

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 murder for a specified  
 6           period; authorizing specified entities to receive the  
 7           information; providing for future legislative review  
 8           and repeal of the exemption; amending s. 119.0714,  
 9           F.S.; providing that the public records exemption  
 10          applies to personal identifying information of a  
 11          witness to a murder that is made part of a court file;  
 12          providing a statement of public necessity; providing  
 13          an effective date.

14  
 15 Be It Enacted by the Legislature of the State of Florida:

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

19           119.071 General exemptions from inspection or copying of  
 20           public records.—

21           (2) AGENCY INVESTIGATIONS.—

22           (m)1. Notwithstanding any other provision of this  
 23           subsection, the personal identifying information of a witness to  
 24           a murder, as described in s. 782.04, is confidential and exempt  
 25           from s. 119.07(1) and s. 24(a), Art. I of the State Constitution  
 26           for 2 years after the date on which the murder is observed by

27 the witness. The personal identifying information may be  
28 disclosed only to a criminal justice agency or governmental  
29 entity for use in the performance of its official duties and  
30 responsibilities.

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32 Review Act in accordance with s. 119.15 and shall stand repealed  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. Paragraph (k) is added to subsection (1) of  
36 section 119.0714, Florida Statutes, to read:

37 119.0714 Court files; court records; official records.—

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

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

44 Section 3. The Legislature finds that it is a public  
45 necessity that personal identifying information of a witness to  
46 a murder, as described in s. 782.04, Florida Statutes, be made  
47 confidential and exempt from s. 119.07(1), Florida Statutes, and  
48 s. 24(a), Article I of the State Constitution for 2 years after  
49 the date on which the murder is observed by the witness. The  
50 judicial system cannot function without the participation of  
51 witnesses. Complete cooperation and truthful testimony of  
52 witnesses is essential to the determination of the facts of a

53 case. The public disclosure of personal identifying information  
54 of a witness to a murder could have an undesirable chilling  
55 effect on witnesses stepping forward and providing their  
56 eyewitness accounts of murders. A witness to a murder may be  
57 unwilling to cooperate fully with law enforcement officers if  
58 the witness knows his or her personal identifying information  
59 can be made publicly available. A witness may be less likely to  
60 call a law enforcement officer and report a murder if his or her  
61 personal identifying information is made available in connection  
62 with the murder that is being reported or under investigation.  
63 The Legislature further finds that a witness could become the  
64 subject of intimidation tactics or threats by the perpetrator of  
65 the murder if the witness's personal identifying information is  
66 publicly available. For these reasons, the Legislature finds  
67 that it is a public necessity that the personal identifying  
68 information of a witness to a murder, as described in s. 782.04,  
69 Florida Statutes, be made confidential and exempt from public  
70 record requirements.

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