

CS/CS/HB 475

2016

1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.071, F.S.; providing an exemption from public
4 records requirements for personal identifying
5 information of a witness to a murder for a specified
6 period; authorizing specified entities to receive the
7 information; providing for future legislative review
8 and repeal of the exemption; amending s. 119.0714,
9 F.S.; providing that the public records exemption
10 applies to personal identifying information of a
11 witness to a murder that is made part of a court file;
12 providing a statement of public necessity; providing
13 an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Paragraph (m) is added to subsection (2) of
18 section 119.071, Florida Statutes, to read:

19 119.071 General exemptions from inspection or copying of
20 public records.—

21 (2) AGENCY INVESTIGATIONS.—

22 (m)1. Notwithstanding any other provision of this
23 subsection, the personal identifying information of a witness to
24 a murder, as described in s. 782.04, is confidential and exempt
25 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution
26 for 2 years after the date on which the murder is observed by

CS/CS/HB 475

2016

27 the witness. The personal identifying information may be
28 disclosed only to a criminal justice agency or governmental
29 entity for use in the performance of its official duties and
30 responsibilities.

31 2. This paragraph is subject to the Open Government Sunset
32 Review Act in accordance with s. 119.15 and shall stand repealed
33 on October 2, 2021, unless reviewed and saved from repeal
34 through reenactment by the Legislature.

35 Section 2. Paragraph (k) is added to subsection (1) of
36 section 119.0714, Florida Statutes, to read:

37 119.0714 Court files; court records; official records.—

38 (1) COURT FILES.—Nothing in this chapter shall be
39 construed to exempt from s. 119.07(1) a public record that was
40 made a part of a court file and that is not specifically closed
41 by order of court, except:

42 (k) Personal identifying information of a witness to a
43 murder as provided in s. 119.071(2)(m).

44 Section 3. The Legislature finds that it is a public
45 necessity that personal identifying information of a witness to
46 a murder, as described in s. 782.04, Florida Statutes, be made
47 confidential and exempt from s. 119.07(1), Florida Statutes, and
48 s. 24(a), Article I of the State Constitution for 2 years after
49 the date on which the murder is observed by the witness. The
50 judicial system cannot function without the participation of
51 witnesses. Complete cooperation and truthful testimony of
52 witnesses is essential to the determination of the facts of a

CS/CS/HB 475

2016

case. The public disclosure of personal identifying information of a witness to a murder could have an undesirable chilling effect on witnesses stepping forward and providing their eyewitness accounts of murders. A witness to a murder may be unwilling to cooperate fully with law enforcement officers if the witness knows his or her personal identifying information can be made publicly available. A witness may be less likely to call a law enforcement officer and report a murder if his or her personal identifying information is made available in connection with the murder that is being reported or under investigation. The Legislature further finds that a witness could become the subject of intimidation tactics or threats by the perpetrator of the murder if the witness's personal identifying information is publicly available. For these reasons, the Legislature finds that it is a public necessity that the personal identifying information of a witness to a murder, as described in s. 782.04, Florida Statutes, be made confidential and exempt from public record requirements.

Section 4. This act shall take effect July 1, 2016.