

Committee Substitute for Senate Bill No. 1870

An act relating to presentence investigation reports; creating the “Blair Benson Act”; amending s. 945.10, F.S.; authorizing the limited review of certain confidential investigative records of the Department of Corrections; amending s. 960.001, F.S.; requiring the state attorney to permit the victim, the victim’s parent or guardian, or the victim’s next of kin to review a copy of the presentence investigation report; requiring that confidential information be redacted from the report; requiring any person who reviews the presentence investigation report to maintain the confidentiality of the report; providing an effective date.

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

Section 1. Subsection (1) of section 945.10, Florida Statutes, 1998 Supplement, is amended to read:

945.10 Confidential information.—

(1) Except as otherwise provided by law or in this section, the following records and information of the Department of Corrections are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(a) Mental health, medical, or substance abuse records of an inmate or an offender.

(b) Preplea, pretrial intervention, and presentence or postsentence investigative records, except as provided in ss. 960.001(1)(g).

(c) Information regarding a person in the federal witness protection program.

(d) Parole Commission records which are confidential or exempt from public disclosure by law.

(e) Information which if released would jeopardize a person’s safety.

(f) Information concerning a victim’s statement and identity.

(g) The identity of an executioner, or a person administering a lethal injection pursuant to s. 922.105.

(h) Records that are otherwise confidential or exempt from public disclosure by law.

Section 2. Paragraph (g) of subsection (1) of section 960.001, Florida Statutes, 1998 Supplement, is amended to read:

960.001 Guidelines for fair treatment of victims and witnesses in the criminal justice and juvenile justice systems.—

(1) The Department of Legal Affairs, the state attorneys, the Department of Corrections, the Department of Juvenile Justice, the Parole Commission, the State Courts Administrator and circuit court administrators, the Department of Law Enforcement, and every sheriff's department, police department, or other law enforcement agency as defined in s. 943.10(4) shall develop and implement guidelines for the use of their respective agencies, which guidelines are consistent with the purposes of this act and s. 16(b), Art. I of the State Constitution and are designed to implement the provisions of s. 16(b), Art. I of the State Constitution and to achieve the following objectives:

(g)1. Consultation with victim or guardian or family of victim.—In addition to being notified of the provisions of s. 921.143, the victim of a felony involving physical or emotional injury or trauma or, in a case in which the victim is a minor child or in a homicide, the guardian or family of the victim shall be consulted by the state attorney in order to obtain the views of the victim or family about the disposition of any criminal or juvenile case brought as a result of such crime, including the views of the victim or family about:

- a.1. The release of the accused pending judicial proceedings;
- b.2. Plea agreements;
- c.3. Participation in pretrial diversion programs; and
- d.4. Sentencing of the accused.

2. Upon request, the state attorney shall permit the victim, the victim's parent or guardian if the victim is a minor, or the victim's next of kin in the case of a homicide to review a copy of the presentence investigation report prior to the sentencing hearing if one was completed. Any confidential information that pertains to medical history, mental health, or substance abuse and any information that pertains to any other victim shall be redacted from the copy of the report. Any person who reviews the report pursuant to this paragraph must maintain the confidentiality of the report and shall not disclose its contents to any person except statements made to the state attorney or the court.

Section 3. This act shall take effect July 1, 1999.

Approved by the Governor June 8, 1999.

Filed in Office Secretary of State June 8, 1999.