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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/16/2016	.	
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	.	

The Committee on Criminal Justice (Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (m) is added to subsection (2) of
section 119.071, Florida Statutes, to read:

119.071 General exemptions from inspection or copying of
public records.—

(2) AGENCY INVESTIGATIONS.—

(m)1. Notwithstanding any other provision of this



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11 subsection, the personal identifying information of a witness to
12 a murder, as described in s. 782.04, is confidential and exempt
13 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution
14 for 2 years after the date on which the murder is observed by
15 the witness. The personal identifying information may be
16 disclosed only to a criminal justice agency or governmental
17 entity for use in the performance of its official duties and
18 responsibilities.

19 2. This paragraph is subject to the Open Government Sunset
20 Review Act in accordance with s. 119.15 and shall stand repealed
21 on October 2, 2021, unless reviewed and saved from repeal
22 through reenactment by the Legislature.

23 Section 2. Paragraph (k) is added to subsection (1) of
24 section 119.0714, Florida Statutes, to read:

25 119.0714 Court files; court records; official records.—

26 (1) COURT FILES.—Nothing in this chapter shall be construed
27 to exempt from s. 119.07(1) a public record that was made a part
28 of a court file and that is not specifically closed by order of
29 court, except:

30 (k) Personal identifying information of a witness to a
31 murder as provided in s. 119.071(2)(m).

32 Section 3. The Legislature finds that it is a public
33 necessity that personal identifying information of a witness to
34 a murder, as described in s. 782.04, Florida Statutes, be made
35 confidential and exempt from s. 119.07(1), Florida Statutes, and
36 s. 24(a), Article I of the State Constitution for 2 years after
37 the date on which the murder is observed by the witness. The
38 judicial system cannot function without the participation of
39 witnesses. Complete cooperation and truthful testimony of



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40 witnesses is essential to the determination of the facts of a
41 case. The public disclosure of personal identifying information
42 of a witness to a murder could have an undesirable chilling
43 effect on witnesses stepping forward and providing their
44 eyewitness accounts of murders. A witness to a murder may be
45 unwilling to cooperate fully with law enforcement officers if
46 the witness knows his or her personal identifying information
47 can be made publicly available. A witness may be less likely to
48 call a law enforcement officer and report a murder if his or her
49 personal identifying information is made available in connection
50 with the murder that is being reported or under investigation.
51 The Legislature further finds that a witness could become the
52 subject of intimidation tactics or threats by the perpetrator of
53 the murder if the witness's personal identifying information is
54 publicly available. For these reasons, the Legislature finds
55 that it is a public necessity that the personal identifying
56 information of a witness to a murder, as described in s. 782.04,
57 Florida Statutes, be made confidential and exempt from public
58 record requirements.

59 Section 4. This act shall take effect July 1, 2016.

60
61 ===== T I T L E A M E N D M E N T =====

62 And the title is amended as follows:

63 Delete everything before the enacting clause
64 and insert:

65 A bill to be entitled
66 An act relating to public records; amending s.
67 119.071, F.S.; providing an exemption from public
68 records requirements for personal identifying



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69 information of a witness to a murder for a specified
70 period; authorizing specified entities to receive the
71 information; providing for future legislative review
72 and repeal of the exemption; amending s. 119.0714,
73 F.S.; providing that the public records exemption
74 applies to personal identifying information of a
75 witness to a murder which is made part of a court
76 file; providing a statement of public necessity;
77 providing an effective date.