

By the Committee on State Administration and
 Representative Brummer

1 A bill to be entitled
 2 An act relating to a public records exemption
 3 for certain victim and witness information;
 4 amending s. 914.27, F.S., which provides an
 5 exemption from public records requirements for
 6 certain information regarding a victim or
 7 witness who has been identified or certified
 8 for protective services or relocation services;
 9 reenacting such exemption and removing the
 10 October 2, 2002, repeal thereof scheduled under
 11 the Open Government Sunset Review Act of 1995;
 12 clarifying language; providing an effective
 13 date.

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

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 17 Section 1. Notwithstanding the October 2, 2002, repeal
 18 of said section scheduled pursuant to the Open Government
 19 Sunset Review Act of 1995, section 914.27, Florida Statutes,
 20 is reenacted and amended to read:

21 914.27 Confidentiality of victim and witness
 22 information.--

23 (1) Information held by any state or local law
 24 enforcement agency, state attorney, the statewide prosecutor,
 25 the Victim and Witness Protection Review Committee created
 26 pursuant to s. 943.031, or the Department of Law Enforcement
 27 which discloses:

28 (a) The identity or location of a victim or witness
 29 who has been identified or certified for protective ~~protection~~
 30 or relocation services ~~by the state attorney or statewide~~
 31 ~~prosecutor~~ pursuant to s. 914.25;

1 (b) The identity or location of an immediate family
2 member of a victim or witness who has been identified or
3 certified pursuant to s. 914.25;

4 (c) Relocation sites, techniques, or procedures
5 utilized or developed as a result of the victim and witness
6 protective ~~protection~~ services afforded by s. 914.25; or

7 (d) The identity or relocation site of any victim,
8 witness, or immediate family member of a victim or witness who
9 has made a relocation of permanent residence by reason of the
10 victim's or witness's involvement in the investigation or
11 prosecution giving rise to certification for protective
12 ~~protection~~ or relocation services pursuant to s. 914.25;

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14 is confidential and exempt from the provisions of s. 119.07(1)
15 and s. 24(a), Art. I of the State Constitution. Such
16 information may be shared by law enforcement agencies, state
17 attorneys, and the statewide prosecutor to facilitate the
18 protective ~~protection~~ or relocation services provided pursuant
19 to s. 914.25 and to support the prosecution efforts of the
20 state attorneys and the statewide prosecutor. Any information
21 so shared must remain confidential and exempt in the hands of
22 any agency or entity to which the information is provided.

23 (2) If a victim or witness is identified for
24 protective services under s. 914.25 and is later denied
25 certification, ~~but is not certified to receive such services~~
26 ~~by the state attorney or statewide prosecutor,~~ the identity
27 and location information exempt pursuant to paragraphs (1)(a)
28 and (b) becomes public information, unless otherwise provided
29 by law.

30 (3) If a victim or witness is certified for protective
31 services, information made confidential and exempt from public

1 disclosure under paragraphs (1)(a) and (b) becomes public
2 information, unless otherwise provided by law, at the time
3 such ~~the~~ certification ~~made pursuant to s. 914.25~~ expires,
4 unless the state attorney or statewide prosecutor making such
5 certification complies with the provisions of subsection (4).

6 (4) The certifying state attorney or statewide
7 prosecutor may state in writing to the Victim and Witness
8 Protection Review Committee established pursuant to s. 943.031
9 that even though certification for participation in the victim
10 or witness protective services ~~protection~~ program is about to
11 expire, disclosure of information made confidential and exempt
12 by paragraph (1)(a) or paragraph (1)(b) continues to
13 constitute an unwarranted risk to, or jeopardizes the safety
14 of, victims, witnesses, or family members of such victims or
15 witnesses. Accordingly, the confidential and exempt status of
16 such information shall continue until the certifying state
17 attorney or statewide prosecutor determines that disclosure of
18 such ~~the~~ information would not constitute an unwarranted risk
19 to, or jeopardize the safety of, such persons ~~any person~~, and
20 provides written notification to that effect to the Victim and
21 Witness Protection Review Committee.

22 (5) For the purposes of effectively implementing s.
23 914.25, any state or local law enforcement agency, state
24 attorney, or the statewide prosecutor may provide written
25 notification to an agency as defined in s. 119.011 or to a
26 business entity operating under contract with, licensed by, or
27 having any other business relationship with an agency, or
28 providing services pursuant to s. 914.25, that information
29 described in subsection (1) held by that agency or business is
30 confidential and exempt from public disclosure. The state or
31 local law enforcement agency, state attorney, or the statewide

1 prosecutor providing such written notification shall also
2 provide written notification to the agency or business as to
3 when, in accordance with this section, identity and location
4 information exempted pursuant to paragraphs (1)(a) and (b) can
5 be made publicly available.

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

11 Section 2. This act shall take effect October 1, 2002.

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14 HOUSE SUMMARY

15 Reenacts the public records exemption for certain
16 information regarding a victim or witness who has been
17 identified or certified for protective services or
18 relocation services, and removes the October 2, 2002,
19 repeal thereof scheduled under the Open Government Sunset
20 Review Act of 1995.
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