

By the Committee on Criminal Justice

307-252-02

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

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

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15           Section 1. Section 914.27, Florida Statutes, is  
16 amended to read:

17           914.27 Confidentiality of victim and witness  
18 information.--

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

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

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

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

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

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

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

27 (3) If a victim or witness is certified for protective  
28 services, information made confidential and exempt from public  
29 disclosure under paragraphs (1)(a) and (b) becomes public  
30 information, unless otherwise provided by law, at the time  
31 such ~~the~~ certification ~~made pursuant to s. 914.25~~ expires,

1 unless the state attorney or statewide prosecutor making such  
2 certification complies with the provisions of subsection (4).

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

19 (5) For the purposes of effectively implementing s.  
20 914.25, any state or local law enforcement agency, state  
21 attorney, or the statewide prosecutor may provide written  
22 notification to an agency as defined in s. 119.011 or to a  
23 business entity operating under contract with, licensed by, or  
24 having any other business relationship with an agency, or  
25 providing services pursuant to s. 914.25, that information  
26 described in subsection (1) held by that agency or business is  
27 confidential and exempt from public disclosure. The state or  
28 local law enforcement agency, state attorney, or the statewide  
29 prosecutor providing such written notification shall also  
30 provide written notification to the agency or business as to  
31 when, in accordance with this section, identity and location

1 information exempted pursuant to paragraphs (1)(a) and (b) can  
2 be made publicly available.

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

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

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11 SENATE SUMMARY

12 Abrogates the repeal scheduled under the Open Government  
13 Sunset Review Act of 1995 of s. 914.27, F.S., that  
14 provides an exemption from public records requirements  
15 for certain information regarding a victim or witness who  
16 has been identified or certified for protective services  
17 or relocation services. Clarifies provisions.

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