

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.071, F.S.; providing an exemption from public
 4 records requirements for personal identifying
 5 information of a witness to a felony for a specified
 6 period; authorizing specified entities to receive the
 7 information; providing for future legislative review
 8 and repeal of the exemption; providing a statement of
 9 public necessity; providing an effective date.

10

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

12

13 Section 1. Paragraph (m) is added to subsection (2) of
 14 section 119.071, Florida Statutes, to read:

15 119.071 General exemptions from inspection or copying of
 16 public records.—

17 (2) AGENCY INVESTIGATIONS.—

18 (m)1. Notwithstanding any other provision of this
 19 subsection, the personal identifying information of a witness to
 20 a felony is confidential and exempt from s. 119.07(1) and s.
 21 24(a), Art. I of the State Constitution for 2 years after the
 22 date on which the felony is observed by the witness. The
 23 personal identifying information may be disclosed only to a
 24 criminal justice agency or governmental entity for use in the
 25 performance of official duties.

26 2. This paragraph is subject to the Open Government Sunset

27 Review Act in accordance with s. 119.15 and shall stand repealed
28 on October 2, 2021, unless reviewed and saved from repeal
29 through reenactment by the Legislature.

30 Section 2. The Legislature finds that it is a public
31 necessity that personal identifying information of a witness to
32 a felony be made confidential and exempt from s. 119.07(1),
33 Florida Statutes, and s. 24(a), Article I of the State
34 Constitution for 2 years after the date on which the felony is
35 observed by the witness. The judicial system cannot function
36 without the participation of witnesses. Complete cooperation and
37 truthful testimony of witnesses is essential to the
38 determination of the facts of a case. The public disclosure of
39 personal identifying information of a witness to a felony could
40 have an undesirable chilling effect on witnesses stepping
41 forward and providing their accounts of felonies. A witness to a
42 felony may be unwilling to cooperate fully with law enforcement
43 officers if the witness knows his or her personal identifying
44 information can be made publicly available. A witness may be
45 less likely to call a law enforcement officer and report a crime
46 if his or her personal identifying information is made available
47 in connection with the felony that is being reported or under
48 investigation. The Legislature further finds that a witness
49 could become the subject of intimidation tactics or threats by
50 the perpetrator of the felony if the witness's personal
51 identifying information is publicly available. For these
52 reasons, the Legislature finds that it is a public necessity

CS/HB 475

2016

53 that the personal identifying information of a witness to a
54 felony be made confidential and exempt from public record
55 requirements.

56 Section 3. This act shall take effect July 1, 2016.