

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	_____	(Y/N)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

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1 Committee/Subcommittee hearing bill: Ethics, Elections & Open  
 2 Government Subcommittee  
 3 Representative Trabulsy offered the following:

**Amendment (with title amendment)**

Remove lines 154-333 and insert:

7 c. A surviving spouse shall be given reasonable notice  
 8 of a petition filed with the court to view or copy a photograph  
 9 or video recording that depicts or records the suicide of a  
 10 person, or listen to or copy any such audio recording, a copy of  
 11 such petition, and reasonable notice of the opportunity to be  
 12 present and heard at any hearing on the matter. If there is no  
 13 surviving spouse, such notice must be given to the parents of  
 14 the deceased and, if there is no surviving parent, to the adult  
 15 children and siblings of the deceased.

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16           6.a. Any custodian of a photograph or video or audio  
17 recording that depicts or records the killing of a law  
18 enforcement officer who was acting in accordance with his or her  
19 official duties, the killing of a victim of mass violence, ~~or~~  
20 the killing of a minor, or the suicide of a person who willfully  
21 and knowingly violates this paragraph commits a felony of the  
22 third degree, punishable as provided in s. 775.082, s. 775.083,  
23 or s. 775.084.

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

28           c. A criminal or administrative proceeding is exempt from  
29 this paragraph but, unless otherwise exempted, is subject to all  
30 other provisions of chapter 119; however, this paragraph does  
31 not prohibit a court in a criminal or administrative proceeding  
32 upon good cause shown from restricting or otherwise controlling  
33 the disclosure of a killing, crime scene, or similar photograph  
34 or video or audio recording in the manner prescribed in this  
35 paragraph.

36           7. The exemptions ~~exemption~~ in this paragraph shall be  
37 given retroactive application and shall apply to all photographs  
38 or video or audio recordings that depict or record the killing  
39 of a law enforcement officer who was acting in accordance with  
40 his or her official duties, the killing of a victim of mass

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41 violence, ~~or~~ the killing of a minor, or the suicide of a person,  
42 regardless of whether the killing or suicide of the person  
43 occurred before, on, or after May 23, 2019. However, nothing in  
44 this paragraph is intended to, nor may be construed to, overturn  
45 or abrogate or alter any existing orders duly entered into by  
46 any court of this state, as of the effective date of this act,  
47 which restrict or limit access to any photographs or video or  
48 audio recordings that depict or record the killing of a law  
49 enforcement officer who was acting in accordance with his or her  
50 official duties, the killing of a victim of mass violence, ~~or~~  
51 the killing of a minor, or the suicide of a person.

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

54 9. This paragraph is subject to the Open Government Sunset  
55 Review Act in accordance with s. 119.15 and shall stand repealed  
56 on October 2, 2029 ~~2028~~, unless reviewed and saved from repeal  
57 through reenactment by the Legislature.

58 Section 2. The Legislature finds that it is a public  
59 necessity that photographs and video and audio recordings that  
60 depict or record the suicide of a person be made confidential  
61 and exempt from s. 119.07(1), Florida Statutes, and s. 24(a),  
62 Article I of the State Constitution and that such exemption be  
63 applied retroactively. The Legislature finds that photographs  
64 and video and audio recordings that depict or record the suicide  
65 of a person render graphic and often disturbing visual or aural

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66 representations of the deceased. Such photographs and video and  
67 audio recordings provide a view of the deceased in the final  
68 moments of life, in which they are often experiencing severe  
69 symptoms of depression or other mental illness, and may depict  
70 graphic and gruesome self-inflicted wounds. As such, photographs  
71 and video and audio recordings that depict or record the suicide  
72 of a person are highly sensitive representations of the deceased  
73 which, if heard, viewed, copied, or publicized, could result in  
74 trauma, sorrow, humiliation, or emotional injury to the  
75 immediate family of the deceased and detract from the memory of  
76 the deceased. The Legislature recognizes that the existence of  
77 the Internet and the proliferation of personal computers and  
78 cellular telephones throughout the world encourages and promotes  
79 the wide dissemination of such photographs and video and audio  
80 recordings and that widespread unauthorized dissemination of  
81 such photographs and video and audio recordings would subject  
82 the immediate family of the deceased to continuous injury. The  
83 Legislature further finds that such photographs and video and  
84 audio recordings that depict or record the suicide of a person  
85 are harmful to the public. The release of such photographs and  
86 video and audio recordings may trigger persons who have a mental  
87 illness or who are experiencing severe depression to consider  
88 suicide. The Legislature further finds that the exemption  
89 provided in this act should be given retroactive application  
90 because it is remedial in nature.

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91 Section 3. Section 406.135, Florida Statutes, is amended  
92 to read:

93 406.135 Autopsies; confidentiality of photographs and  
94 video and audio recordings; confidentiality of reports of minor  
95 victims of domestic violence; exemption.—

96 (1) As used in this section, the term:

97 (a) "Domestic violence" has the same meaning as in s.  
98 741.28.

99 (b) "Medical examiner" means any district medical  
100 examiner, associate medical examiner, or substitute medical  
101 examiner acting pursuant to this chapter, as well as any  
102 employee, deputy, or agent of a medical examiner or any other  
103 person who may obtain possession of a report, photograph, or  
104 audio or video recording of an autopsy in the course of  
105 assisting a medical examiner in the performance of his or her  
106 official duties.

107 (c) "Minor" means a person younger than 18 years of age  
108 who has not had the disability of nonage removed pursuant to s.  
109 743.01 or s. 743.015.

110 (2) (a) A photograph or video or audio recording of an  
111 autopsy held by a medical examiner is confidential and exempt  
112 from s. 119.07(1) and s. 24(a), Art. I of the State  
113 Constitution, except that a surviving spouse may view and copy a  
114 photograph or video recording or listen to or copy an audio  
115 recording of the deceased spouse's autopsy. If there is no

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116 surviving spouse, then the surviving parents shall have access  
117 to such records. If there is no surviving spouse or parent, then  
118 an adult child shall have access to such records.

119 (b) An autopsy report of a minor whose death was related  
120 to an act of domestic violence held by a medical examiner is  
121 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
122 of the State Constitution, except that a surviving parent of the  
123 deceased minor may view and copy the autopsy report if the  
124 surviving parent did not commit the act of domestic violence  
125 which led to the minor's death.

126 (c) An autopsy report of a person whose manner of death  
127 was suicide held by a medical examiner is confidential and  
128 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
129 Constitution, except that a surviving spouse of the deceased may  
130 view and copy the autopsy report. If there is no surviving  
131 spouse, the surviving parents must have access to such records.  
132 If there is no surviving spouse or parent, the adult children  
133 and siblings must have access to such records.

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

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

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140 1. View or copy a photograph or video recording or may  
141 listen to or copy an audio recording of an autopsy; ~~and~~

142 2. View or copy an autopsy report of a minor whose death  
143 was related to an act of domestic violence; ~~and~~.

144 3. View or copy an autopsy report of a person whose manner  
145 of death was determined by a medical examiner to have been by  
146 suicide.

147  
148 Unless otherwise required in the performance of official duties,  
149 the identity of the deceased shall remain confidential and  
150 exempt.

151 (c) The custodian of the record, or his or her designee,  
152 may not permit any other person, except an agent designated in  
153 writing by the deceased's surviving relative with whom authority  
154 rests to obtain such records, to view or copy an autopsy report  
155 of a person whose manner of death was determined by a medical  
156 examiner to have been by suicide, an autopsy report of a minor  
157 whose death was related to an act of domestic violence, or a  
158 photograph or video recording of an autopsy or listen to or copy  
159 an audio recording of an autopsy without a court order.

160 (4) (a) The court, upon a showing of good cause, may issue  
161 an order authorizing any person to view or copy an autopsy  
162 report of a person whose manner of death was determined by a  
163 medical examiner to have been by suicide, an autopsy report of a  
164 minor whose death was related to an act of domestic violence, or

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165 a photograph or video recording of an autopsy or to listen to or  
166 copy an audio recording of an autopsy and may prescribe any  
167 restrictions or stipulations that the court deems appropriate.

168 (b) In determining good cause, the court shall consider  
169 whether such disclosure is necessary for the public evaluation  
170 of governmental performance; the seriousness of the intrusion  
171 into the family's right to privacy and whether such disclosure  
172 is the least intrusive means available; and the availability of  
173 similar information in other public records, regardless of form.

174 (c) In all cases, the viewing, copying, listening to, or  
175 other handling of an autopsy report of a person whose manner of  
176 death was determined by a medical examiner to have been by  
177 suicide, an autopsy report of a minor whose death was related to  
178 an act of domestic violence, or a photograph or video or audio  
179 recording of an autopsy must be under the direct supervision of  
180 the custodian of the record or his or her designee.

181 (5)(a) A surviving spouse must be given reasonable notice  
182 of a petition filed with the court to view or copy a photograph  
183 or video recording of an autopsy or a petition to listen to or  
184 copy an audio recording, a copy of such petition, and reasonable  
185 notice of the opportunity to be present and heard at any hearing  
186 on the matter. If there is no surviving spouse, then such notice  
187 must be given to the parents of the deceased, and if there is no  
188 living parent, then to the adult children of the deceased.



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189 (b) For an autopsy report of a minor whose death was  
 190 related to an act of domestic violence, any surviving parent who  
 191 did not commit the act of domestic violence which led to the  
 192 minor's death must be given reasonable notice of a petition  
 193 filed with the court to view or copy the autopsy report, a copy  
 194 of such petition, and reasonable notice of the opportunity to be  
 195 present and heard at any hearing on the matter.

196 (c) A surviving spouse must be given reasonable notice of  
 197 a petition filed with the court to view or copy an autopsy  
 198 report of a person whose manner of death was by suicide, a copy  
 199 of such petition, and reasonable notice of the opportunity to be  
 200 present and heard at any hearing on the matter. If there is no  
 201 surviving spouse, then such notice must be given to the parents  
 202 of the deceased, and if there is no living parent, then to the  
 203 adult children and siblings of the deceased.

204 -----  
 205  
 206 **T I T L E A M E N D M E N T**

207 Remove lines 11-21 and insert:

208 her designee; providing notice requirements; providing criminal  
 209 penalties; providing construction; providing for retroactive  
 210 application; providing for future legislative review and repeal  
 211 of the exemption; providing a statement of public necessity;  
 212 amending s. 406.135, F.S.; creating an exemption from public  
 213 records requirements for autopsy reports of suicide victims;

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214 providing exceptions; requiring that any viewing, copying,  
215 listening to, or other handling of such autopsy reports be under  
216 the direct supervision of the custodian of the record or his or  
217 her designee; providing notice requirements; providing criminal  
218 penalties;