Florida House of Representatives - 1997

By the Committee on Governmental Operations and Representatives Greene, Villalobos and Culp

1A bill to be entitled2An act relating to public records: creating s.3914.27, F.S.; providing an exemption from4public records requirements for certain5information held by various governmental6entities and certain business entities relating7to a victim of or witness to a crime obtained8in connection with victim and witness9protection services provided pursuant to s.10914.25, F.S., for certain information relating11to such person's family, and for information12relating to the protection program and13permanent relocation sites; providing a finding15of public necessity; providing a contingent16effective date.1718Be It Enacted by the Legislature of the State of Florida:19created to read:20Section 1. Section 914.27, Florida Statutes, is21created to read:22914.27 Confidentiality of victim and witness23information24(1) Information held by any state or local law25enforcement agency, state attorney, the statewide prosecutor, the Victim and Witness Protection Review Committee created pursuant to s. 914.26, or the Department of Law Enforcement which discloses:29(a) The identity or location of a victim or witness 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; (b) The identity or location of an immediate family 3 member of a victim or witness who has been identified or 4 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 protection services afforded by s. 914.25; or 8 9 (d) The identity or relocation site of any victim, witness, or immediate family member of a victim or witness who 10 has made a relocation of permanent residence by reason of the 11 victim's or witness's involvement in the investigation or 12 13 prosecution giving rise to certification for protection or relocation pursuant to s. 914.25; 14 15 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. (2) If a victim or witness is identified for 25 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. 31

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1 (3) If a victim or witness is certified for protective 2 services, information made confidential and exempt from public disclosure under paragraphs (1)(a) and (b) becomes public 3 information, unless otherwise provided by law, at the time the 4 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 that even though certification for participation in the victim 11 12 or witness protection program is about to expire, disclosure 13 of information made confidential and exempt by paragraph (1)(a) or paragraph (1)(b) continues to constitute an 14 15 unwarranted risk to, or jeopardizes the safety of, victims, witnesses, or family members of such victims or witnesses. 16 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 jeopardize the safety of, any person, and provides written 21 22 notification to that effect to the Victim and Witness 23 Protection Review Committee. (5) For the purposes of effectively implementing s. 24 914.25, any state or local law enforcement agency, state 25 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 having any other business relationship with an agency, or 29 providing services pursuant to s. 914.25, that information 30 31 described in subsection (1) held by that agency or business is

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confidential and exempt from public disclosure. The state or 1 local law enforcement agency, state attorney, or the statewide 2 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. 8 9 This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand 10 repealed on October 2, 2002, unless reviewed and saved from 11 12 repeal through reenactment by the Legislature. 13 Section 2. The Legislature finds that the exemptions provided for in this act are a public necessity. The untimely 14 15 disclosure of identity and location information concerning a victim or witness, and their immediate families, or the 16 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 of, such victims, witnesses, and family members. This would 21 significantly impair the administration of the victim and 22 23 witness protection program established pursuant to ss. 914.25 and 914.26, Florida Statutes, and impede the investigation and 24 25 prosecution of crime. Section 3. This act shall take effect on the same date 26 27 that House Bill 35 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. 31

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