

CHAPTER 2024-7

Committee Substitute for House Bill No. 117

An act relating to disclosure of grand jury testimony; amending s. 905.27, F.S.; revising the list of persons prohibited from disclosing the testimony of a witness examined before a grand jury or other evidence it receives; creating an exception for a request by the media or an interested person to the prohibited publishing, broadcasting, disclosing, divulging, or communicating of any testimony of a witness examined before the grand jury, or the content, gist, or import thereof; providing criminal penalties; providing construction; making technical changes; reenacting s. 905.17(1) and (2), F.S., relating to who may be present during a session of a grand jury, to incorporate the amendment made to s. 905.27, F.S., in references thereto; providing an effective date.

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

Section 1. Section 905.27, Florida Statutes, is amended to read:

905.27 Testimony not to be disclosed; exceptions.—

(1) Persons present or appearing during a grand jury proceeding, including a grand juror, a state attorney, an assistant state attorney, a reporter, a stenographer, or an interpreter, as well as the custodian of a grand jury record, may not or any other person appearing before the grand jury shall not disclose the testimony of a witness examined before the grand jury or other evidence received by it except when required by a court to disclose the testimony for the purpose of:

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

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

(a) When a court orders the disclosure of such testimony pursuant to subsection (1) for use in a criminal case, it may be disclosed to the prosecuting attorney of the court in which such criminal case is pending, and by the prosecuting attorney to his or her assistants, legal associates, and

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

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

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

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

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

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

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

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

(1) No person shall be present at the sessions of the grand jury except the witness under examination, one attorney representing the witness for the sole purpose of advising and consulting with the witness, the state attorney and her or his assistant state attorneys, designated assistants as provided for in s. 27.18, the court reporter or stenographer, and the interpreter. The stenographic records, notes, and transcriptions made by the court reporter or stenographer shall be filed with the clerk who shall keep them in a sealed

container not subject to public inspection. The notes, records, and transcriptions are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and shall be released by the clerk only on request by a grand jury for use by the grand jury or on order of the court pursuant to s. 905.27.

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

Section 3. This act shall take effect July 1, 2024.

Approved by the Governor February 29, 2024.

Filed in Office Secretary of State February 29, 2024.