

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 murder for a specified
 6 period; authorizing specified entities to receive the
 7 information; providing for future legislative review
 8 and repeal of the exemption; amending s. 119.0714,
 9 F.S.; providing that the public records exemption
 10 applies to personal identifying information of a
 11 witness to a murder that is made part of a court file;
 12 providing a statement of public necessity; providing
 13 an effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Paragraph (m) is added to subsection (2) of
 18 section 119.071, Florida Statutes, to read:

19 119.071 General exemptions from inspection or copying of
 20 public records.—

21 (2) AGENCY INVESTIGATIONS.—

22 (m)1. Notwithstanding any other provision of this
 23 subsection, the personal identifying information of a witness to
 24 a murder, as described in s. 782.04, is confidential and exempt
 25 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution

26 | for 2 years after the date on which the murder is observed by
 27 | the witness. The personal identifying information may be
 28 | disclosed only to a criminal justice agency or governmental
 29 | entity for use in the performance of its official duties and
 30 | responsibilities.

31 | 2. This paragraph is subject to the Open Government Sunset
 32 | Review Act in accordance with s. 119.15 and shall stand repealed
 33 | on October 2, 2022, unless reviewed and saved from repeal
 34 | through reenactment by the Legislature.

35 | Section 2. Paragraph (k) is added to subsection (1) of
 36 | section 119.0714, Florida Statutes, to read:

37 | 119.0714 Court files; court records; official records.—

38 | (1) COURT FILES.—Nothing in this chapter shall be
 39 | construed to exempt from s. 119.07(1) a public record that was
 40 | made a part of a court file and that is not specifically closed
 41 | by order of court, except:

42 | (k) Personal identifying information of a witness to a
 43 | murder as provided in s. 119.071(2)(m).

44 | Section 3. The Legislature finds that it is a public
 45 | necessity that personal identifying information of a witness to
 46 | a murder, as described in s. 782.04, Florida Statutes, be made
 47 | confidential and exempt from s. 119.07(1), Florida Statutes, and
 48 | s. 24(a), Article I of the State Constitution for 2 years after
 49 | the date on which the murder is observed by the witness. The
 50 | judicial system cannot function without the participation of

51 witnesses. Complete cooperation and truthful testimony of
52 witnesses is essential to the determination of the facts of a
53 case. The public disclosure of personal identifying information
54 of a witness to a murder could have an undesirable chilling
55 effect on witnesses stepping forward and providing their
56 eyewitness accounts of murders. A witness to a murder may be
57 unwilling to cooperate fully with law enforcement officers if
58 the witness knows his or her personal identifying information
59 can be made publicly available. A witness may be less likely to
60 call a law enforcement officer and report a murder if his or her
61 personal identifying information is made available in connection
62 with the murder that is being reported or under investigation.
63 The Legislature further finds that a witness could become the
64 subject of intimidation tactics or threats by the perpetrator of
65 the murder if the witness's personal identifying information is
66 publicly available. For these reasons, the Legislature finds
67 that it is a public necessity that the personal identifying
68 information of a witness to a murder, as described in s. 782.04,
69 Florida Statutes, be made confidential and exempt from public
70 record requirements.

71 Section 4. This act shall take effect July 1, 2017.