

By the Committee on Law Enforcement & Public Safety and
Representatives Greene, Futch and Villalobos

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 definitions for "victim or witness at
5 risk of harm" and "serious felony offense";
6 authorizing law enforcement agencies to provide
7 protective services, including temporary
8 relocation services, under specified
9 circumstances; providing a time limit for
10 provision of such services; providing that law
11 enforcement agencies may seek reimbursement for
12 expenses incurred in providing protective
13 services from the Victim and Witness Protection
14 Review Committee; providing immunity from civil
15 liability under certain circumstances; amending
16 s. 943.031, F.S., relating to the Florida
17 Violent Crime Council; establishing a Victim
18 and Witness Protection Review Committee within
19 the Florida Violent Crime Council; providing
20 for membership and duties; authorizing the
21 committee to use available funds to reimburse
22 law enforcement agencies for protective
23 services; providing for distribution of
24 reimbursement funds; providing an
25 appropriation; providing an effective date.

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

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29 Section 1. Section 914.25, Florida Statutes, is
30 created to read:

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1 914.25 Protective services for certain victims and
2 witnesses.--

3 (1) For purposes of this section:

4 (a) A "victim or witness at risk of harm" means a
5 victim or witness who, as a result of cooperating in a
6 criminal investigation or a prosecution, has been subjected to
7 violence or other forms of intimidation, or who is the subject
8 of a substantial threat to commit violence. The term also
9 includes a member of the victim's or witness's immediate
10 family.

11 (b) "Serious felony offense" means one of the
12 following offenses: murder, manslaughter, sexual battery,
13 aggravated stalking, aggravated battery, carjacking, home
14 invasion robbery, burglary, arson, robbery, kidnapping,
15 racketeering, or trafficking in a controlled substance.

16 (2) A law enforcement agency is hereby authorized to
17 provide protective services, including temporary relocation
18 services, to a victim or witness at risk of harm. Protective
19 and temporary relocation services, as deemed appropriate,
20 shall be provided pursuant to the provisions of this section.

21 (3)(a) The statewide prosecutor, any state attorney,
22 or any law enforcement officer may identify a victim or
23 witness as a victim or witness at risk of harm. Upon such
24 identification, the statewide prosecutor, the state attorney,
25 or the law enforcement officer must notify either the
26 statewide prosecutor or the state attorney who has
27 jurisdiction over the criminal investigation or prosecution,
28 if necessary.

29 (b) The statewide prosecutor or the state attorney, as
30 appropriate, may determine whether an identified victim or
31 witness at risk of harm is critical to a criminal

1 investigation or prosecution. If the victim or witness at risk
2 of harm is deemed critical, the statewide prosecutor or the
3 state attorney may:

4 1. Certify that the victim or witness receive
5 protective services; or

6 2. If the statewide prosecutor or the state attorney
7 finds a compelling need to temporarily relocate the victim or
8 witness, certify that the victim or witness receive protective
9 services, including temporary relocation services.

10 (4)(a) When a victim or witness is certified as
11 provided in subsection (3), a law enforcement agency, in
12 consultation with the certifying state attorney or the
13 statewide prosecutor, may provide appropriate protective
14 services. If a victim or witness needs to be temporarily
15 relocated, the statewide prosecutor or the state attorney must
16 notify the Department of Law Enforcement. The Department of
17 Law Enforcement, in consultation with the statewide prosecutor
18 or the state attorney, and any other law enforcement agency
19 involved in the criminal investigation or prosecution, shall
20 coordinate the temporary relocation of the victim or witness.

21 (b) Protective services, including temporary
22 relocation services, may be provided for up to 1 year or until
23 the risk giving rise to the certification has diminished,
24 whichever is sooner. If deemed necessary, the statewide
25 prosecutor or the state attorney may recertify a victim or
26 witness at risk of harm for an additional period of up to 1
27 year.

28 (5) The lead law enforcement agency that provides
29 protective services may seek reimbursement for expenses from
30 the Victim and Witness Protection Review Committee, pursuant
31 to the provisions of s. 943.031.

1 (6) The statewide prosecutor, any state attorney, or
2 any law enforcement officer, acting in good faith in
3 determining eligibility for victim and witness protective
4 services, including temporary relocation services, or in
5 providing such services, is immune from civil liability.

6 Section 2. Subsection (6) is added to section 943.031,
7 Florida Statutes, 1996 Supplement, to read:

8 943.031 Florida Violent Crime Council.--The
9 Legislature finds that there is a need to develop and
10 implement a statewide strategy to address violent criminal
11 activity. In recognition of this need, the Florida Violent
12 Crime Council is created within the department. The council
13 shall serve in an advisory capacity to the department.

14 (6) VICTIM AND WITNESS PROTECTION REVIEW COMMITTEE.--

15 (a) The Victim and Witness Protection Review Committee
16 is created within the Florida Violent Crime Council,
17 consisting of the statewide prosecutor or a state attorney, a
18 sheriff, a chief of police, and the designee of the executive
19 director of the Department of Law Enforcement. The committee
20 shall be appointed from the membership of the council by the
21 chair of the council, after consulting with the executive
22 director of the Department of Law Enforcement. Committee
23 members shall meet in conjunction with the meetings of the
24 council.

25 (b) The committee shall:

26 1. Develop criteria for disbursing funds to reimburse
27 law enforcement agencies for costs associated with providing
28 victim and witness protective or temporary relocation
29 services.

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1 2. Review and approve or deny, in whole or in part,
2 all reimbursement requests submitted by law enforcement
3 agencies.

4 (c) The lead law enforcement agency providing victim
5 or witness protective or temporary relocation services
6 pursuant to the provisions of s. 914.25 may submit a request
7 for reimbursement to the Victim and Witness Protection Review
8 Committee in a format approved by the committee. The lead law
9 enforcement agency shall submit such reimbursement request on
10 behalf of all law enforcement agencies that cooperated in
11 providing protective or temporary relocation services related
12 to a particular criminal investigation or prosecution. As part
13 of the reimbursement request, the lead law enforcement agency
14 must indicate how any reimbursement proceeds will be
15 distributed among the agencies that provided protective or
16 temporary relocation services.

17 (d) The committee, in its discretion, may use funds
18 available to the committee to provide all or partial
19 reimbursement to the lead law enforcement agency for such
20 costs, or may decline to provide any reimbursement.

21 Section 3. The sum of \$500,000 is appropriated from
22 the General Revenue Fund to the Operating Trust Fund within
23 the Department of Law Enforcement for the purpose of
24 implementing this act.

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