

1  
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 effective  
25 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 an  
6 investigation or prosecution of a serious felony offense, has  
7 been subjected to violence or other forms of intimidation, or  
8 who is the subject of a substantial threat to commit violence.  
9 The term also includes a member of the victim's or witness's  
10 immediate 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 occurs 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 the chair has consulted with the  
22 executive director of the Department of Law Enforcement.  
23 Committee members shall meet in conjunction with the meetings  
24 of the 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. This act shall take effect July 1, 1997.  
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