



26 | interpreter, as well as the custodian of a grand jury record,  
 27 | may not or any other person appearing before the grand jury  
 28 | ~~shall not~~ disclose the testimony of a witness examined before  
 29 | the grand jury or other evidence received by it except when  
 30 | required by a court to disclose the testimony for the purpose  
 31 | of:

- 32 |       (a) Ascertaining whether it is consistent with the
- 33 | testimony given by the witness before the court;
- 34 |       (b) Determining whether the witness is guilty of perjury;
- 35 | or
- 36 |       (c) Furthering justice, which can encompass furthering a  
 37 | public interest when the disclosure is requested pursuant to  
 38 | paragraph (2) (c).

39 |       (2) It is unlawful for any person knowingly to publish,  
 40 | broadcast, disclose, divulge, or communicate to any other  
 41 | person, or knowingly to cause or permit to be published,  
 42 | broadcast, disclosed, divulged, or communicated to any other  
 43 | person, in any manner whatsoever, any testimony of a witness  
 44 | examined before the grand jury, or the content, gist, or import  
 45 | thereof, except when such testimony is or has been disclosed in  
 46 | a court proceeding in any of the following circumstances:-

- 47 |       (a) When a court orders the disclosure of such testimony  
 48 | pursuant to subsection (1) for use in a criminal case, it may be  
 49 | disclosed to the prosecuting attorney of the court in which such  
 50 | criminal case is pending, and by the prosecuting attorney to his

51 or her assistants, legal associates, and employees, and to the  
52 defendant and the defendant's attorney, and by the latter to his  
53 or her legal associates and employees. However, the grand jury  
54 testimony afforded such persons by the court can only be used in  
55 the defense or prosecution of the criminal case and for no other  
56 purpose.

57 (b) When a court orders the ~~such~~ disclosure of such  
58 testimony ~~is ordered by a court~~ pursuant to subsection (1) for  
59 use in a civil case, it may be disclosed to all parties to the  
60 case and to their attorneys and by the latter to their legal  
61 associates and employees. However, the grand jury testimony  
62 afforded such persons by the court can only be used in the  
63 defense or prosecution of the civil ~~or criminal~~ case and for no  
64 other purpose ~~whatsoever~~.

65 (c) When a court orders the disclosure of such testimony  
66 pursuant to subsection (1) in response to a request by the media  
67 or an interested person, regardless of whether that purpose is  
68 for use in a criminal or civil case, it may be disclosed so long  
69 as the subject of the grand jury inquiry is deceased, the grand  
70 jury inquiry related to criminal or sexual activity between a  
71 subject of the grand jury investigation and a person who at the  
72 time was a minor, the testimony was previously disclosed by a  
73 court order, and the state attorney is provided notice of the  
74 request. This paragraph does not limit the court's ability to  
75 limit the disclosure of testimony, including, but not limited

76 | to, redaction.

77 |       (3) ~~Nothing in~~ This section does not ~~shall~~ affect the  
 78 | attorney-client relationship. A client has ~~shall have~~ the right  
 79 | to communicate to his or her attorney any testimony given by the  
 80 | client to the grand jury, any matters involving the client  
 81 | discussed in the client's presence before the grand jury, and  
 82 | any evidence involving the client received by or proffered to  
 83 | the grand jury in the client's presence.

84 |       (4) A person who violates ~~Persons convicted of violating~~  
 85 | this section commits ~~shall be guilty of~~ a misdemeanor of the  
 86 | first degree, punishable as provided in s. 775.083, or by fine  
 87 | not exceeding \$5,000, or both.

88 |       (5) A violation of this section constitutes ~~shall~~  
 89 | ~~constitute~~ criminal contempt of court.

90 |       Section 2. For the purpose of incorporating the amendment  
 91 | made by this act to section 905.27, Florida Statutes, in  
 92 | references thereto, subsections (1) and (2) of section 905.17,  
 93 | Florida Statutes, are reenacted to read:

94 |       905.17 Who may be present during session of grand jury.—

95 |       (1) No person shall be present at the sessions of the  
 96 | grand jury except the witness under examination, one attorney  
 97 | representing the witness for the sole purpose of advising and  
 98 | consulting with the witness, the state attorney and her or his  
 99 | assistant state attorneys, designated assistants as provided for  
 100 | in s. 27.18, the court reporter or stenographer, and the

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101 interpreter. The stenographic records, notes, and transcriptions  
102 made by the court reporter or stenographer shall be filed with  
103 the clerk who shall keep them in a sealed container not subject  
104 to public inspection. The notes, records, and transcriptions are  
105 confidential and exempt from the provisions of s. 119.07(1) and  
106 s. 24(a), Art. I of the State Constitution and shall be released  
107 by the clerk only on request by a grand jury for use by the  
108 grand jury or on order of the court pursuant to s. 905.27.

109 (2) The witness may be represented before the grand jury  
110 by one attorney. This provision is permissive only and does not  
111 create a right to counsel for the grand jury witness. The  
112 attorney for the witness shall not be permitted to address the  
113 grand jurors, raise objections, make arguments, or otherwise  
114 disrupt proceedings before the grand jury. The attorney for the  
115 witness shall be permitted to advise and counsel the witness and  
116 shall be subject to the provisions of s. 905.27 in the same  
117 manner as all who appear before the grand jury. An attorney or  
118 law firm may not represent more than one person or entity in an  
119 investigation before the same grand jury or successive grand  
120 juries in the same investigation.

121 Section 3. This act shall take effect July 1, 2023.