

1                                   A bill to be entitled  
 2           An act relating to public records; amending s.  
 3           119.011, F.S.; providing that the personal identifying  
 4           information of a witness to a murder remains  
 5           confidential and exempt for a specified period;  
 6           amending s. 119.071, F.S.; providing an exemption from  
 7           public records requirements for criminal intelligence  
 8           or criminal investigative information that reveals the  
 9           personal identifying information of a witness to a  
 10          murder for a specified period; authorizing specified  
 11          entities and parties to receive the information;  
 12          providing for future legislative review and repeal of  
 13          the exemption; amending s. 119.0714, F.S.; providing  
 14          that the public records exemption applies to personal  
 15          identifying information of a witness to a murder that  
 16          is made part of a court file; providing a statement of  
 17          public necessity; providing an effective date.

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

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 21           Section 1. Paragraph (c) of subsection (3) of section  
 22           119.011, Florida Statutes, is amended to read:

23           119.011 Definitions.—As used in this chapter, the term:  
 24           (3)  
 25           (c) "Criminal intelligence information" and "criminal

26 | investigative information" shall not include:

27 |       1. The time, date, location, and nature of a reported  
28 | crime.

29 |       2. The name, sex, age, and address of a person arrested or  
30 | of the victim of a crime except as provided in s. 119.071(2) (h).

31 |       3. The time, date, and location of the incident and of the  
32 | arrest.

33 |       4. The crime charged.

34 |       5. Documents given or required by law or agency rule to be  
35 | given to the person arrested, except as provided in s.

36 | 119.071(2) (h) or (2) (m), and, except that the court in a  
37 | criminal case may order that certain information required by law  
38 | or agency rule to be given to the person arrested be maintained  
39 | in a confidential manner and exempt from the provisions of s.  
40 | 119.07(1) until released at trial if it is found that the  
41 | release of such information would:

42 |       a. Be defamatory to the good name of a victim or witness  
43 | or would jeopardize the safety of such victim or witness; and

44 |       b. Impair the ability of a state attorney to locate or  
45 | prosecute a codefendant.

46 |       6. Informations and indictments except as provided in s.  
47 | 905.26.

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

50 |       119.071 General exemptions from inspection or copying of

51 public records.—

52 (2) AGENCY INVESTIGATIONS.—

53 (m)1. Criminal intelligence information or criminal  
54 investigative information that reveals the personal identifying  
55 information of a witness to a murder, as described in s. 782.04,  
56 is confidential and exempt from s. 119.07(1) and s. 24(a), Art.  
57 I of the State Constitution for 2 years after the date on which  
58 the murder is observed by the witness. A criminal justice agency  
59 may disclose such information:

60 a. In the furtherance of its official duties and  
61 responsibilities.

62 b. To assist in locating or identifying the witness if the  
63 agency believes the witness to be missing or endangered.

64 c. To another governmental agency for use in the  
65 performance of its official duties and responsibilities.

66 d. To the parties in a pending criminal prosecution as  
67 required by law.

68 2. This paragraph is subject to the Open Government Sunset  
69 Review Act in accordance with s. 119.15 and shall stand repealed  
70 on October 2, 2022, unless reviewed and saved from repeal  
71 through reenactment by the Legislature.

72 Section 3. Paragraph (h) of subsection (1) of section  
73 119.0714, Florida Statutes, is amended to read:

74 119.0714 Court files; court records; official records.—

75 (1) COURT FILES.—Nothing in this chapter shall be

76 construed to exempt from s. 119.07(1) a public record that was  
77 made a part of a court file and that is not specifically closed  
78 by order of court, except:

79 (h) Criminal intelligence information or criminal  
80 investigative information that is confidential and exempt as  
81 provided in s. 119.071(2) (h) or (2) (m).

82 Section 4. The Legislature finds that it is a public  
83 necessity that personal identifying information of a witness to  
84 a murder, as described in s. 782.04, Florida Statutes, be made  
85 confidential and exempt from s. 119.07(1), Florida Statutes, and  
86 s. 24(a), Article I of the State Constitution for 2 years after  
87 the date on which the murder is observed by the witness. The  
88 judicial system cannot function without the participation of  
89 witnesses. Complete cooperation and truthful testimony of  
90 witnesses is essential to the determination of the facts of a  
91 case. The public disclosure of personal identifying information  
92 of a witness to a murder could have an undesirable chilling  
93 effect on witnesses stepping forward and providing their  
94 eyewitness accounts of murders. A witness to a murder may be  
95 unwilling to cooperate fully with law enforcement officers if  
96 the witness knows his or her personal identifying information  
97 can be made publicly available. A witness may be less likely to  
98 call a law enforcement officer and report a murder if his or her  
99 personal identifying information is made available in connection  
100 with the murder that is being reported or under investigation.

101 The Legislature further finds that a witness could become the  
102 subject of intimidation tactics or threats by the perpetrator of  
103 the murder if the witness's personal identifying information is  
104 publicly available. For these reasons, the Legislature finds  
105 that it is a public necessity that the personal identifying  
106 information of a witness to a murder, as described in s. 782.04,  
107 Florida Statutes, be made confidential and exempt from public  
108 records requirements.

109 Section 5. This act shall take effect July 1, 2017.