parent, or  
 78 adult child of the victim from sharing or publicly releasing  
 79 such photograph or video or audio recording.

80 b. A photograph or video or audio recording that depicts  
 81 or records the killing of a minor is confidential and exempt  
 82 from s. 119.07(1) and s. 24(a), Art. I of the State  
 83 Constitution, except that a surviving parent of the deceased  
 84 minor may view and copy any such photograph or video recording  
 85 or listen to or copy any such audio recording. Nothing in this  
 86 sub-subparagraph precludes a surviving parent of the victim from  
 87 sharing or publicly releasing such photograph or video or audio  
 88 recording.

89 3.a. The deceased's surviving relative, with whom  
 90 authority rests to obtain such records, may designate in writing  
 91 an agent to obtain such records.

92 b. Notwithstanding subparagraph 2., a local governmental  
 93 entity, or a state or federal agency, in furtherance of its  
 94 official duties, pursuant to a written request, may view or copy  
 95 a photograph or video recording or may listen to or copy an  
 96 audio recording of the killing of a law enforcement officer who  
 97 was acting in accordance with his or her official duties, ~~or~~ the  
 98 killing of a victim of mass violence, or the killing of a minor,  
 99 and, unless otherwise required in the performance of its duties,  
 100 the identity of the deceased shall remain confidential and

101 exempt.

102 c. The custodian of the record, or his or her designee,  
 103 may not permit any other person to view or copy such photograph  
 104 or video recording or listen to or copy such audio recording  
 105 without a court order.

106 4.a. The court, upon a showing of good cause, may issue an  
 107 order authorizing any person to view or copy a photograph or  
 108 video recording that depicts or records the killing of a law  
 109 enforcement officer who was acting in accordance with his or her  
 110 official duties, ~~or~~ the killing of a victim of mass violence, or  
 111 the killing of a minor, or to listen to or copy an audio  
 112 recording that depicts or records the killing of a law  
 113 enforcement officer who was acting in accordance with his or her  
 114 official duties, ~~or~~ the killing of a victim of mass violence, or  
 115 the killing of a minor, and may prescribe any restrictions or  
 116 stipulations that the court deems appropriate.

117 b. In determining good cause, the court shall consider:

118 (I) Whether such disclosure is necessary for the public  
 119 evaluation of governmental performance;

120 (II) The seriousness of the intrusion into the family's  
 121 right to privacy and whether such disclosure is the least  
 122 intrusive means available; and

123 (III) The availability of similar information in other  
 124 public records, regardless of form.

125 c. In all cases, the viewing, copying, listening to, or

126 other handling of a photograph or video or audio recording that  
127 depicts or records the killing of a law enforcement officer who  
128 was acting in accordance with his or her official duties, ~~or~~ the  
129 killing of a victim of mass violence, or the killing of a minor  
130 must be under the direct supervision of the custodian of the  
131 record or his or her designee.

132 5.a. A surviving spouse shall be given reasonable notice  
133 of a petition filed with the court to view or copy a photograph  
134 or video recording that depicts or records the killing of a law  
135 enforcement officer who was acting in accordance with his or her  
136 official duties or the killing of a victim of mass violence, or  
137 to listen to or copy any such audio recording, a copy of such  
138 petition, and reasonable notice of the opportunity to be present  
139 and heard at any hearing on the matter. If there is no surviving  
140 spouse, such notice must be given to the parents of the deceased  
141 and, if the deceased has no surviving parent, to the adult  
142 children of the deceased.

143 b. A surviving parent shall be given reasonable notice of  
144 a petition filed with the court to view or copy a photograph or  
145 video recording that depicts or records the killing of a minor  
146 or to listen to or copy any such audio recording, a copy of such  
147 petition, and reasonable notice of the opportunity to be present  
148 and heard at any hearing on the matter.

149 6.a. Any custodian of a photograph or video or audio  
150 recording that depicts or records the killing of a law

151 enforcement officer who was acting in accordance with his or her  
152 official duties, ~~or~~ the killing of a victim of mass violence, or  
153 the killing of a minor who willfully and knowingly violates this  
154 paragraph commits a felony of the third degree, punishable as  
155 provided in s. 775.082, s. 775.083, or s. 775.084.

156 b. Any person who willfully and knowingly violates a court  
157 order issued pursuant to this paragraph commits a felony of the  
158 third degree, punishable as provided in s. 775.082, s. 775.083,  
159 or s. 775.084.

160 c. A criminal or administrative proceeding is exempt from  
161 this paragraph but, unless otherwise exempted, is subject to all  
162 other provisions of chapter 119; however, this paragraph does  
163 not prohibit a court in a criminal or administrative proceeding  
164 upon good cause shown from restricting or otherwise controlling  
165 the disclosure of a killing, crime scene, or similar photograph  
166 or video or audio recording in the manner prescribed in this  
167 paragraph.

168 7. The exemption in this paragraph shall be given  
169 retroactive application and shall apply to all photographs or  
170 video or audio recordings that depict or record the killing of a  
171 law enforcement officer who was acting in accordance with his or  
172 her official duties, ~~or~~ the killing of a victim of mass  
173 violence, or the killing of a minor, regardless of whether the  
174 killing of the person occurred before, on, or after May 23,  
175 2019. However, nothing in this paragraph is intended to, nor may

176 be construed to, overturn or abrogate or alter any existing  
177 orders duly entered into by any court of this state, as of the  
178 effective date of this act, which restrict or limit access to  
179 any photographs or video or audio recordings that depict or  
180 record the killing of a law enforcement officer who was acting  
181 in accordance with his or her official duties, ~~or~~ the killing of  
182 a victim of mass violence, or the killing of a minor.

183 8. This paragraph applies only to such photographs and  
184 video and audio recordings held by an agency.

185 9. This paragraph is subject to the Open Government Sunset  
186 Review Act in accordance with s. 119.15 and shall stand repealed  
187 on October 2, 2028 ~~2024~~, unless reviewed and saved from repeal  
188 through reenactment by the Legislature.

189 Section 2. (1) The Legislature finds that it is a public  
190 necessity that photographs and video and audio recordings that  
191 depict or record the killing of a minor be made confidential and  
192 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),  
193 Article I of the State Constitution and that such exemption be  
194 applied retroactively. The Legislature finds that photographs  
195 and video and audio recordings that depict or record the killing  
196 of a minor render a graphic and often disturbing visual or aural  
197 representation of the deceased. Such photographs and video and  
198 audio recordings may provide a view of the deceased in the final  
199 moments of life, in which they are often bruised, bloodied,  
200 broken, baring bullet wounds or other wounds, lacerated,



201 dismembered, or decapitated. As such, photographs and video and  
202 audio recordings that depict or record the killing of a minor  
203 are highly sensitive representations of the deceased which, if  
204 heard, viewed, copied, or publicized, could result in trauma,  
205 sorrow, humiliation, or emotional injury to the immediate family  
206 of the deceased and detract from the memory of the deceased. The  
207 Legislature recognizes that the existence of the Internet and  
208 the proliferation of personal computers and cellular telephones  
209 throughout the world encourages and promotes the wide  
210 dissemination of such photographs and video and audio recordings  
211 24 hours a day and that widespread unauthorized dissemination of  
212 such photographs and video and audio recordings would subject  
213 the immediate family of the deceased to continuous injury.

214 (2) In addition to the emotional and mental injury that  
215 these photographs and video and audio recordings may cause  
216 family members, the Legislature is also concerned that  
217 dissemination of photographs and video and audio recordings that  
218 depict or record the killing of a minor is harmful to the  
219 public. The Legislature is concerned that the release of these  
220 photographs and video and audio recordings may educe violent  
221 acts by persons who have a mental illness or who are morally  
222 corrupt.

223 Section 3. Sections 4 and 5 of this act may be cited as  
224 the "Rex and Brody Act."

225 Section 4. Section 406.135, Florida Statutes, is amended

226 to read:

227 406.135 Autopsies; confidentiality of photographs and  
228 video and audio recordings; confidentiality of reports of minor  
229 victims of domestic violence; exemption.-

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

231 (a) "Domestic violence" has the same meaning as in s.  
232 741.28.

233 (b) "Medical examiner" means any district medical  
234 examiner, associate medical examiner, or substitute medical  
235 examiner acting pursuant to this chapter, as well as any  
236 employee, deputy, or agent of a medical examiner or any other  
237 person who may obtain possession of a report, photograph, or  
238 audio or video recording of an autopsy in the course of  
239 assisting a medical examiner in the performance of his or her  
240 official duties.

241 (c) "Minor" means a person younger than 18 years of age  
242 who has not had the disability of nonage removed pursuant to s.  
243 743.01 or s. 743.015.

244 (2)(a) A photograph or video or audio recording of an  
245 autopsy held by a medical examiner is confidential and exempt  
246 from s. 119.07(1) and s. 24(a), Art. I of the State  
247 Constitution, except that a surviving spouse may view and copy a  
248 photograph or video recording or listen to or copy an audio  
249 recording of the deceased spouse's autopsy. If there is no  
250 surviving spouse, then the surviving parents shall have access

251 to such records. If there is no surviving spouse or parent, then  
252 an adult child shall have access to such records.

253 (b) An autopsy report of a minor whose death was related  
254 to an act of domestic violence held by a medical examiner is  
255 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
256 of the State Constitution, except that a surviving parent of the  
257 deceased minor may view and copy the autopsy report if the  
258 surviving parent did not commit the act of domestic violence  
259 which led to the minor's death.

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

263 (b) Notwithstanding subsection (2), a local governmental  
264 entity, or a state or federal agency, in furtherance of its  
265 official duties, pursuant to a written request, may:

266 1. View or copy a photograph or video recording or may  
267 listen to or copy an audio recording of an autopsy; and

268 2. View or copy an autopsy report of a minor whose death  
269 was related to an act of domestic violence.

270  
271 Unless otherwise required in the performance of official ~~their~~  
272 duties, the identity of the deceased shall remain confidential  
273 and exempt.

274 (c) The custodian of the record, or his or her designee,  
275 may not permit any other person, except an agent designated in

276 writing by the deceased's surviving relative with whom authority  
277 rests to obtain such records, to view or copy an autopsy report  
278 of a minor whose death was related to an act of domestic  
279 violence or a ~~such~~ photograph or video recording of an autopsy  
280 or listen to or copy an audio recording of an autopsy without a  
281 court order.

282 (4) (a) The court, upon a showing of good cause, may issue  
283 an order authorizing any person to view or copy an autopsy  
284 report of a minor whose death was related to an act of domestic  
285 violence or a photograph or video recording of an autopsy or to  
286 listen to or copy an audio recording of an autopsy and may  
287 prescribe any restrictions or stipulations that the court deems  
288 appropriate.

289 (b) In determining good cause, the court shall consider  
290 whether such disclosure is necessary for the public evaluation  
291 of governmental performance; the seriousness of the intrusion  
292 into the family's right to privacy and whether such disclosure  
293 is the least intrusive means available; and the availability of  
294 similar information in other public records, regardless of form.

295 (c) In all cases, the viewing, copying, listening to, or  
296 other handling of an autopsy report of a minor whose death was  
297 related to an act of domestic violence or a photograph or video  
298 or audio recording of an autopsy must be under the direct  
299 supervision of the custodian of the record or his or her  
300 designee.

301           (5)(a) A surviving spouse must ~~shall~~ be given reasonable  
302 notice of a petition filed with the court to view or copy a  
303 photograph or video recording of an autopsy or a petition to  
304 listen to or copy an audio recording, a copy of such petition,  
305 and reasonable notice of the opportunity to be present and heard  
306 at any hearing on the matter. If there is no surviving spouse,  
307 then such notice must be given to the parents of the deceased,  
308 and if there is ~~the deceased has~~ no living parent, then to the  
309 adult children of the deceased.

310           (b) For an autopsy report of a minor whose death was  
311 related to an act of domestic violence, any surviving parent who  
312 did not commit the act of domestic violence which led to the  
313 minor's death must be given reasonable notice of a petition  
314 filed with the court to view or copy the autopsy report, a copy  
315 of such petition, and reasonable notice of the opportunity to be  
316 present and heard at any hearing on the matter.

317           (6)(a) Any custodian of an autopsy report of a minor whose  
318 death was related to an act of domestic violence or a photograph  
319 or video or audio recording of an autopsy who willfully and  
320 knowingly violates this section commits a felony of the third  
321 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
322 775.084.

323           (b) Any person who willfully and knowingly violates a  
324 court order issued pursuant to this section commits a felony of  
325 the third degree, punishable as provided in s. 775.082, s.

326 775.083, or s. 775.084.

327 (7) A criminal or administrative proceeding is exempt from  
 328 this section, ~~but unless otherwise exempted,~~ is subject to all  
 329 other provisions of chapter 119 unless otherwise exempted.  
 330 ~~provided however that~~ This section does not prohibit a court in  
 331 a criminal or administrative proceeding upon good cause shown  
 332 from restricting or otherwise controlling the disclosure of an  
 333 autopsy, crime scene, or similar report, photograph, or video or  
 334 audio recording ~~recordings~~ in the manner prescribed herein.

335 (8) The exemptions in this section ~~This exemption~~ shall be  
 336 given retroactive application.

337 (9) This section is subject to the Open Government Sunset  
 338 Review Act in accordance with s. 119.15 and shall stand repealed  
 339 on October 2, 2028, unless reviewed and saved from repeal  
 340 through reenactment by the Legislature.

341 Section 5. The Legislature finds that it is a public  
 342 necessity that autopsy reports of minors whose deaths were  
 343 related to acts of domestic violence be made confidential and  
 344 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),  
 345 Article I of the State Constitution. The Legislature finds that  
 346 autopsy reports describe the deceased in a graphic and often  
 347 disturbing fashion and that autopsy reports of minors whose  
 348 deaths were related to acts of domestic violence may describe  
 349 the deceased nude, bruised, bloodied, broken, with bullet or  
 350 other wounds, cut open, dismembered, or decapitated. As such,

351 these reports often contain highly sensitive descriptions of the  
352 deceased which, if heard, viewed, copied, or publicized, could  
353 result in trauma, sorrow, humiliation, or emotional injury to  
354 the immediate family and minor friends of the deceased, as well  
355 as injury to the memory of the deceased. The Legislature  
356 recognizes that the existence of the Internet and the  
357 proliferation of websites throughout the world encourages and  
358 promotes the wide dissemination of reports and publications 24  
359 hours a day, and that widespread unauthorized dissemination of  
360 autopsy reports of minors whose deaths were related to acts of  
361 domestic violence would subject the immediate family and minor  
362 friends of the deceased to continuous injury. The Legislature  
363 further finds that the exemption provided in this act should be  
364 given retroactive application because it is remedial in nature.

365 Section 6. This act shall take effect upon becoming a law.