

## CHAPTER 97-52

### Committee Substitute for House Bill No. 35

An act relating to victim and witness protection protocol; creating s. 914.25, F.S.; providing definitions for “victim or witness at risk of harm” and “serious felony offense”; authorizing law enforcement agencies to provide protective services, including temporary relocation services, under specified circumstances; providing a time limit for provision of such services; providing that law enforcement agencies may seek reimbursement for expenses incurred in providing protective services from the Victim and Witness Protection Review Committee; providing immunity from civil liability under certain circumstances; amending s. 943.031, F.S., relating to the Florida Violent Crime Council; establishing a Victim and Witness Protection Review Committee within the Florida Violent Crime Council; providing for membership and duties; authorizing the committee to use available funds to reimburse law enforcement agencies for protective services; providing for distribution of reimbursement funds; providing an effective date.

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

Section 1. Section 914.25, Florida Statutes, is created to read:

914.25 Protective services for certain victims and witnesses.—

(1) For purposes of this section:

(a) A “victim or witness at risk of harm” means a victim or witness who, as a result of cooperating in an investigation or prosecution of a serious felony offense, has been subjected to violence or other forms of intimidation, or who is the subject of a substantial threat to commit violence. The term also includes a member of the victim’s or witness’s immediate family.

(b) “Serious felony offense” means one of the following offenses: murder, manslaughter, sexual battery, aggravated stalking, aggravated battery, carjacking, home invasion robbery, burglary, arson, robbery, kidnapping, racketeering, or trafficking in a controlled substance.

(2) A law enforcement agency is hereby authorized to provide protective services, including temporary relocation services, to a victim or witness at risk of harm. Protective and temporary relocation services, as deemed appropriate, shall be provided pursuant to the provisions of this section.

(3)(a) The statewide prosecutor, any state attorney, or any law enforcement officer may identify a victim or witness as a victim or witness at risk of harm. Upon such identification, the statewide prosecutor, the state attorney, or the law enforcement officer must notify either the statewide prosecutor or the state attorney who has jurisdiction over the criminal investigation or prosecution, if necessary.

(b) The statewide prosecutor or the state attorney, as appropriate, may determine whether an identified victim or witness at risk of harm is critical to a criminal investigation or prosecution. If the victim or witness at risk of harm is deemed critical, the statewide prosecutor or the state attorney may:

1. Certify that the victim or witness receive protective services; or

2. If the statewide prosecutor or the state attorney finds a compelling need to temporarily relocate the victim or witness, certify that the victim or witness receive protective services, including temporary relocation services.

(4)(a) When a victim or witness is certified as provided in subsection (3), a law enforcement agency, in consultation with the certifying state attorney or the statewide prosecutor, may provide appropriate protective services. If a victim or witness needs to be temporarily relocated, the statewide prosecutor or the state attorney must notify the Department of Law Enforcement. The Department of Law Enforcement, in consultation with the statewide prosecutor or the state attorney, and any other law enforcement agency involved in the criminal investigation or prosecution, shall coordinate the temporary relocation of the victim or witness.

(b) Protective services, including temporary relocation services, may be provided for up to 1 year or until the risk giving rise to the certification has diminished, whichever occurs sooner. If deemed necessary, the statewide prosecutor or the state attorney may recertify a victim or witness at risk of harm for an additional period of up to 1 year.

(5) The lead law enforcement agency that provides protective services may seek reimbursement for expenses from the Victim and Witness Protection Review Committee, pursuant to the provisions of s. 943.031.

(6) The statewide prosecutor, any state attorney, or any law enforcement officer, acting in good faith in determining eligibility for victim and witness protective services, including temporary relocation services, or in providing such services, is immune from civil liability.

Section 2. Subsection (6) is added to section 943.031, Florida Statutes, 1996 Supplement, to read:

943.031 Florida Violent Crime Council.—The Legislature finds that there is a need to develop and implement a statewide strategy to address violent criminal activity. In recognition of this need, the Florida Violent Crime Council is created within the department. The council shall serve in an advisory capacity to the department.

(6) VICTIM AND WITNESS PROTECTION REVIEW COMMITTEE.—

(a) The Victim and Witness Protection Review Committee is created within the Florida Violent Crime Council, consisting of the statewide prosecutor or a state attorney, a sheriff, a chief of police, and the designee of the executive director of the Department of Law Enforcement. The committee shall be appointed from the membership of the council by the chair of the council after the chair has consulted with the executive director of the

Department of Law Enforcement. Committee members shall meet in conjunction with the meetings of the council.

(b) The committee shall:

1. Develop criteria for disbursing funds to reimburse law enforcement agencies for costs associated with providing victim and witness protective or temporary relocation services.

2. Review and approve or deny, in whole or in part, all reimbursement requests submitted by law enforcement agencies.

(c) The lead law enforcement agency providing victim or witness protective or temporary relocation services pursuant to the provisions of s. 914.25 may submit a request for reimbursement to the Victim and Witness Protection Review Committee in a format approved by the committee. The lead law enforcement agency shall submit such reimbursement request on behalf of all law enforcement agencies that cooperated in providing protective or temporary relocation services related to a particular criminal investigation or prosecution. As part of the reimbursement request, the lead law enforcement agency must indicate how any reimbursement proceeds will be distributed among the agencies that provided protective or temporary relocation services.

(d) The committee, in its discretion, may use funds available to the committee to provide all or partial reimbursement to the lead law enforcement agency for such costs, or may decline to provide any reimbursement.

Section 3. This act shall take effect July 1, 1997.

Approved by the Governor May 7, 1997.

Filed in Office Secretary of State May 7, 1997.