

By Senator Dean

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.071, F.S.; providing an exemption from public
4 records requirements for personal identifying
5 information of a witness to a felony; prohibiting
6 release of such information to a newspaper; providing
7 a time limit to the exemption; providing for future
8 legislative review and repeal of the exemption;
9 providing a statement of public necessity; providing
10 an effective date.

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

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

16 119.071 General exemptions from inspection or copying of
17 public records.—

18 (2) AGENCY INVESTIGATIONS.—

19 (m)1. Notwithstanding any other provision of this
20 subsection, the personal identifying information of a witness to
21 a felony is exempt from s. 119.07(1) and s. 24(a), Art. I of the
22 State Constitution. Such information may not be released to a
23 newspaper, as that term is described in s. 50.011. This
24 exemption shall apply to each witness for a period of 2 years
25 following the commission of the felony observed by the witness.

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27 Review Act in accordance with s. 119.15 and shall stand repealed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

30 Section 2. The Legislature finds that it is a public
31 necessity that personal identifying information of a witness to
32 a felony be made exempt from s. 119.07(1), Florida Statutes, and

5-00902-16

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33 s. 24(a), Article I of the State Constitution. The judicial
34 system cannot function without the participation of witnesses.
35 Complete cooperation and truthful testimony of witnesses are
36 essential to the determination of the facts of a case. The
37 public disclosure of personal identifying information of a
38 witness to a felony, including disclosure to a newspaper as the
39 term is described in s. 50.011, Florida Statutes, could have a
40 chilling effect on persons stepping forward and providing their
41 accounts of felony crimes that have been witnessed. A witness to
42 a felony may be unwilling to cooperate fully with law
43 enforcement officers if the witness knows his or her personal
44 identifying information can be made publicly available. A
45 witness may be less likely to call a law enforcement officer and
46 report a crime if his or her personal identifying information is
47 made available in connection with the felony that is being
48 reported or under investigation. The Legislature further finds
49 that a witness could become the subject of intimidation tactics
50 or threats by the perpetrator of the felony if the witness's
51 personal identifying information is publicly available. For
52 these reasons, the Legislature finds that it is a public
53 necessity that the personal identifying information of a witness
54 to a felony be made exempt from public record requirements.

55 Section 3. This act shall take effect July 1, 2016.