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LEGISLATIVE ACTION

Senate

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House

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Senator Polsky moved the following:

**Senate Amendment (with title amendment)**

Between lines 214 and 215

insert:

Section 6. Subsections (1) and (2) of section 905.27,  
Florida Statutes, are amended to read:

905.27 Testimony not to be disclosed; exceptions.—

(1) A grand juror, state attorney, assistant state  
attorney, reporter, stenographer, interpreter, clerk of court,  
or any other person appearing before the grand jury shall not  
disclose the testimony of a witness examined before the grand



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12 jury or other evidence received by it except when required by a  
13 court to disclose the testimony for the purpose of:

14 (a) Ascertaining whether it is consistent with the  
15 testimony given by the witness before the court;

16 (b) Determining whether the witness is guilty of perjury;  
17 or

18 (c) Furthering justice.

19 (2) It is unlawful for any person knowingly to publish,  
20 broadcast, disclose, divulge, or communicate to any other  
21 person, or knowingly to cause or permit to be published,  
22 broadcast, disclosed, divulged, or communicated to any other  
23 person, in any manner whatsoever, any testimony of a witness  
24 examined before the grand jury, or the content, gist, or import  
25 thereof, except when such testimony is or has been disclosed in  
26 a court proceeding. When a court orders the disclosure of such  
27 testimony pursuant to subsection (1) for use in a criminal case,  
28 it may be disclosed to the prosecuting attorney of the court in  
29 which such criminal case is pending, and by the prosecuting  
30 attorney to his or her assistants, legal associates, and  
31 employees, and to the defendant and the defendant's attorney,  
32 and by the latter to his or her legal associates and employees.  
33 When such disclosure is ordered by a court pursuant to  
34 subsection (1) for use in a civil case, it may be disclosed to  
35 all parties to the case and to their attorneys and by the latter  
36 to their legal associates and employees. However, the grand jury  
37 testimony afforded such persons by the court can only be used in  
38 the defense or prosecution of the civil or criminal case and for  
39 no other purpose whatsoever. When a court orders the disclosure  
40 of such testimony pursuant to subsection (1) in response to a



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41 request by the media or other interested person, it may be  
42 disclosed so long as the subject of the grand jury inquiry is  
43 deceased, and the testimony was previously disclosed to law  
44 enforcement.

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46 ===== T I T L E   A M E N D M E N T =====

47 And the title is amended as follows:

48       Delete line 30

49 and insert:

50       have specified capabilities; amending s. 905.27, F.S.;

51       prohibiting a clerk of court from disclosing testimony

52       given or evidence received before a grand jury unless

53       certain conditions exist; authorizing the disclosure

54       of testimony given during a grand jury under specified

55       conditions; providing an effective