

CHAPTER 97-71

Committee Substitute for House Bill No. 181

An act relating to public records; creating s. 914.27, F.S.; providing an exemption from public records requirements for certain information held by various governmental entities and certain business entities relating to a victim of or witness to a crime obtained in connection with victim and witness protection services provided pursuant to s. 914.25, F.S., for certain information relating to such person's family, and for information relating to the protection program and permanent relocation sites; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

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

Section 1. Section 914.27, Florida Statutes, is created to read:

914.27 Confidentiality of victim and witness information.—

(1) Information held by any state or local law enforcement agency, state attorney, the statewide prosecutor, the Victim and Witness Protection Review Committee created pursuant to s. 914.26, or the Department of Law Enforcement which discloses:

(a) The identity or location of a victim or witness who has been identified or certified for protection or relocation by the state attorney or statewide prosecutor pursuant to s. 914.25;

(b) The identity or location of an immediate family member of a victim or witness who has been identified or certified pursuant to s. 914.25;

(c) Relocation sites, techniques, or procedures utilized or developed as a result of the victim and witness protection services afforded by s. 914.25; or

(d) The identity or relocation site of any victim, witness, or immediate family member of a victim or witness who has made a relocation of permanent residence by reason of the victim's or witness's involvement in the investigation or prosecution giving rise to certification for protection or relocation pursuant to s. 914.25;

is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such information may be shared by law enforcement agencies, state attorneys, and the statewide prosecutor to facilitate the protection or relocation services provided pursuant to s. 914.25 and to support the prosecution efforts of the state attorneys and the statewide prosecutor. Any information so shared must remain confidential and exempt in the hands of any agency or entity to which the information is provided.

(2) If a victim or witness is identified for protective services under s. 914.25, but is not certified to receive such services by the state attorney or statewide prosecutor, the identity and location information exempt pursuant to paragraphs (1)(a) and (b) becomes public information, unless otherwise provided by law.

(3) If a victim or witness is certified for protective services, information made confidential and exempt from public disclosure under paragraphs (1)(a) and (b) becomes public information, unless otherwise provided by law, at the time the certification made pursuant to s. 914.25 expires, unless the state attorney or statewide prosecutor making such certification complies with the provisions of subsection (4).

(4) The certifying state attorney or statewide prosecutor may state in writing to the Victim and Witness Protection Review Committee established pursuant to s. 914.26 that even though certification for participation in the victim or witness protection program is about to expire, disclosure of information made confidential and exempt by paragraph (1)(a) or paragraph (1)(b) continues to constitute an unwarranted risk to, or jeopardizes the safety of, victims, witnesses, or family members of such victims or witnesses. Accordingly, the confidential and exempt status of such information shall continue until the certifying state attorney or statewide prosecutor determines that disclosure of the information would not constitute an unwarranted risk to, or jeopardize the safety of, any person, and provides written notification to that effect to the Victim and Witness Protection Review Committee.

(5) For the purposes of effectively implementing s. 914.25, any state or local law enforcement agency, state attorney, or the statewide prosecutor may provide written notification to an agency as defined in s. 119.011 or to a business entity operating under contract with, licensed by, or having any other business relationship with an agency, or providing services pursuant to s. 914.25, that information described in subsection (1) held by that agency or business is confidential and exempt from public disclosure. The state or local law enforcement agency, state attorney, or the statewide prosecutor providing such written notification shall also provide written notification to the agency or business as to when, in accordance with this section, identity and location information exempted pursuant to paragraphs (1)(a) and (b) can be made publicly available.

This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2002, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that the exemptions provided for in this act are a public necessity. The untimely disclosure of identity and location information concerning a victim or witness, and their immediate families, or the disclosure of information revealing protection or relocation sites, techniques, or procedures, or the permanent relocation residence of a victim or witness or family member, would constitute an unwarranted risk to, and jeopardize the safety of, such victims, witnesses, and family members. This would significantly impair the administration of the victim and witness

protection program established pursuant to ss. 914.25 and 914.26, Florida Statutes, and impede the investigation and prosecution of crime.

Section 3. This act shall take effect on the same date that House Bill 35 or similar legislation providing for establishment of a victim and witness protection program takes effect, if such legislation is adopted in the same legislative session or an extension thereof.

Became a law without the Governor's approval May 16, 1997.

Filed in Office Secretary of State May 12, 1997.