

By Representative Greene

1 A bill to be entitled
2 An act relating to victim and witness
3 protection protocol; creating s. 914.25, F.S.;
4 providing for the coordination of specified
5 victim and witness special protection services
6 for victims and witnesses at risk of harm by
7 virtue of cooperation in cases involving
8 serious felonies; providing for certification
9 by the state attorney or statewide prosecutor;
10 authorizing relocation of the victims or
11 witnesses, with assistance from the Department
12 of Law Enforcement; creating s. 914.26, F.S.;
13 establishing a Victim and Witness Protection
14 Review Committee within the Florida Violent
15 Crime Council and providing for membership and
16 duties; providing for per diem and travel
17 expenses of members; providing for
18 reimbursements by the committee for protection
19 or relocation services; providing an
20 appropriation; providing an effective date.

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22 Be It Enacted by the Legislature of the State of Florida:
23

24 Section 1. Section 914.25, Florida Statutes, is
25 created to read:

26 914.25 Victim and witness protection services.--

27 (1) The state attorney shall coordinate with law
28 enforcement agencies within each county for the provision of
29 protection services for a victim or a witness placed at risk
30 of harm by virtue of cooperation in the investigation or
31 prosecution in state court of a serious felony offense,

1 including murder, manslaughter, sexual battery, aggravated
2 stalking, aggravated battery, carjacking, home invasion
3 robbery, burglary, arson, robbery, kidnapping, racketeering,
4 or trafficking in a controlled substance.

5 (a) Any law enforcement agency, a state attorney, or
6 the statewide prosecutor may identify, to the state attorney
7 or statewide prosecutor having jurisdiction in the case, a
8 victim or witness who is believed to be critical to a state
9 investigation or prosecution and is at risk of harm by reason
10 of that state criminal investigation or prosecution. For the
11 purposes of this section, a victim or witness is at risk of
12 harm if the person or that person's immediate family has been
13 subjected to violence or other areas of intimidation or is the
14 subject of a substantial threat to commit violence.

15 (b) If the state attorney or statewide prosecutor
16 determines that the victim or witness is critical to the state
17 investigation or prosecution of the defendant, the state
18 attorney or statewide prosecutor may certify the victim or
19 witness for the special protection or temporary relocation
20 services authorized by this section.

21 (c) Upon certification as provided in this section,
22 the investigating agency, in conjunction with the certifying
23 state attorney or statewide prosecutor, may provide for
24 appropriate witness protection services. The lead agency
25 providing protective services may seek reimbursement from the
26 Victim and Witness Protection Review Committee. Any such
27 reimbursement claim shall cover expenses incurred by all
28 agencies cooperating in providing the protective services, and
29 shall indicate the proposed levels of distribution between the
30 agencies should any reimbursement be received. Any
31 reimbursement provided to the lead agency shall be distributed

1 by that agency equitably to cooperating agencies in the levels
2 indicated in the reimbursement claim.

3 (d) Upon a finding by the state attorney or statewide
4 prosecutor of a compelling need to temporarily relocate a
5 victim or witness, the state attorney or statewide prosecutor
6 shall notify the Department of Law Enforcement. The
7 Department of Law Enforcement, in conjunction with the state
8 attorney or statewide prosecutor and the investigating law
9 enforcement agency, shall coordinate a temporary relocation of
10 the victim or witness.

11 (2) Victim and witness protection services, including
12 relocation as authorized in this section, may be provided for
13 up to 1 year or until the risks giving rise to the
14 certification have diminished, whichever is sooner. The state
15 attorney or statewide prosecutor may recertify for an
16 additional period of up to 1 year a victim or witness who
17 continues to remain at risk of harm during the pendency of
18 extended criminal proceedings in the trial court, or who
19 becomes at risk again by a retrial of one or more defendants.

20 (3) A state attorney, the statewide prosecutor, or a
21 law enforcement agency, or any officer or employee thereof,
22 acting in good faith in determining eligibility for victim and
23 witness protection services or in providing such services, is
24 immune from civil liability.

25 Section 2. Section 914.26, Florida Statutes, is
26 created to read:

27 914.26 Victim and Witness Protection Review Committee;
28 membership and duties.--

29 (1) MEMBERSHIP.--The Victim and Witness Protection
30 Review Committee is created within the Florida Violent Crime
31 Council, consisting of a state attorney or the statewide

1 prosecutor, a sheriff, a chief of police, and the designee of
2 the executive director of the Department of Law Enforcement.
3 The committee shall be appointed by the chair of the council,
4 upon the advice of the executive director of the Department of
5 Law Enforcement, from the membership of the council.
6 Committee members shall serve without compensation but are
7 entitled to reimbursement for per diem and travel expenses in
8 accordance with s. 112.061.

9 (2) DUTIES OF COMMITTEE.--The committee shall:

10 (a) Develop criteria for the disbursement of funds to
11 reimburse agencies for costs associated with providing victim
12 and witness protection or relocation services.

13 (b) Review and approve requests for reimbursements to
14 requesting agencies.

15 (c) Meet in conjunction with the meetings of the
16 Florida Violent Crime Council to consider requests from
17 agencies for reimbursement.

18 (3) REIMBURSEMENTS BY COMMITTEE.--The lead agency
19 incurring costs by reason of providing victim or witness
20 protection or relocation services as authorized by this
21 section may submit to the Victim and Witness Protection Review
22 Committee a request for reimbursement in a format as approved
23 by the committee. The committee in its discretion may utilize
24 funds available to it to provide all or partial reimbursement
25 to the lead agency for such costs, or may decline to provide
26 any reimbursement.

27 Section 3. An amount of \$500,000 from the General
28 Revenue Fund is appropriated to establish the Victim and
29 Witness Protection Services Reimbursement Trust Fund, if
30 created by law.

31 Section 4. This act shall take effect July 1, 1997.

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HOUSE SUMMARY

Provides for the coordination of specified victim and witness special protection services for victims and witnesses at risk of harm by virtue of cooperation in cases involving serious felonies. Provides for certification by the state attorney or statewide prosecutor. Authorizes relocation of the victims or witnesses, with assistance from the Department of Law Enforcement. Establishes a Victim and Witness Protection Review Committee within the Florida Violent Crime Council and provides for membership and duties. Provides for per diem and travel expenses of members. Provides for reimbursements by the committee for protection or relocation services. Provides an appropriation.