

HB 475

2016

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 public disclosure of the information for a specified
7 period; providing for future legislative review and
8 repeal of the exemption; providing a statement of
9 public necessity; providing an effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Paragraph (m) is added to subsection (2) of
14 section 119.071, Florida Statutes, to read:

15 119.071 General exemptions from inspection or copying of
16 public records.—

17 (2) AGENCY INVESTIGATIONS.—

18 (m)1. Notwithstanding any other provision of this
19 subsection, the personal identifying information of a witness to
20 a felony is exempt from s. 119.07(1) and s. 24(a), Art. I of the
21 State Constitution. Such information may not be publicly
22 disclosed, including release to a newspaper described in s.
23 50.011 or other news medium. This exemption applies to each
24 witness until the conclusion of the prosecution of the felony or
25 expiration of the statute of limitations period for the felony,
26 whichever occurs first. If the felony has no statute of

27 limitations period, the exemption applies until the conclusion
28 of the prosecution of the felony or 10 years after the
29 commission of the felony observed by the witness, whichever
30 occurs first.

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32 Review Act in accordance with s. 119.15 and shall stand repealed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

35 Section 2. The Legislature finds that it is a public
36 necessity that personal identifying information of a witness to
37 a felony be made exempt from s. 119.07(1), Florida Statutes, and
38 s. 24(a), Article I of the State Constitution. The judicial
39 system cannot function without the participation of witnesses.
40 Complete cooperation and truthful testimony of witnesses is
41 essential to the determination of the facts of a case. The
42 public disclosure of personal identifying information of a
43 witness to a felony, including release to a newspaper described
44 in s. 50.011, Florida Statutes, or other news medium, could have
45 an undesirable chilling effect on witnesses stepping forward and
46 providing their accounts of felonies. A witness to a felony may
47 be unwilling to cooperate fully with law enforcement officers if
48 the witness knows his or her personal identifying information
49 can be made publicly available. A witness may be less likely to
50 call a law enforcement officer and report a crime if his or her
51 personal identifying information is made available in connection
52 with the felony that is being reported or under investigation.

HB 475

2016

53 The Legislature further finds that a witness could become the
54 subject of intimidation tactics or threats by the perpetrator of
55 the felony if the witness's personal identifying information is
56 publicly available. For these reasons, the Legislature finds
57 that it is a public necessity that the personal identifying
58 information of a witness to a felony be made exempt from public
59 record requirements.

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