

By Representative Greene

1 A bill to be entitled
2 An act relating to public records; creating s.
3 914.27, F.S.; providing an exemption from
4 public records requirements for certain
5 information held by various governmental
6 entities and certain business entities relating
7 to a victim of or witness to a crime obtained
8 in connection with victim and witness
9 protection services provided pursuant to s.
10 914.25, F.S., for certain information relating
11 to such person's family, and for information
12 relating to the protection program and
13 permanent relocation sites; providing for
14 future review and repeal; providing a finding
15 of public necessity; providing a contingent
16 effective date.

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

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20 Section 1. Section 914.27, Florida Statutes, is
21 created to read:

22 914.27 Confidentiality of victim and witness
23 information.--

24 (1) Information held by any state or local law
25 enforcement agency, state attorney, the statewide prosecutor,
26 the Victim and Witness Protection Review Committee created
27 pursuant to s. 914.26, or the Department of Law Enforcement
28 which discloses:

29 (a) The identity or location of a victim or witness
30 who has been identified or certified for protection or
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1 relocation by the state attorney or statewide prosecutor
2 pursuant to s. 914.25;
3 (b) The identity or location of an immediate family
4 member of a victim or witness who has been identified or
5 certified pursuant to s. 914.25;
6 (c) Relocation sites, techniques, or procedures
7 utilized or developed as a result of the victim and witness
8 protection services afforded by s. 914.25; or
9 (d) The identity or relocation site of any victim,
10 witness, or immediate family member of a victim or witness who
11 has made a relocation of permanent residence by reason of the
12 victim's or witness's involvement in the investigation or
13 prosecution giving rise to certification for protection or
14 relocation pursuant to s. 914.25;
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16 is confidential and exempt from the provisions of s. 119.07(1)
17 and s. 24(a), Art. I of the State Constitution. Such
18 information may be shared by law enforcement agencies, state
19 attorneys, and the statewide prosecutor to facilitate the
20 protection or relocation services provided pursuant to s.
21 914.25 and to support the prosecution efforts of the state
22 attorneys and the statewide prosecutor. Any information so
23 shared must remain confidential and exempt in the hands of any
24 agency or entity to which the information is provided.
25 (2) If a victim or witness is identified for
26 protective services under s. 914.25, but is not certified to
27 receive such services by the state attorney or statewide
28 prosecutor, the identity and location information exempt
29 pursuant to paragraphs (1)(a) and (b) becomes public
30 information, unless otherwise provided by law.
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1 (3) If a victim or witness is certified for protective
2 services, information made confidential and exempt from public
3 disclosure under paragraphs (1)(a) and (b) becomes public
4 information, unless otherwise provided by law, at the time the
5 certification made pursuant to s. 914.25 expires, unless the
6 state attorney or statewide prosecutor making such
7 certification complies with the provisions of subsection (4).

8 (4) The certifying state attorney or statewide
9 prosecutor may state in writing to the Victim and Witness
10 Protection Review Committee established pursuant to s. 914.26
11 that even though certification for participation in the victim
12 or witness protection program is about to expire, disclosure
13 of information made confidential and exempt by paragraph
14 (1)(a) or paragraph (1)(b) continues to constitute an
15 unwarranted risk to, or jeopardizes the safety of, victims,
16 witnesses, or family members of such victims or witnesses.
17 Accordingly, the confidential and exempt status of such
18 information shall continue until the certifying state attorney
19 or statewide prosecutor determines that disclosure of the
20 information would not constitute an unwarranted risk to, or
21 jeopardize the safety of, any person, and provides written
22 notification to that effect to the Victim and Witness
23 Protection Review Committee.

24 (5) For the purposes of effectively implementing s.
25 914.25, any state or local law enforcement agency, state
26 attorney, or the statewide prosecutor may provide written
27 notification to an agency as defined in s. 119.011 or to a
28 business entity operating under contract with, licensed by, or
29 having any other business relationship with an agency, or
30 providing services pursuant to s. 914.25, that information
31 described in subsection (1) held by that agency or business is

1 confidential and exempt from public disclosure. The state or
2 local law enforcement agency, state attorney, or the statewide
3 prosecutor providing such written notification shall also
4 provide written notification to the agency or business as to
5 when, in accordance with this section, identity and location
6 information exempted pursuant to paragraphs (1)(a) and (b) can
7 be made publicly available.

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9 This section is subject to the Open Government Sunset Review
10 Act of 1995 in accordance with s. 119.15, and shall stand
11 repealed on October 2, 2002, unless reviewed and saved from
12 repeal through reenactment by the Legislature.

13 Section 2. The Legislature finds that the exemptions
14 provided for in this act are a public necessity. The untimely
15 disclosure of identity and location information concerning a
16 victim or witness, and their immediate families, or the
17 disclosure of information revealing protection or relocation
18 sites, techniques, or procedures, or the permanent relocation
19 residence of a victim or witness or family member, would
20 constitute an unwarranted risk to, and jeopardize the safety
21 of, such victims, witnesses, and family members. This would
22 significantly impair the administration of the victim and
23 witness protection program established pursuant to ss. 914.25
24 and 914.26, Florida Statutes, and impede the investigation and
25 prosecution of crime.

26 Section 3. This act shall take effect on the same date
27 that House Bill or similar legislation providing for
28 establishment of a victim and witness protection program takes
29 effect, if such legislation is adopted in the same legislative
30 session or an extension thereof.

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HOUSE SUMMARY

Provides an exemption from public records requirements for certain information held by various governmental entities and certain business entities relating to a victim of or witness to a crime obtained in connection with victim and witness protection services, for certain information relating to such person's family, and for information relating to the protection program and permanent relocation sites. Provides for future review and repeal. Takes effect contingent upon adoption of legislation establishing a program for provision of such services.