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CS/CS/HB 111

2017 Legislature

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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.

18
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

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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

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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

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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.

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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.