

By the Committee on Criminal Justice; and Senator Bracy

591-01914-17

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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 to receive the information; providing for  
12      future legislative review and repeal of the exemption;  
13      amending s. 119.0714, F.S.; providing that the public  
14      records exemption applies to personal identifying  
15      information of a witness to a murder that is made part  
16      of a court file; providing a statement of public  
17      necessity; providing an effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

20  
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

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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 or  
43 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

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67 Review Act in accordance with s. 119.15 and shall stand repealed  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

70 Section 3. Paragraph (h) of subsection (1) of section  
71 119.0714, Florida Statutes, is amended to read:

72 119.0714 Court files; court records; official records.—

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

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

80 Section 4. The Legislature finds that it is a public  
81 necessity that personal identifying information of a witness to  
82 a murder, as described in s. 782.04, Florida Statutes, be made  
83 confidential and exempt from s. 119.07(1), Florida Statutes, and  
84 s. 24(a), Article I of the State Constitution for 2 years after  
85 the date on which the murder is observed by the witness. The  
86 judicial system cannot function without the participation of  
87 witnesses. Complete cooperation and truthful testimony of

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88 witnesses is essential to the determination of the facts of a  
89 case. The public disclosure of personal identifying information  
90 of a witness to a murder could have an undesirable chilling  
91 effect on witnesses stepping forward and providing their  
92 eyewitness accounts of murders. A witness to a murder may be  
93 unwilling to cooperate fully with law enforcement officers if  
94 the witness knows his or her personal identifying information  
95 can be made publicly available. A witness may be less likely to  
96 call a law enforcement officer and report a murder if his or her  
97 personal identifying information is made available in connection  
98 with the murder that is being reported or under investigation.  
99 The Legislature further finds that a witness could become the  
100 subject of intimidation tactics or threats by the perpetrator of  
101 the murder if the witness's personal identifying information is  
102 publicly available. For these reasons, the Legislature finds  
103 that it is a public necessity that the personal identifying  
104 information of a witness to a murder, as described in s. 782.04,  
105 Florida Statutes, be made confidential and exempt from public  
106 record requirements.

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