

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.011, F.S.; providing that the personal identifying
 4 information of a witness to a murder remains
 5 confidential and exempt for a specified period;
 6 amending s. 119.071, F.S.; providing an exemption from
 7 public records requirements for criminal intelligence
 8 or criminal investigative information that reveals the
 9 personal identifying information of a witness to a
 10 murder for a specified period; authorizing specified
 11 entities to receive the information; providing for
 12 future legislative review and repeal of the exemption;
 13 amending s. 119.0714, F.S.; providing that the public
 14 records exemption applies to personal identifying
 15 information of a witness to a murder that is made part
 16 of a court file; providing a statement of public
 17 necessity; providing an effective date.

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

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 21 Section 1. Paragraph (c) of subsection (3) of section
 22 119.011, Florida Statutes, is amended to read:

23 119.011 Definitions.—As used in this chapter, the term:
 24 (3)
 25 (c) "Criminal intelligence information" and "criminal

26 | investigative information" shall not include:

27 | 1. The time, date, location, and nature of a reported
28 | crime.

29 | 2. The name, sex, age, and address of a person arrested or
30 | of the victim of a crime except as provided in s. 119.071(2) (h).

31 | 3. The time, date, and location of the incident and of the
32 | arrest.

33 | 4. The crime charged.

34 | 5. Documents given or required by law or agency rule to be
35 | given to the person arrested, except as provided in s.

36 | 119.071(2) (h) or (2) (m), and, except that the court in a
37 | criminal case may order that certain information required by law
38 | or agency rule to be given to the person arrested be maintained
39 | in a confidential manner and exempt from the provisions of s.
40 | 119.07(1) until released at trial if it is found that the
41 | release of such information would:

42 | a. Be defamatory to the good name of a victim or witness
43 | or would jeopardize the safety of such victim or witness; and

44 | b. Impair the ability of a state attorney to locate or
45 | prosecute a codefendant.

46 | 6. Informations and indictments except as provided in s.
47 | 905.26.

48 | Section 2. Paragraph (m) is added to subsection (2) of
49 | section 119.071, Florida Statutes, to read:

50 | 119.071 General exemptions from inspection or copying of

51 public records.—

52 (2) AGENCY INVESTIGATIONS.—

53 (m)1. Criminal intelligence information or criminal
54 investigative information that reveals the personal identifying
55 information of a witness to a murder, as described in s. 782.04,
56 is confidential and exempt from s. 119.07(1) and s. 24(a), Art.
57 I of the State Constitution for 2 years after the date on which
58 the murder is observed by the witness. A criminal justice agency
59 may disclose such information:

60 a. In the furtherance of its official duties and
61 responsibilities.

62 b. To assist in locating or identifying the witness if the
63 agency believes the witness to be missing or endangered.

64 c. To another governmental agency for use in the
65 performance of its official duties and responsibilities.

66 2. This paragraph is subject to the Open Government Sunset
67 Review Act in accordance with s. 119.15 and shall stand repealed
68 on October 2, 2022, unless reviewed and saved from repeal
69 through reenactment by the Legislature.

70 Section 3. Paragraph (h) of subsection (1) of section
71 119.0714, Florida Statutes, is amended to read:

72 119.0714 Court files; court records; official records.—

73 (1) COURT FILES.—Nothing in this chapter shall be
74 construed to exempt from s. 119.07(1) a public record that was
75 made a part of a court file and that is not specifically closed

76 | by order of court, except:

77 | (h) Criminal intelligence information or criminal
78 | investigative information that is confidential and exempt as
79 | provided in s. 119.071(2)(h) or (2)(m).

80 | Section 4. The Legislature finds that it is a public
81 | necessity that personal identifying information of a witness to
82 | a murder, as described in s. 782.04, Florida Statutes, be made
83 | confidential and exempt from s. 119.07(1), Florida Statutes, and
84 | s. 24(a), Article I of the State Constitution for 2 years after
85 | the date on which the murder is observed by the witness. The
86 | judicial system cannot function without the participation of
87 | witnesses. Complete cooperation and truthful testimony of
88 | witnesses is essential to the determination of the facts of a
89 | case. The public disclosure of personal identifying information
90 | of a witness to a murder could have an undesirable chilling
91 | effect on witnesses stepping forward and providing their
92 | eyewitness accounts of murders. A witness to a murder may be
93 | unwilling to cooperate fully with law enforcement officers if
94 | the witness knows his or her personal identifying information
95 | can be made publicly available. A witness may be less likely to
96 | call a law enforcement officer and report a murder if his or her
97 | personal identifying information is made available in connection
98 | with the murder that is being reported or under investigation.
99 | The Legislature further finds that a witness could become the
100 | subject of intimidation tactics or threats by the perpetrator of

101 the murder if the witness's personal identifying information is
102 publicly available. For these reasons, the Legislature finds
103 that it is a public necessity that the personal identifying
104 information of a witness to a murder, as described in s. 782.04,
105 Florida Statutes, be made confidential and exempt from public
106 records requirements.

107 Section 5. This act shall take effect July 1, 2017.