

Tab 2	SPB 7030 by CJ ; OGSR/Health Information of an Inmate or an Offender
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Tab 3	SPB 7032 by CJ ; OGSR/Criminal Intelligence Information or Criminal Investigative Information
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

CRIMINAL JUSTICE
Senator Pizzo, Chair
Senator Brandes, Vice Chair

MEETING DATE: Tuesday, January 18, 2022

TIME: 11:00 a.m.—12:30 p.m.

PLACE: *Toni Jennings Committee Room*, 110 Senate Building

MEMBERS: Senator Pizzo, Chair; Senator Brandes, Vice Chair; Senators Baxley, Burgess, Gainer, Hooper, Perry, Powell, and Taddeo

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Presentation by the Florida Department of Corrections, Secretary Dixon, on the current status of the department, including staffing levels, temporary dorm and prison closures, and legislative priorities.		Presented
Consideration of proposed bill:			
2	SPB 7030	OGSR/Health Information of an Inmate or an Offender; Amending a provision which provides exemptions from public records requirements for protected health information of an inmate or an offender, and for the identity of any inmate or offender upon whom an HIV test has been performed and the inmate's or offender's test results; removing the scheduled repeal of the exemptions, etc.	Submitted and Reported Favorably as Committee Bill Yeas 8 Nays 0
Consideration of proposed bill:			
3	SPB 7032	OGSR/Criminal Intelligence Information or Criminal Investigative Information; Amending a provision which provides an exemption from public records requirements for criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder; removing the scheduled repeal of the exemption, etc.	Submitted and Reported Favorably as Committee Bill Yeas 8 Nays 0
Other Related Meeting Documents			

Florida Department of Corrections



FDC Situation Update

Senate Committee on Criminal Justice
January 18, 2022

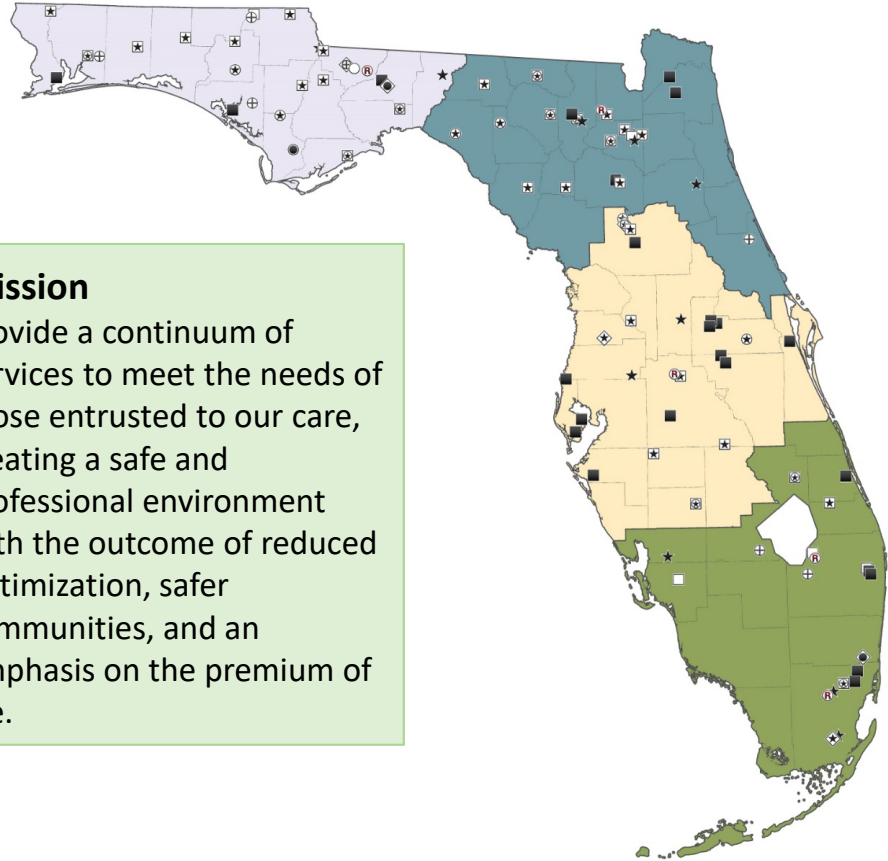
FDC at a Glance

- Third largest state corrections system in the country
- 80,000 inmates incarcerated
- 144,000 offenders supervised
- 50 state-operated prison complexes
- 5 reception centers
- 7 privately-operated prison complexes

- 25,418 total authorized positions
- 18,354 authorized security positions (5,849 vacant)

Mission

Provide a continuum of services to meet the needs of those entrusted to our care, creating a safe and professional environment with the outcome of reduced victimization, safer communities, and an emphasis on the premium of life.



Temporary Emergency Measures to Date

Dorms Closed
203

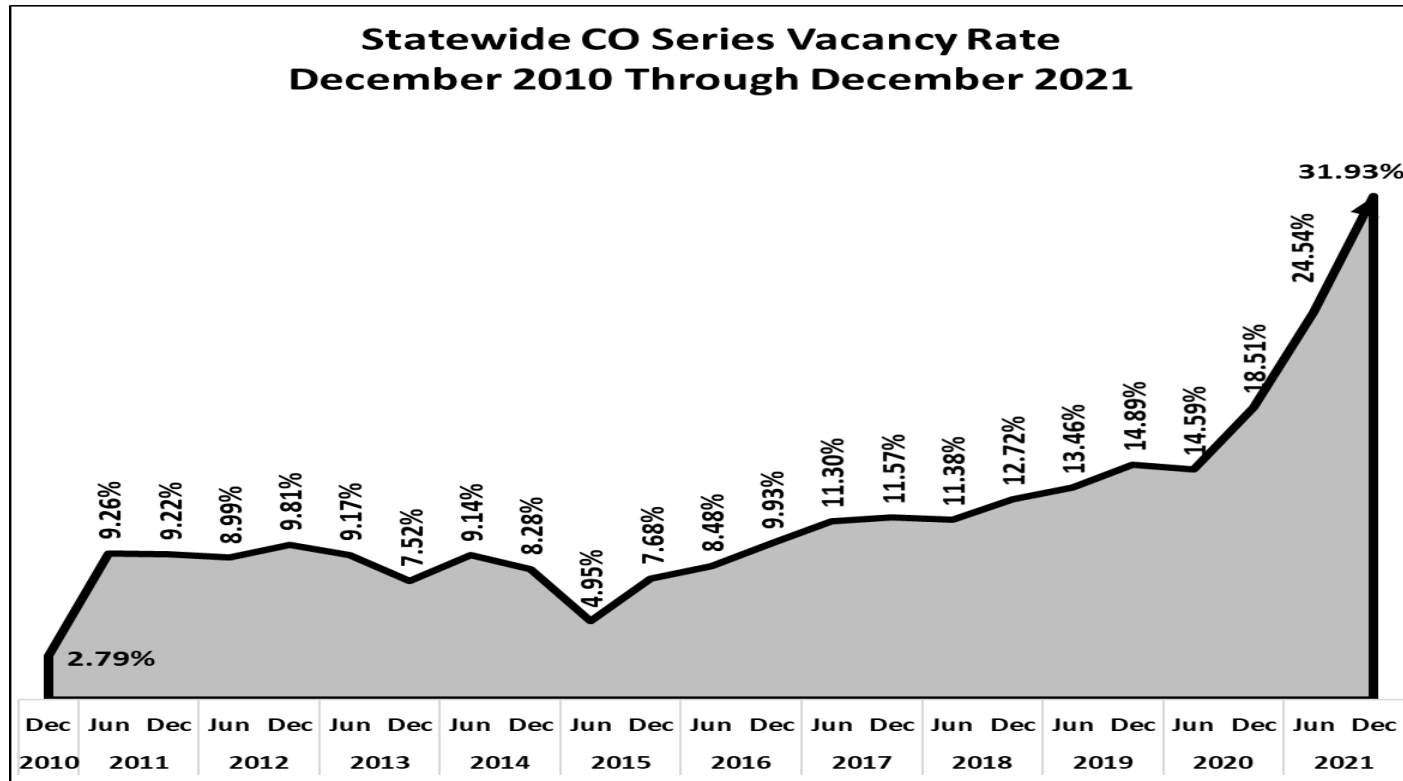
FDC Supervised Work Squads Suspended
431

Institutions Closed
2

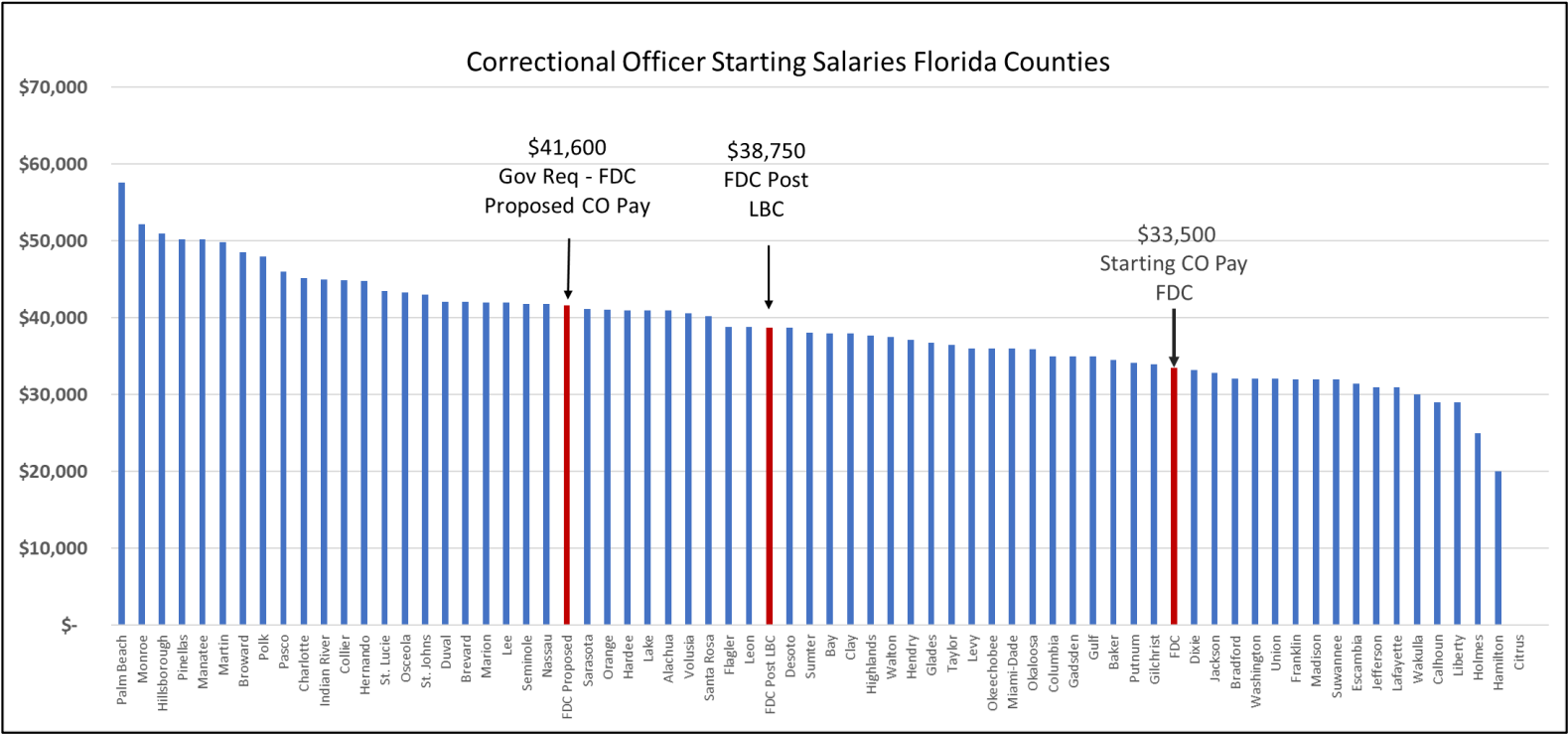
Work Camps Closed
28

Community Release Centers Closed
5

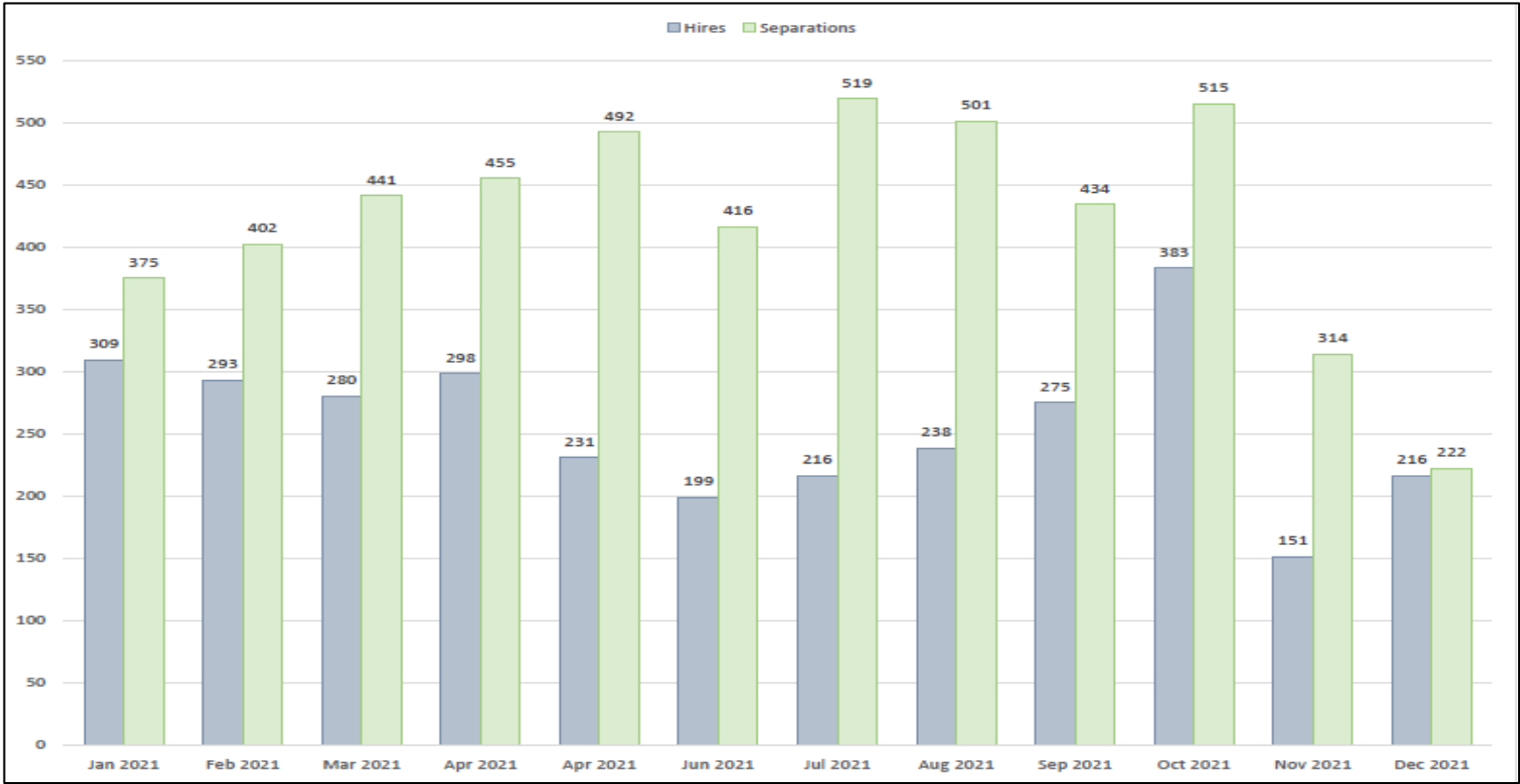
How We Got Here – Vacancies



Salary Comparisons



Correctional Officer Hires and Separations



Legislative Priorities

Major Issues Funded	Amount
Recruitment and Retention Efforts	\$142 million
Safer Correctional Operations	\$6.5 million
Prison Modernization Study	\$5 million
Information Technology Infrastructure and Security Enhancements	\$20.8 million
Improving Inmate Health and Well-Being	\$31.3 million

Thank you



Tcb 1

1/18/2022
Meeting Date
Criminal Justice Committee
Committee

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Amendment Barcode (if applicable)

Name Ricky Dixon Phone 850-488-5021
Address 501 South Calhoun Street Email Ricky.Dixon@fdk.myfloridacounty.com
Tallahassee FL 32399
City State Zip

Speaking: ☐ For ☐ Against ☒ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

- ☐ I am appearing without compensation or sponsorship.
- ☒ I am a registered lobbyist, representing:
Florida Department of Corrections
- ☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

1-18-2022

Meeting Date

CJ

Committee

FDOC

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Kim White

Phone

512 466-6323

Address

4351 Meadowland Dr

Street

Email

texasswimmom@yahoo.com

Mt. Dora

City

FL

State

32757

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

FDC

Meeting Date

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

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☐

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representing:

☐

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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Bill Number or Topic

Amendment Barcode (if applicable)

January 18, 2022

Meeting Date

Criminal Justice

Committee

Name James Baiardi

Phone 305-986-4071

Address 300 E Brevard St.

Street

Email

Tallahassee, FL

City

State

32301

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

FL PBA
State Correctional
Officers Chapter

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Meeting Date

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Chris Doolin

Phone

Address

SMALL COUNTY COALITION

Email

Street

City

State

Zip

Speaking:

☐

For

☐

Against

☒

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

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compensation or sponsorship.

☐

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representing:

☐

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This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

Jan 18, 2022

Meeting Date

FDOC Staffing

Bill Number or Topic

Criminal Justice

Committee

Amendment Barcode (if applicable)

Name

Ann Salamone

Phone

561-866-0930

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Email

asalamone@rochlinindustries.com

Street

Chambersville, FL 32606

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
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This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: SPB 7030

INTRODUCER: Criminal Justice Committee

SUBJECT: OGSR/Health Information of an Inmate or an Offender

DATE: January 18, 2022

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Siples	Jones		CJ Submitted as Comm. Bill/Fav

I. Summary:

SPB 7030 amends s. 945.10, F.S., to save from repeal the current exemptions from public records disclosure of an inmate's or offender's protected health information and HIV testing information held by the Department of Corrections (DOC).

The original public necessity statement provides that it is a public necessity that an inmate's or offender's protected health information and HIV testing held by the DOC remain confidential and exempt from public disclosure. Allowing such information to be publicly disclosed would, in some cases, conflict with federal law and would be a violation of the inmate's or prisoner's privacy under the Florida Constitution. Additionally, maintaining the confidentiality of HIV testing information is essential to an inmate's or prisoner's participation in such testing.

These exemptions, relating to protected health information and HIV testing information of an inmate or offender held by the DOC, are subject to the Open Government Sunset Review Act and stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature. This bill removes the scheduled repeal of the exemptions.

The bill is not expected to impact state or local revenues or expenditures.

The bill is effective October 1, 2022.

II. Present Situation:

Public Records Law

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This applies to the official business

¹ FLA. CONST., art. I, s. 24(a).

of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

Chapter 119, F.S., known as the Public Records Act, constitutes the main body of public records laws.³ The Public Records Act states that

[i]t is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁴

The Public Records Act typically contains general exemptions that apply across agencies. Agency- or program-specific exemptions often are placed in the substantive statutes relating to that particular agency or program.

The Public Records Act does not apply to legislative or judicial records.⁵ Legislative records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are codified primarily in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the Legislature.

Section 119.011(12), F.S., defines “public records” to include:

All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connections with the transaction of official business by any agency.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business which are used to “perpetuate, communicate, or formalize knowledge of some type.”⁶

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any state or local government public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

Only the Legislature may create an exemption to public records requirements.⁹ An exemption must be created by general law and must specifically state the public necessity justifying the

² *Id.*

³ Public records laws are found throughout the Florida Statutes.

⁴ Section 119.01(1), F.S.

⁵ *Locke v. Hawkes*, 595 So. 2d 32, 34 (Fla. 1992); *see also Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).

⁶ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁷ Section 119.07(1)(a), F.S.

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST., art. I, s. 24(c).

exemption.¹⁰ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions¹¹ and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.¹²

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹³ Records designated as “confidential and exempt” are not subject to inspection by the public and may only be released under the circumstances defined by statute.¹⁴ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁵

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act (the Act), prescribe a legislative review process for newly created or substantially amended public records or open meetings exemptions,¹⁶ with specified exceptions.¹⁷ The Act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.¹⁸ In practice, many exemptions are continued by repealing the sunset date, rather than reenacting the exemption.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.¹⁹ An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;²⁰
- Releasing sensitive personal information would be defamatory or would jeopardize an individual’s safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²¹ or

¹⁰ *Id.*

¹¹ The bill may, however, contain multiple exemptions that relate to one subject.

¹² FLA. CONST., art. I, s. 24(c)

¹³ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁴ *Id.*

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁶ Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings.

¹⁷ Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

¹⁸ Section 119.15(3), F.S.

¹⁹ Section 119.15(6)(b), F.S.

²⁰ Section 119.15(6)(b)1., F.S.

²¹ Section 119.15(6)(b)2., F.S.

- It protects trade or business secrets.²²

The Act also requires specified questions to be considered during the review process.²³ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If, in reenacting an exemption or repealing the sunset date, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.²⁴ If the exemption is reenacted or saved from repeal without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.²⁵

Provision of Health by DOC

The DOC is responsible for the inmates of the state correctional system and has supervisory and protective care, custody, and control of the inmates within its facilities.²⁶ The DOC has the constitutional and statutory imperative to provide adequate health services to state prison inmates directly related to this responsibility.²⁷ This medical care includes comprehensive medical, mental health, and dental services, and all associated ancillary services.²⁸ The DOC's Office of Health Service (OHS) oversees the delivery of health care services and handles statewide functions for such delivery. The OHS is led by the Director of Health Services, who reports to the Secretary.²⁹

The DOC contracts with the Centurion of Florida, LLC (Centurion) to provide comprehensive statewide medical, mental health, dental services, and operates the DOC's reception medical center. The care provided is under a managed care model. All inmates are screened at a DOC reception center upon arrival from the county jail. The purpose of this intake process is to determine the inmate's current medical, dental, and mental health care needs, which is achieved through assessments, in part, for auditory, mobility and vision disabilities, and the need for specialized mental health treatment.³⁰

²² Section 119.15(6)(b)3., F.S.

²³ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

²⁴ FLA. CONST. art. I, s. 24(c).

²⁵ Section 119.15(7), F.S.

²⁶ Sections 945.04(1) and 945.025(1), F.S.

²⁷ *Crews v. Florida Public Employers Council 79, AFSCME*, 113 So. 3d 1063 (Fla. 1st DCA 2013); *See also* s. 945.025(2), F.S.

²⁸ The DOC, Office of Health Services, available at <http://www.dc.state.fl.us/org/health.html> (last visited January 4, 2022).

²⁹ *Id.*

³⁰ *Id.* *See also* the DOC Annual Report, p. 19.

After the intake process is completed, inmates are assigned to an institution based on their medical and mental health needs and security requirements. Centurion provides primary care using a staff of clinicians, nurses, mental health, and dental professionals and administrators within each major correctional institution. The health services team provides health care services in the dorms for inmates who are in confinement.³¹

The Health Insurance Portability and Accountability Act (HIPAA) and the Privacy Rule

HIPAA was enacted on August 21, 1996, to publicize standards for the electronic exchange, privacy, and security of health information.³² The Privacy Rule (rule) adopted by the U.S. Department of Health and Human Services (HHS) was required by the HIPAA³³ to address the use and disclosure of personal health information. The requirements of the rule apply to individual and group health plans that provide or pay the cost of medical care, every health care provider that electronically transmits health information in connection with certain transactions, and health care clearinghouses that process nonstandard information received from another entity into a standard format or that process standard information into a nonstandard format. Under the rule, all “individually identifiable health information” is protected. Such information includes demographic data such as an individual’s name, address, date of birth, and social security number; the individual’s past, present, or future physical or mental health condition; the provision of health care to such individual; and payments made or to be made for the provision of health care to the individual. Unless for the purposes authorized by the rule, protected health information may not be disclosed without the written authorization of the protected individual.³⁴

Department of Corrections and HIPAA

The DOC is a covered entity for purposes of the rule. The DOC provides comprehensive health care for inmates, including medical, mental health, dental services and all associated ancillary services.³⁵

“Within [a correctional] system, inmates’ health information may originate from or reside in many locations, including booking notes (e.g., infectious or chronic disease status), sick-call triage systems, physician notes, and other departments such as housing and work details (e.g., mobility or injury status).”³⁶ The rule protects the health information of inmates, but also recognizes that correctional facilities have legitimate needs to use and share the information without authorization by the inmate. Thus, the rule includes provisions regarding permissible uses and disclosures of inmates’ health information in the correctional context.

³¹ *Id.*

³² U.S. Dep’t of Health and Human Services, *Summary of the HIPAA Privacy Rule*, available at <https://www.hhs.gov/hipaa/for-professionals/privacy/laws-regulations/index.html> (last visited January 4, 2022).

³³ 45 CFR Parts 160, 162, and 164.

³⁴ *Id.*

³⁵ *Supra* note 28.

³⁶ Melissa M. Goldstein, JD, *Health Information Privacy and Health Information Technology in the US Correctional Setting*, AM J Public Health, 2014 May, 104(5): 803-809, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3987588/> (last visited January 4, 2022).

Covered entities may disclose the PHI [personal health information] of inmates without their authorization to correctional institutions or law enforcement officials who have lawful custody of an inmate for the purpose of providing health care to the inmate or for the health and safety of the inmate, other inmates, the officers and employees of the institution and others at the facility, and those responsible for inmate transfer. Covered entities may also disclose the PHI of inmates without authorization for law enforcement purposes on the premises of an institution and for the administration and maintenance of the safety, security, and good order of the institution. These provisions apply only to the release of the PHI of current inmates. When inmates are released, they have the same privacy rights under HIPAA as all other individuals.³⁷

Public Records Exemption for Personal Health Information and HIV Testing Information

In 2017, the Legislature amended s. 945.10, F.S., to classify the following records held by the DOC as confidential and exempt from Florida's public record law:

- “Protected health information”³⁸ of an inmate or an offender;
- HIV tests³⁹ of an inmate or offender; and
- HIV test results⁴⁰ received on an inmate or offender.

Section 945.10(2), F.S., provides that protected health information, as well as mental health, medical, and substance abuse records, may be released to:

- The Executive Office of the Governor, the Correctional Medical Authority, and the Department of Health for health care oversight activities authorized by state or federal law, including audits; civil, administrative, or criminal investigations; or inspections relating to the provision of health services;⁴¹
- A state attorney, a state court, or a law enforcement agency conducting an ongoing criminal investigation if the inmate agrees to the disclosure and provides written consent. If the inmate refuses to provide written consent, in response to a court order, a subpoena, investigative, or

³⁷ *Id.*

³⁸ 45 C.F.R. s. 160.103, defines “protected health information” to mean individually identifiable health information that is: transmitted by electronic media; maintained in electronic media; or transmitted or maintained in any other form or medium. Protected health information excludes individually identifiable health information: in education records covered by the Family Educational Rights and Privacy Act; in records described at 20 U.S.C. 1232g(a)(4)(B)(iv)(education records on a student who is eighteen years of age or older, or is attending an institution of postsecondary education, which are made or maintained by physician, psychiatrist, psychologist); in employment records held by a covered entity in its role as employer; and regarding a person who has been deceased for more than 50 years.

³⁹ “HIV test” means a test ordered after July 6, 1988, to determine the presence of the antibody or antigen to human immunodeficiency virus or the presence of human immunodeficiency virus infection. (Section 381.004, F.S.).

⁴⁰ “HIV test result” means a laboratory report of a human immunodeficiency virus test result entered into a medical record on or after July 6, 1988, or any report or notation in a medical record of a laboratory report of a human immunodeficiency virus test. The term does not include test results reported to a health care provider by a patient. (Section 381.004, F.S.).

⁴¹ 45 C.F.R. 164.512(d).

administrative subpoena, a court-ordered warrant, or a statutorily authorized investigative demand or other process⁴² the records can be released to such persons provided that:

- The protected health information and records sought are relevant and material to a legitimate law enforcement inquiry;
- There is a clear connection between the investigated incident and the inmate's protected health information;
- The request is specific and limited in scope to the extent reasonably practicable; and
- De-identified information could not be reasonably used.⁴³
- A state attorney or a law enforcement agency if an inmate is or is suspected of being a victim of a crime if the inmate agrees to the disclosure and provides written consent. If the inmate is unable to agree because of incapacity or other emergency circumstances⁴⁴ provided that:
 - The information is needed to determine whether a violation of law by a person other than the inmate has occurred;
 - The information is not intended to be used against the inmate victim;
 - The immediate law enforcement activity would be materially and adversely affected by waiting until the inmate victim is able to agree to the disclosure; and
 - The disclosure is in the best interests of the inmate victim, as determined by the department.⁴⁵
- A state attorney or a law enforcement agency if the department believes in good faith that the information and records constitute evidence of criminal conduct that occurred in a correctional institution or facility provided that:
 - The protected information and records are specific and limited in scope to the extent reasonably practicable in light of the purpose for which the information or records are sought;
 - There is a clear connection between the criminal conduct and the inmate whose protected health information and records are sought; and
 - De-identified information could not reasonably be used.⁴⁶
- The Division of Risk Management of the Department of Financial Services upon certification by the Division that the information is necessary to investigate and provide legal representation for a claim against the DOC.⁴⁷
- The Department of Legal Affairs or an attorney retained to represent the DOC if the inmate is bringing a legal action against the department.⁴⁸
- Another correctional institution or law enforcement official having lawful custody of the inmate if the protected health information or records are necessary for:
 - The provision of health care to the inmate;
 - The health and safety of the inmate or other inmates;
 - The health and safety of the officers, employees, or others at the correctional institution or facility;

⁴² All orders, subpoenas, warrants, or other statutorily authorized demand must be in accordance with 45 C.F.R. 164, part E, governing security and privacy of health information.

⁴³ 45 C.F.R. 164.512(f)(1).

⁴⁴ The circumstances must be in accordance with 45 C.F.R. 164, part E, governing security and privacy of health information.

⁴⁵ 45 C.F.R. 164.512(f)(3).

⁴⁶ 45 C.F.R. 164.512(f)(5).

⁴⁷ 45 C.F.R. 164.508(a)(2)(C).

⁴⁸ *Id.*

- The health and safety of the individuals or officers responsible for transporting the inmate from one correctional institution, facility, or setting to another;
- Law enforcement on the premises of the correctional institution or facility; or
- The administration and maintenance of the safety, security, and good order of the correctional institution or facility.⁴⁹
- The Department of Children and Families and the Florida Commission on Offender Review if the inmate received mental health treatment while in the custody of the DOC and becomes eligible for release under supervision or upon the end of his or her sentence.⁵⁰

The DOC may also release the protected health information and mental health, medical, or substance abuse records of an inmate to persons acting on behalf of a deceased inmate or offender only for the purpose of requesting access to the information if:

- The person is appointed by a court to act as the personal representative, executor, administrator, curator, or temporary administrator of the deceased inmate's or offender's estate;
- A court has not made a judicial appointment, but the person was designated as a personal representative in a last will and testament; or
- A court has not made a judicial appointment and the inmate or offender has not designated a person in a self-proved last will. In such case, persons include surviving spouses, adult children, and parents of the inmate or offender.⁵¹

Protected health information, as well as mental health, medical, and substance abuse records may also be obtained by subpoena or other court process.⁵²

Public Necessity for Exemption

In creating the exemption, the Legislature articulated the following reasons for the exemption:

[I]t is a public necessity that an inmate's or offender's protected health information and HIV testing information held by the Department of Corrections pursuant to s. 945.10, Florida Statutes, remain confidential and exempt from public disclosure as the Legislature envisioned in this statute and as provided in department rules. Allowing protected health information to be publicly disclosed would in some cases cause a conflict with existing federal law and would be a violation of an inmate's or offender's privacy under the State Constitution. Maintaining the confidentiality of an inmate's or offender's HIV testing information is essential to his or her participation in such testing. Thus, the harm from disclosure would outweigh any public benefit derived therefrom. Appropriate records and protected health information are available, however, to various governmental entities in order for them to perform their duties. It is mandatory that prisons function as effectively, efficiently, and nonviolently as possible. To release such information to the public

⁴⁹ 45 C.F.R. 164.512(f)(5).

⁵⁰ 45 C.F.R. 164.512(d)(2) or (6).

⁵¹ 45 C.F.R. 164.512(g).

⁵² 45 C.F.D. 164.512(e).

would severely impede that function and would jeopardize the health and safety of those within and outside the prison system.⁵³

Pursuant to the Open Government Sunset Review Act, the exemption will repeal on October 2, 2022, unless reenacted by the Legislature.⁵⁴

The DOC reports that since 2019, its Office of Inspector General, which processes a portion of DOC's requests for public records, has asserted the exemption under s. 945.10(1)(a), F.S., for 398 requests out of a total of 800 responses.⁵⁵ Further, it reports that it has asserted the exemption approximately 800 times since 2017 and there has not been any litigation involving the exemption since its enactment. The DOC recommends retaining the exemption in its current form.⁵⁶

III. Effect of Proposed Changes:

The bill amends s. 945.10(1)(a)2. and (h), F.S., to save from repeal the current exemptions from public records disclosure of an inmate's or offender's personal health information or HIV testing information held by the DOC.

The bill deletes the scheduled repeal of the current public records exemption for an inmate's or offender's personal health information or HIV testing information held by the DOC.

The bill is effective October 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill continues a current public records exemption beyond its current date of repeal; thus, the bill does not require an extraordinary vote for enactment.

⁵³ Chapter 2017-114, Laws of Fla.

⁵⁴ Section 945.10(1)(a)2. and (h), F.S.

⁵⁵ E-mail correspondence from Philip A. Fowler, Attorney Supervisory, Administration Unit, Florida Department of Corrections, (September 14, 2021) (on file with the Senate Committee on Criminal Justice). The DOC's central office also receives public records requests and has asserted the exemption, it was unable to identify the number of times the exemption was asserted due to the volume of requests received and the need to manually review each response.

⁵⁶ *Id.*, and interview with staff from the DOC (August 26, 2021).

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. This bill continues a current public records exemption without expansion.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the exemptions is to protect an inmate's or offender's personal health information and HIV testing information. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 945.10 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

FOR CONSIDERATION By the Committee on Criminal Justice

591-01832-22

20227030pb

A bill to be entitled

An act relating to a review under the Open Government Sunset Review Act; amending s. 945.10, F.S., which provides exemptions from public records requirements for protected health information of an inmate or an offender, and for the identity of any inmate or offender upon whom an HIV test has been performed and the inmate's or offender's test results; removing the scheduled repeal of the exemptions; providing an effective date.

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

Section 1. Paragraphs (a) and (h) of subsection (1) of section 945.10, Florida Statutes, are amended to read:

945.10 Confidential information.—

(1) Except as otherwise provided by law or in this section, the following records and information held by 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)1. Mental health, medical, or substance abuse records of an inmate or an offender; and

2. Protected health information of an inmate or an offender. Protected health information, as used in this section, has the same meaning as provided in 45 C.F.R. s. 160.103. ~~This subparagraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.~~

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-01832-22

20227030pb

(h) The identity of any inmate or offender upon whom an HIV test has been performed and the inmate's or offender's test results, in accordance with s. 381.004. The term "HIV test" has the same meaning as provided in s. 381.004. ~~This paragraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.~~

Section 2. This act shall take effect October 1, 2022.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

From: [Siples, Yolanda](#)
To: [Arnold, Sue](#)
Subject: FW: FDC Follow-up Information Re: Open Government Sunset Review of ss. 945.10 (1)(a) and (1)(h), F.S.
Date: Friday, January 14, 2022 9:51:38 AM
Attachments: [image003.png](#)

From: Torres, Jared <Jared.Torres@fdc.myflorida.com>
Sent: Tuesday, September 14, 2021 12:20 PM
To: Landry, Jeanne <Jeanne.Landry@myfloridahouse.gov>; Toliver, Lance <Lance.Toliver@myfloridahouse.gov>; Siples, Yolanda <Siples.Yolanda@flsenate.gov>
Cc: Jones, Lauren <JONES.LAUREN@flsenate.gov>; Neff, Lance <Lance.Neff@fdc.myflorida.com>; Fitzgerald, Tim <Tim.Fitzgerald@fdc.myflorida.com>; Vaughan, Scotti <Scotti.Vaughan@fdc.myflorida.com>
Subject: FDC Follow-up Information Re: Open Government Sunset Review of ss. 945.10 (1)(a) and (1)(h), F.S.

Good afternoon,

Thank you again for the opportunity to speak with you regarding the Open Government Sunset Review of ss. 945.10(1)(a)2. and (1)(h), F.S.

Please find the information provided below by FDC's Office of General Counsel in response to a couple follow-up questions that were asked during the call.

Please let us know if you need anything else. We appreciate your time and support.

Thank you,
Jared

Jared M. Torres
Legislative Affairs Director
Florida Department of Corrections
Office: 850-717-3045
Cell: 850-728-5207
Email: Jared.Torres@fdc.myflorida.com

From: Fowler, Philip
Sent: Monday, September 13, 2021 6:02 PM
To: Torres, Jared <Jared.Torres@fdc.myflorida.com>; Neff, Lance <Lance.Neff@fdc.myflorida.com>
Cc: Burnsed, Dorothy <Dorothy.Burnsed@fdc.myflorida.com>; Urban, Mark <Mark.Urban@fdc.myflorida.com>
Subject: Information Regarding ss. 945.10 (1)(a) and (1)(h), F.S.

Mr. Torres,

FDC was recently asked for information regarding section 945.10 (1)(a) and (1)(h) of the Florida Statutes. Specifically,

- 1) An estimate of the number of times since 2017 the public record exemptions within each section have been invoked; and,
- 2) The number of lawsuits filed since 2017 involving these exemptions.

Responsible bureaus within FDC Central Office were contacted for this information. **The Office of the General Counsel reports that no lawsuits have been filed since 2017 involving the assertion of the exemptions.**

With respect to the number of times since 2017 the exemptions have been asserted, finding an exact number has been difficult. However, the information exempted by the two statute sections is highly prevalent within FDC records, especially inmate health information. Every inmate committed to FDC has a medical record and many records outside of the designated medical records set contain protected health information. FDC's reliance upon the exemptions is easily demonstrated by the existence of two Florida Administrative Code rules within FDC's chapter 33 of the Florida Administrative Code relating to this type of information. Rule 33-401.701, F.A.C., is dedicated to FDC's compliance with the medical privacy requirements in section 945.10 and with HIPAA. Simply stated, the rule establishes that inmate medical records and information are confidential and cannot be disclosed without a demonstration of the proper legal authority under HIPAA or Florida law to obtain that information. Thus, any public record request ("PRR") for medical records or for records containing protected health information that is not accompanied by a showing of proper authority on the requestor's part should be met with a response asserting the exemption found in section 945.10 (1)(a), F.S. Rule 33-601.901, F.A.C., implements both statutory exemptions at issue here (medical information and HIV testing information). Additionally, records containing HIV testing information would properly be exempted by both sections of the statute since the taking of an HIV test by an inmate is considered protected health information.

In Fiscal Year 2020-2021, the public records unit within FDC Central Office processed **4,238** total public records requests. **956** of those involved specific requests for medical records. **Thus, at an absolute minimum, 22% of the PRRs received at FDC Central Office during FY20-21 involved information potentially covered by the exemption in s. 945.10 (1)(a), F.S.** As discussed above, if the PRR requestor demonstrated sufficient authority to obtain the information, the exemption was not asserted. It should also be noted that this estimate is only based on PRRs processed through the public records request office in FDC Central Office; even more PRRs would have been processed by field staff at correctional institutions and community corrections offices. For example, FDC's Office of the Inspector General conducted its own review of this issue and has reported that, since 2019, **398 out of 800** PRR responses processed by the OIG records custodian involved an assertion of the exemption in s. 945.10 (1)(a), F.S. Further, the OIG estimates that it asserted the exemption approximately **800 total times since 2017**.

Respectfully, these estimates and the rules promulgated to implement the exemptions demonstrate that the statutory protection of protected health information and HIV testing information should be

reaffirmed by the 2022 Legislature. We would be happy to discuss the agency's need for the exemptions further if necessary.

Sincerely,

Philip A. Fowler

Attorney Supervisor-Administration Unit
Florida Department of Corrections
501 South Calhoun Street
Tallahassee, Florida 32399-2500
Office: (850) 717-3605
Fax: (850) 922-4355



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The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

1/18/2022

Meeting Date

Criminal Justice Committee

Committee

SPB 7030

Bill Number or Topic

Amendment Barcode (if applicable)

Name Jared Torres

Phone 850-717-3045

Address 501 South Calhoun Street

Street

Email Jared.Torres@fd.c.myflorida.com

Tallahassee

City

FL

State

32399

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:
Florida Department
of Corrections

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: SPB 7032

INTRODUCER: Criminal Justice Committee

SUBJECT: OGSR/Criminal Intelligence Information or Criminal Investigative Information

DATE: January 18, 2022

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Cellon	Jones		CJ Submitted as Comm. Bill/Fav

I. Summary:

SPB 7032 saves from repeal the public records exemption for the criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, for two years after the date on which the murder is observed by the witness. The exemption makes the records confidential and exempt from public records requirements.

The Open Government Sunset Review Act requires the Legislature to review each public record and each public meeting exemption five years after enactment. The exemption contained in s. 119.071(2)(m)1., F.S., is scheduled to repeal on October 2, 2022. This bill removes the scheduled repeal to continue the confidential and exempt status.

The bill is not expected to impact state and local revenues and expenditures.

The bill takes effect October 1, 2022.

II. Present Situation:

Public Records Law

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

¹ FLA. CONST., art. I, s. 24(a).

² *Id.*

Chapter 119, F.S., known as the Public Records Act, constitutes the main body of public records laws.³ The Public Records Act states that

[i]t is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁴

The Public Records Act typically contains general exemptions that apply across agencies. Agency- or program-specific exemptions often are placed in the substantive statutes relating to that particular agency or program.

The Public Records Act does not apply to legislative or judicial records.⁵ Legislative records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are codified primarily in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the Legislature.

Section 119.011(12), F.S., defines “public records” to include:

All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connections with the transaction of official business by any agency.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business which are used to “perpetuate, communicate, or formalize knowledge of some type.”⁶

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any state or local government public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

Only the Legislature may create an exemption to public records requirements.⁹ An exemption must be created by general law and must specifically state the public necessity justifying the exemption.¹⁰ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions¹¹

³ Public records laws are found throughout the Florida Statutes.

⁴ Section 119.01(1), F.S.

⁵ *Locke v. Hawkes*, 595 So. 2d 32, 34 (Fla. 1992); *see also Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).

⁶ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁷ Section 119.07(1)(a), F.S.

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST., art. I, s. 24(c).

¹⁰ *Id.*

¹¹ The bill may, however, contain multiple exemptions that relate to one subject.

and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.¹²

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹³ Records designated as “confidential and exempt” are not subject to inspection by the public and may only be released under the circumstances defined by statute.¹⁴ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁵

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act (the Act), prescribe a legislative review process for newly created or substantially amended public records or open meetings exemptions,¹⁶ with specified exceptions.¹⁷ The Act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.¹⁸ In practice, many exemptions are continued by repealing the sunset date, rather than reenacting the exemption.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.¹⁹ An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;²⁰
- Releasing sensitive personal information would be defamatory or would jeopardize an individual’s safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²¹ or
- It protects trade or business secrets.²²

¹² FLA. CONST., art. I, s. 24(c).

¹³ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁴ *Id.*

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁶ Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings.

¹⁷ Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

¹⁸ Section 119.15(3), F.S.

¹⁹ Section 119.15(6)(b), F.S.

²⁰ Section 119.15(6)(b)1., F.S.

²¹ Section 119.15(6)(b)2., F.S.

²² Section 119.15(6)(b)3., F.S.

The Act also requires specified questions to be considered during the review process.²³ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If, in reenacting an exemption or repealing the sunset date, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.²⁴ If the exemption is reenacted or saved from repeal without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.²⁵

Murder

First-degree murder, a capital offense,²⁶ is defined in s. 782.04(1)(a)1. and 2., F.S., as the unlawful killing of a human being:

- When perpetrated from a premeditated design to effect the death of the person killed or any human being;
- When committed by a person engaged in the perpetration of, or in the attempt to perpetrate, any:
 - Drug Trafficking offense prohibited by s. 893.135(1);
 - Arson (s. 806.01, F.S.);
 - Sexual battery (s. 794.011, F.S.);
 - Robbery or home-invasion robbery (s. 812.13 or s. 812.135, F.S.);
 - Burglary (s. 810.02, F.S.);
 - Kidnapping (s. 787.01, F.S.);
 - Escape (s. 944.40, F.S.);
 - Aggravated child abuse (s. 827.03, F.S.);
 - Aggravated abuse of an elderly person or disabled adult (s. 825.1025, F.S.);
 - Aircraft piracy (s. 860.16, F.S.);
 - Unlawful throwing, placing, or discharging of a destructive device or bomb (s. 790.1615, F.S.);
 - Carjacking (s. 812.133, F.S.);
 - Aggravated stalking (s. 784.048, F.S.);
 - Murder of a human being (s. 782.04, F.S.);
 - Resisting an officer with violence (s. 843.01, F.S.);

²³ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means?
If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

²⁴ FLA. CONST. art. I, s. 24(c).

²⁵ Section 119.15(7), F.S.

²⁶ A capital felony is punishable by death or life imprisonment. Section 775.082(1)(a), F.S.

- Aggravated fleeing or eluding with serious bodily injury or death (s. 316.1935(4)(b), F.S.);
- A felony act of terrorism;²⁷
- Human trafficking (s. 787.06, F.S.); or
- Which resulted in the unlawful distribution of a specified controlled substance,²⁸ which is the proximate cause of a user's death.²⁹

Murder in the second degree, which is a felony of the first degree punishable by imprisonment for a term of years not exceeding life,³⁰ is the unlawful killing of a human being when:

- Perpetrated by any act imminently dangerous to another and evincing a depraved mind regardless of human life, but without any premeditated design to effect the death of any particular individual;³¹ or
- Committed by a person other than the person engaged in the commission of, or attempt to commit, an enumerated felony³² during such felony.³³

Murder in the third degree, which is a second degree felony,³⁴ is the unlawful killing of a human being, without design to effect death, by a person engaged in the commission of, or the attempt to commit, any felony not enumerated by statute.³⁵

Public Records Exemption under Review

In 2017 the Legislature created s. 119.071(2)(m), F.S., which made the criminal intelligence information³⁶ or criminal investigative information³⁷ that reveals the personal identifying

²⁷ Or an act in furtherance of terrorism, including a felony under s. 775.30, F.S., s. 775.32, F.S., s. 775.33, F.S., s. 775.34, F.S., or s. 775.35, F.S.

²⁸ A substance controlled under s. 893.03(1), F.S., includes substances such as cocaine, opium or any synthetic or natural salt, compound, derivative, or preparation of opium; methadone, alfentanil, carfentanil, fentanyl, sufentanil, or specified controlled substance analogs.

²⁹ Section 782.04(1)(a), F.S.

³⁰ A first degree felony is punishable by a term of imprisonment not exceeding 30 years or, when specifically provided by statute, by imprisonment for a term of years not exceeding life imprisonment, and a fine of \$10,000. Sections 775.082(3)(b)1. and 775.083, F.S.

³¹ Section 782.04(2), F.S.

³² Enumerated felonies include drug trafficking under s. 893.135(1), F.S.; arson; sexual battery; robbery or home-invasion robbery; burglary; kidnapping; escape; aggravated child abuse or aggravated abuse of an elderly person or disabled adult; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; carjacking; aggravated stalking; murder of another human being; aggravated fleeing or eluding with serious bodily injury or death; resisting an officer with violence; and a felony act of terrorism or act in furtherance of terrorism. Section 782.04(3), F.S.

³³ Section 782.04(3), F.S.

³⁴ A second degree felony is punishable by a maximum of 15 years imprisonment and a \$10,000 fine. Sections 775.082 and 775.083, F.S.

³⁵ Section 782.04(4), F.S. *See also supra* n. 142.

³⁶ "Criminal intelligence information" means information with respect to an identifiable person or group of persons collected by a criminal justice agency in an effort to anticipate, prevent, or monitor possible criminal activity. Section 119.011(3)(a), F.S.

³⁷ "Criminal investigative information" means information with respect to an identifiable person or group of persons compiled by a criminal justice agency in the course of conducting a criminal investigation of a specific act or omission, including, but not limited to, information derived from laboratory tests, reports of investigators or informants, or any type of surveillance. Section 119.011(3)(b), F.S.

information of a witness to a murder confidential and exempt, for two years after the date on which the murder is observed.³⁸ A criminal justice agency³⁹ may disclose such information:

- In the furtherance of its official duties and responsibilities;
- To assist in locating or identifying the witness if the witness is believed to be missing or endangered;
- To another governmental agency for use in the performance of its official duties and responsibilities; or
- To the parties in a pending criminal prosecution as required by law.⁴⁰

In creating the exemption, the Legislative provided a public necessity statement articulating the following reasons for the exemption:

- The judicial system cannot function without the participation of witnesses.
- Complete cooperation and truthful testimony of witnesses are essential to the determination of the facts of a case.
- The public disclosure of personal identifying information of a witness to a murder could have a chilling effect on persons stepping forward and providing their accounts of a murder that has been witnessed.
- 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.
- 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.⁴¹

In order to determine whether and to what degree the public records exemption under review is being utilized by criminal justice agencies, legislative staff surveyed 1,196 agencies and consulted with the Florida Department of Law Enforcement by telephone.⁴² In the fall of 2021, staff sent questionnaires to 1,109 police chiefs, 67 sheriffs, and 20 State Attorneys seeking feedback on the exemption.⁴³ Forty-nine agencies returned answered questionnaires.⁴⁴

Of the 49 responding agencies, 35 indicated they had collected or possessed criminal intelligence information or criminal investigative information relating to 3,240 witnesses of a murder during

³⁸ Chapter 2017-11. L.O.F.

³⁹ "Criminal justice agency" means: any law enforcement agency, court, or prosecutor; any other agency charged by law with criminal law enforcement duties; any agency having custody of criminal intelligence information or criminal investigative information for the purpose of assisting such law enforcement agencies in the conduct of active criminal investigation or prosecution or for the purpose of litigating civil actions under the Racketeer Influenced and Corrupt Organization Act, during the time that such agencies are in possession of criminal intelligence information or criminal investigative information pursuant to their criminal law enforcement duties; or the Department of Corrections.

⁴⁰ Section 119.071(2)(m)1., F.S.

⁴¹ Chapter 2017-11. L.O.F.

⁴² Staff also received a partial questionnaire response from the Florida Department of Law Enforcement focusing on questions and discussion that occurred during the telephonic consultation.

⁴³ Staff had the assistance of the Florida Police Chiefs Association, the Florida Sheriff's Association, and the Florida Prosecuting Attorneys Association in sending the survey questionnaires.

⁴⁴ Open Government Sunset Review Questionnaires, Personal Identifying Information of a Murder Witness, responses are on file with the Senate Criminal Justice Committee.

the approximately 5-year period the exemption has been in effect. There were an approximate total of 1,708 public record requests for the information held by the 35 reporting agencies.⁴⁵

A majority of respondents, 33, recommended that the exemption be reenacted, five of which offered suggestions on expanding the exemption. The suggestions related to the length of time the exemption should be in effect, sharing the witness information more broadly, and to what crimes the exemption should apply.⁴⁶

The exemption stands repealed on October 2, 2022, unless it is reviewed and saved from repeal by the Legislature.⁴⁷

III. Effect of Proposed Changes:

The bill amends s. 119.071(2)(m), F.S., to save from repeal the current exemption for the criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, for two years after the date on which the murder is observed.

The bill deletes the scheduled repeal date of October 2, 2022, thereby maintaining the exemption.

The bill takes effect October 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill continues a current public records exemption beyond its current date of repeal; thus, the bill does not require an extraordinary vote for enactment.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ Section 119.15(3), F.S.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. This bill continues a current public records exemption without expansion.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect the personal identifying information of a witness to a murder. This bill exempts only the personal identifying information of a witness to a murder from the public records requirements. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 119.071 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

FOR CONSIDERATION By the Committee on Criminal Justice

591-01831-22

20227032pb

A bill to be entitled

An act relating to a review under the Open Government Sunset Review Act; amending s. 119.071, F.S., which provides an exemption from public records requirements for criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder; removing the scheduled repeal of the exemption; providing an effective date.

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

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

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

(2) AGENCY INVESTIGATIONS.—

(m) ~~1.~~ Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

1.e. In the furtherance of its official duties and responsibilities.

2.b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.

3.e. To another governmental agency for use in the

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-01831-22

20227032pb

performance of its official duties and responsibilities.

~~4.d.~~ To the parties in a pending criminal prosecution as required by law.

~~2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.~~

Section 2. This act shall take effect October 1, 2022.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
September 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY October 4, 2021, TO BOTH:

Jonathan Mwakyanjala
Analyst
Government Operations Subcommittee
Jonathan.Mwakyanjala@myfloridahouse.gov
Phone: (850) 717-4808

Connie Cellon
Staff Attorney
Criminal Justice Committee
Cellon.Connie@flsenate.gov
Phone: (850) 487-5192

In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

**Name of agency or organization completing the questionnaire: OFFICE OF THE STATE ATTORNEY-9TH JUDICIAL CIRCUIT
MONIQUE WORRELL**

**Name and title of person completing the questionnaire: GINA VITTONE
RECORDS CUSTODIAN**

Telephone number of person completing the questionnaire: 407-836-2166

E-mail address of person completing the questionnaire: GVITTONE@SAO9.ORG

Date that this questionnaire was completed: 9/24/2021

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.
YES
2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected. **Personal addresses, work addresses, social security numbers, phone numbers, family members names, addresses ect. This information is customarily included in initial law enforcement reports and supplemental materials**
3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from?
 - a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial? **Unable to determine without a review of each murder case.**
 - b. How many of those witnesses provided information that was never used in a criminal trial? **Unable to determine without a review of each murder case**

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)? **Anything that is listed above in section 1(2), as well as photo/video of the eyewitness and/or their family members, ect. Any information that could lead to the identification and location of the eyewitness. Our office identifies that information on a case by case basis.**
2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations. **No**
3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain. **Not easily, unless the witness identifies him or herself via contact with news media/social media postings.**
4. Has your agency ever received a public records request for the confidential and exempt information under review? If “yes”: **Yes, we have received requests for murder cases that involve an eyewitness.**

- a. What is the approximate number of requests your agency has received for such information each year beginning in 2017? **Unable to determine exactly, however, 20 annually is safe estimate**
 - b. Please describe the types of entities requesting such information, if available. **Defense attorneys, media, general public**
 - c. Was the information released? If “yes,” please explain. **No**
5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If “yes”: **Not to my knowledge.**
 - a. Please provide the specific state or federal citation for each exemption.
 - b. Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information.
 - c. In your opinion, could the exemption under review be merged with other exemption(s)?
6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.
 - a. Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance? **No, not through public records request responses**
 - b. Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If “yes,” to which entities and under what circumstance? **No**
 - c. Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If “yes,” which entities? Please explain. **Perhaps directly released to a counselor treating vt/witness with confidentiality clause.**
7. Which of the following actions does your agency recommend the Legislature take (Please select one):
 - ☐ Repeal the public records exemption
 - ☐ Reenact the public records exemption as is

☒ Reenact the public records exemption with changes

8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend). **See below**
9. Please provide any additional comments regarding the public record exemption under review

The exemption is limited to an eyewitness to murder- there is no exemption for an eyewitness to an attempted murder(FS 782.051).These witnesses would have no less than the same concerns with coming forward to assist in the prosecution because the victim survived. Also, there is no protection for witnesses that may have not seen the actual act, but (for example) heard the shots and saw the gunman running out of the store with a gun. These witnesses should be equally protected to foster their cooperation as they witnessed at least a crucial element of the crime, and their cooperation is needed.

The time frame of two years after the witness “observed” the murder is simply arbitrary. If the intent is to foster cooperation by providing witness protection - it should be meaningful and realistic to the timeframes of the Court system. For example, in Orange County case 2017-CF-9612-the murder occurred on 7/27/2017-our office received a records request and processed a redacted case as to the eyewitness to murder on 8/18/2018. The case went to trial on 9/13/2019. Based on the current exemption, our office could no longer withhold these redacted records after 7/27/19 and would be required to release the witness information (if requested) two months before the case went to trial.

Lastly, the time frame fixed to two years from the date of the “observation” of the murder, doesn’t provide protection to witness if there is any delay of reporting to law enforcement- most likely due to safety concerns. If this exemption is going to remain, it should be extended to what is mentioned above for the witnesses to have any real protection.

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.

b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.

c. To another governmental agency for use in the performance of its official duties and responsibilities.

d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.

Yes

2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected.

Name, address, date of birth, and phone number are generally the types of information collected from the witness. This information accompanies the witness’ sworn statement. The information is sent to us from law enforcement.

3. From July 1, 2017, the effective date of the public record exemption, to August 1, 2021, how many witnesses to a murder has your agency collected information from?

Although the number is numerous we cannot provide an exact figure.

- a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial? We cannot provide an exact figure.
- b. How many of those witnesses provided information that was never used in a criminal trial? We cannot provide an exact figure.

II. Public Record Exemption under Review

Section 119.071 (2) (m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals that personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or type of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)?
Name, Address, Phone number, DOB, spouse/children’s names, or photos or images of the witness
2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations.
No
3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain. The answer is “no” from a public records standpoint. Of course, it is always possible people familiar with the case (friends, relatives, neighbors) may talk and divulge the information.
4. Has your agency ever received a public records request for the confidential and exempt information under review? YES. If “yes”:

- a. What is the approximate number of requests your agency has received for such information each year beginning in 2017?
Unfortunately, an approximate number cannot be determined at this time.
 - b. Please describe the types of entities requesting such information, if available.
Civil attorneys via public records requests and via subpoenas, other Law enforcement and government agencies, and the general public.
 - c. Was the information released? If “yes” please explain.
Yes, but only if the records were requested after the 2-year period had expired.
5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If “yes”: **Yes**
- a. Please provide the specific state or federal citation for each exemption.
Marsy’s Law (Article 1 Section 16 of the Florida Constitution). If the witness is related to the victim in the case and Marsy’s Law is invoked, then the two exemptions could overlap.
 - b. Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information.
Eye witness to murder and/or Marsy’s Law
 - c. In your opinion, could the exemption under review be merged with other exemption(s)?
No, the exemption is rather unique and needs stand on its own.
6. The public record exemption under review makes the information if protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in the pending criminal prosecution as required by law.
- a. Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance?
Yes, to defense counsel pursuant to the State’s discovery obligations and to other criminal investigatory agencies pursuant to agency to agency requests.
 - b. Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If “yes,” to which entities and under what circumstance?
No

- c. Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If "yes," which entities? Please explain.

No

7. Which of the following actions does your agency recommend the Legislature take (Please select one):

- ☐ Repeal the public records exemption
☐ Reenact the public records exemption as is
☒ Reenact the public records exemption with changes-

8. If you selected the "reenact the public records exemption with changes" option above, Please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend).

Most cases involving murder take longer than two years to conclude. As such, we would recommend extending the exemption from public disclosure to four or five years instead of two.

9. Please provide any additional comments regarding the public record exemption under review

None

Name of the agency or organization completing the questionnaire: State Attorney Office, 17th Judicial Circuit

Name of title of person completing the questionnaire: Steven A. Klinger, Assistant State Attorney and Misty Williams-Bernabe, Public Records Custodian

Telephone number of persons completing the questionnaire: 954-831-7228

Email addresses of persons completing the questionnaire: sklinger@sao17.state.fl.us and mwilliamsbernabe@sao17.state.fl.us

Date that this questionnaire was completed: 10/06/2021

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY September 22, 2021, TO BOTH:

Jonathan Mwakyanjala
Analyst
Government Operations Subcommittee
Jonathan.Mwakyanjala@myfloridahouse.gov
Phone: (850) 717-4808

Connie Cellon
Staff Attorney
Criminal Justice Committee
Cellon.Connie@flsenate.gov
Phone: (850) 487-5192

In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire: *Bartow Police Department*

Name and title of person completing the questionnaire: *Det Sergeant William Stevens*

Telephone number of person completing the questionnaire: *(863)534-5040*

E-mail address of person completing the questionnaire: *wstevens.pd@cityofbartow.net*

Date that this questionnaire was completed: *9/17/2021*

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.

YES

2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected. **NAME/DOB/ADDRESS/CONTACT IN ADDITION TO RECORDED TAPED STATEMENTS**
3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from? **3**
 - a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial? **2**
 - b. How many of those witnesses provided information that was never used in a criminal trial? **1**

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)?
NAME, DOB, ADDRESS, CONTACT INFORMATION
2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations. **NO**
3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain. **NOT THAT WE ARE AWARE OF**
4. Has your agency ever received a public records request for the confidential and exempt information under review? If “yes”: **NO**
 - a. What is the approximate number of requests your agency has received for such information each year beginning in 2017?
 - b. Please describe the types of entities requesting such information, if available.
 - c. Was the information released? If “yes,” please explain.

5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If “yes”: **NO**
- Please provide the specific state or federal citation for each exemption.
 - Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information.
 - In your opinion, could the exemption under review be merged with other exemption(s)?
6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.
- Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance? **YES, TO STATE ATTORNEY’S FOR PROSECUTION**
 - Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If “yes,” to which entities and under what circumstance? **NO**
 - Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If “yes,” which entities? Please explain. **NO**
7. Which of the following actions does your agency recommend the Legislature take (Please select one):
- ☐ Repeal the public records exemption
- ☒ Reenact the public records exemption as is
- ☐ Reenact the public records exemption with changes
8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend).

9. Please provide any additional comments regarding the public record exemption under review

NONE

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.



Belle Isle Police Department

1521 NELA AVENUE
BELLE ISLE, FL 32809
PHONE (407) 240-2473
FAX (407) 850-1616

DATE: 10/14/2021
TO: Connie Cellon & Jonathan Mwakyanjala
RE: Questionnaire

In reference to the Open Government Sunset Review Questionnaire I received on October 11, 2021, the following has been answered:

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Yes
2. Eyewitness testimony. Depending on the age of the witness, adults are brought to the police department and juveniles are brought to the Howard Phillips Center for a specialist to conduct a forensic interview, both are video recorded.
3. 1
 - a. 0 - due to the suspect being deceased on the same crime scene due to a loss of blood.
 - b. 1 - A criminal trial was never conducted due to the suspect being deceased.

The answer for the balance of the questions are N/A.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Jeremy Millis".

Detective Sergeant Jeremy Millis
407-240-2473
jmillis@belleislepolice.org

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY September 22, 2021, TO BOTH:

Jonathan Mwakyanjala Analyst Government Operations Subcommittee Jonathan.Mwakyanjala@myfloridahouse.gov Phone: (850) 717-4808	Connie Cellon Staff Attorney Criminal Justice Committee Cellon.Connie@flsenate.gov Phone: (850) 487-5192
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In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire: Boca Raton Police

Name and title of person completing the questionnaire: Assistant Chief Pete Buhr

Telephone number of person completing the questionnaire: 561-620-6059

E-mail address of person completing the questionnaire: pbuhr@myboca.us

Date that this questionnaire was completed: 10/8/2021

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.

YES

2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected.

Name, Address, phone number. All determined during interview with the officer.

3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from? 13
 - a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial? 0
 - b. How many of those witnesses provided information that was never used in a criminal trial? 13

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)? Name, Address, phone number, work address in some cases.
2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations. NO
3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain. Yes, at times the clerks office via PC affidavit.
4. Has your agency ever received a public records request for the confidential and exempt information under review? If “yes”: Yes.
 - a. What is the approximate number of requests your agency has received for such information each year beginning in 2017? 9 cases.
 - b. Please describe the types of entities requesting such information, if available. Media outlets.

- c. Was the information released? If “yes,” please explain.No.
5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If “yes”:No.
- a. Please provide the specific state or federal citation for each exemption.
- b. Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information.
- c. In your opinion, could the exemption under review be merged with other exemption(s)?
6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.
- a. Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance? Yes, other law enforcement agencies with connected homicides.
- b. Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If “yes,” to which entities and under what circumstance? NO.
- c. Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If “yes,” which entities? Please explain. No.
7. Which of the following actions does your agency recommend the Legislature take (Please select one):
- ☐ Repeal the public records exemption
- ☒ Reenact the public records exemption as is
- ☐ Reenact the public records exemption with changes
8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend).

9. Please provide any additional comments regarding the public record exemption under review

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY September 22, 2021, TO BOTH:

Jonathan Mwakyanjala
Analyst
Government Operations Subcommittee
Jonathan.Mwakyanjala@myfloridahouse.gov
Phone: (850) 717-4808

Connie Cellon
Staff Attorney
Criminal Justice Committee
Cellon.Connie@flsenate.gov
Phone: (850) 487-5192

In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire: Boynton Beach Police Department

Name and title of person completing the questionnaire: Steven Burdelski, Captain

Telephone number of person completing the questionnaire: 561-742-6115

E-mail address of person completing the questionnaire: burdelskis@bbfl.us

Date that this questionnaire was completed: 10/05/2021

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.

Yes

2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected.

Name, Date of Birth, address, phone number. The information is collected through formal law enforcement interviews

3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from? 160 witnesses
 - a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial? 41
 - b. How many of those witnesses provided information that was never used in a criminal trial? 119

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)? Anything that can lead to identifying the witness, to include but not limited to Name, Date of Birth, address, phone number, email address.
2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations. No
3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain. No
4. Has your agency ever received a public records request for the confidential and exempt information under review? If “yes”: No records responsive to this question.
 - a. What is the approximate number of requests your agency has received for such information each year beginning in 2017?

- b. Please describe the types of entities requesting such information, if available.
 - c. Was the information released? If “yes,” please explain.
- 5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If “yes”: No
 - a. Please provide the specific state or federal citation for each exemption.
 - b. Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information. The only exemption relied upon would be the existing exemption which is 119.07(1)(m)1
 - c. In your opinion, could the exemption under review be merged with other exemption(s)? No
- 6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.
 - a. Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance? To the parties in a pending criminal prosecution as required by law, specifically through the discovery process.
 - b. Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If “yes,” to which entities and under what circumstance? No such disclosure is known or is documented.
 - c. Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If “yes,” which entities? Please explain. No
- 7. Which of the following actions does your agency recommend the Legislature take (Please select one):
 - ☐ Repeal the public records exemption
 - ☒ Reenact the public records exemption as is
 - ☐ Reenact the public records exemption with changes

8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend).
9. Please provide any additional comments regarding the public record exemption under review

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY September 22, 2021, TO BOTH:

Jonathan Mwakyanjala
Analyst
Government Operations Subcommittee
Jonathan.Mwakyanjala@myfloridahouse.gov
Phone: (850) 717-4808

Connie Cellon
Staff Attorney
Criminal Justice Committee
Cellon.Connie@flsenate.gov
Phone: (850) 487-5192

In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire:
Bradenton Police Department

Name and title of person completing the questionnaire:
Sgt. Lee Cosens

Telephone number of person completing the questionnaire:
941-932-9361

E-mail address of person completing the questionnaire:
Lee.cosens@bradentonpd.com

Date that this questionnaire was completed:

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.

Yes

2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected.

The type of information collected is any and all suspect information. And information related to the possible location of evidence. Any eye witness testimony the witness might be able to provide.

3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from?
 - a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial?
 - b. How many of those witnesses provided information that was never used in a criminal trial?

During the timeline directed there has been less than one hundred witnesses used during a criminal trial.

During the timeline directed it is unknown if there has been a witness who provided information and was not used during a criminal trial.

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)?

Personal identifying information is information which can be used to distinguish or trace an individual’s identity, such as name, social security number, or biometric records, alone or when combined with other personal or identifying information which is linked

or linkable to a specific individual, such as date and place of birth, or mother's maiden name.

2. Has the public records exemption under review ever been the subject of litigation involving your agency? If "yes," please summarize the outcome and provide the appropriate case citations.

No

3. Can the exempt information be readily obtained by alternative means? If "yes," please explain.

No

4. Has your agency ever received a public records request for the confidential and exempt information under review? If "yes":

No

- a. What is the approximate number of requests your agency has received for such information each year beginning in 2017?
 - b. Please describe the types of entities requesting such information, if available.
 - c. Was the information released? If "yes," please explain.
5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If "yes":

No
 - a. Please provide the specific state or federal citation for each exemption.
 - b. Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information.
 - c. In your opinion, could the exemption under review be merged with other exemption(s)?
6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.

- a. Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance?

Yes, in a confidential intelligence bulletin send to qualified agencies in an attempt to locate said witness.

- b. Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If “yes,” to which entities and under what circumstance?

No

- c. Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If “yes,” which entities? Please explain.

No

7. Which of the following actions does your agency recommend the Legislature take (Please select one):

☐ Repeal the public records exemption

☒ Reenact the public records exemption as is

☐ Reenact the public records exemption with changes

8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend).
9. Please provide any additional comments regarding the public record exemption under review

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY October 22, 2021, TO BOTH:

Jonathan Mwakyanjala
Analyst
Government Operations Subcommittee
Jonathan.Mwakyanjala@myfloridahouse.gov
Phone: (850) 717-4808

Connie Cellon
Staff Attorney
Criminal Justice Committee
Cellon.Connie@flsenate.gov
Phone: (850) 487-5192

In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire:

[Broward County Sheriff's Office](#)

Name and title of person completing the questionnaire:

[Terrence Lynch, General Counsel \(compiled from responses from agency personnel in the Public Records Unit and Criminal Investigations Division\)](#)

Telephone number of person completing the questionnaire:

[954-831-8920](#)

E-mail address of person completing the questionnaire:

terrence_lynch@sheriff.org

Date that this questionnaire was completed:

[October 14, 2021](#)

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.

Yes

2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected.

In the event a witness is identified during a homicide investigation, the assigned detective will either collect a digitally recorded audio statement in the field or a video recorded statement at the station. Witnesses provide first-hand knowledge testimony as to what they observed (sight, sound, touch, smell) as it relates to the homicide. Witnesses also provide forensic evidence (transfer DNA, elimination standards, etc., that is collected from their person in an attempt to identify a suspect or to establish probable cause. Lastly, witnesses provide recorded evidence from their personal electronic devices.

3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from?

The Broward County Sheriff’s Office has not specifically kept track of how many witnesses for each homicide investigation because witnesses are developed at different stages of the investigation from the initial report to completion, and even further into the prosecution. Given the fact that most of our homicide incidents average at least 2-3 witnesses, and the Broward County Sheriff’s Office handled 230 homicide investigations during this period, we are only able to provide approximate figures. Further, during this time period the county experienced the Marjory Stoneman Douglas High School mass shooting event for which time there were over 850 witnesses. Based upon these factors, the best approximation of the number of homicide witnesses during this period would be around 1489.

- a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial?

Due to the delays with the judicial process and COVID, most of the homicide cases that are pending prosecution of a suspect during this period (2017-2021), have not made it to trial yet. Further, the Broward Sheriff Office does not have a tracking process in place that would capture that figure. Lastly, not all cases proceed to trial so their testimony may not have been taken at trial, but the case could have been resolved via a plea agreement or the State could decline to prosecute.

- b. How many of those witnesses provided information that was never used in a criminal trial?

See response to question 3.b., above.

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)?

“Personal identifying information” is considered to be anything that could be used to identify the witness. For example, their name, date of birth, social security number, phone numbers, home, or work address, etc. This is similar to how the Marsy’s Law exemption is applied for personal identifying information that could lead to the identity of a victim of a crime.

2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations.

No

3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain.

Not necessarily “readily” obtained, but it can be obtained via court process, such as a court order or subpoena.

4. Has your agency ever received a public records request for the confidential and exempt information under review? If “yes”:

Yes. Each time a homicide report is requested, there is a section within the report that identifies “Witnesses”. The names and contact information are redacted using the exemption under review.

- a. What is the approximate number of requests your agency has received for such information each year beginning in 2017?

Approximately 1200 requests since 2017.

- b. Please describe the types of entities requesting such information, if available.

Members of the public, media, private attorneys

- c. Was the information released? If “yes,” please explain.

No. The Broward Sheriff's office routinely redacts witnesses of homicides for 2 years past the date of incident. The only time redactions are not made are when reports are shared with other law enforcement agencies in the furtherance of investigations.

5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If "yes":

Unknown. The Broward County Sheriff's Office only applies state law exemptions to public records.

- a. Please provide the specific state or federal citation for each exemption.
 - b. Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information.
 - c. In your opinion, could the exemption under review be merged with other exemption(s)?
6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.
- a. Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If "yes," to which entities and under which circumstance?

BSO has shared confidential information (photos, video, nickname, etc.) of a potential witness with other law enforcement agencies in an effort to identify that witness. Once the witness has been properly identified, the identification is not shared with anyone, other than law enforcement officials with a need to know in furtherance of the investigation.

- b. Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If "yes," to which entities and under what circumstance?

No. The exemption is asserted in all applicable situations to protect the witness from potential harm.

- c. Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If “yes,” which entities? Please explain.

No.

7. Which of the following actions does your agency recommend the Legislature take (Please select one):

☐ Repeal the public records exemption

☒ Reenact the public records exemption as is

☐ Reenact the public records exemption with changes

8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend).
9. Please provide any additional comments regarding the public record exemption under review

None

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY September 22, 2021, TO BOTH:

Jonathan Mwakyanjala Analyst Government Operations Subcommittee Jonathan.Mwakyanjala@myfloridahouse.gov Phone: (850) 717-4808	Connie Cellon Staff Attorney Criminal Justice Committee Cellon.Connie@flsenate.gov Phone: (850) 487-5192
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In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire:

Casselberry Police Department

Name and title of person completing the questionnaire:

Captain William Nas

Telephone number of person completing the questionnaire:

407-269-7033

E-mail address of person completing the questionnaire:

wnas@casselberry.org

Date that this questionnaire was completed:

10-05-2021

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.
2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected. **Information about the crime is gathered from witnesses. This information is gathered through oral interviews, records review, surveillance, and other data collection. Witnesses are interviewed by detectives to find out things such as motive, how the crime occurred, and where additional evidence and/or witnesses may be located to help solve the crime.**
3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from?
Somewhere around twenty-five people
 - a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial? **Estimated about half, not all cases went to trial, some pled**
 - b. How many of those witnesses provided information that was never used in a criminal trial? **Estimated a little less than half, information may have been repetitive, gained from other superior sources, or superfluous**

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)? **anything that can be used to later identify and/or contact the witness**
2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations. **No.**
3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain. **No.**
4. Has your agency ever received a public records request for the confidential and exempt information under review? If “yes”: **Not outside of legal discovery and/or media inquiry**

- a. What is the approximate number of requests your agency has received for such information each year beginning in 2017? **We receive these types of request in every murder case.**
 - b. Please describe the types of entities requesting such information, if available.
Media and defense attorneys
 - c. Was the information released? If “yes,” please explain. **Information is released when and where required by law.**
5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If “yes”: **Although I am licensed to practice law in Florida and admitted to the Middle District of Florida I do not represent the City of Casselberry, please contact the Casselberry City Attorney if you want a formal legal opinion or a memorandum of law.**
 - a. Please provide the specific state or federal citation for each exemption.
 - b. Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information.
 - c. In your opinion, could the exemption under review be merged with other exemption(s)?
6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.
 - a. Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance? **We comply with legal discovery requests through the State Attorney’s Office**
 - b. Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If “yes,” to which entities and under what circumstance? **No**
 - c. Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If “yes,” which entities? Please explain. **No**
7. Which of the following actions does your agency recommend the Legislature take (Please select one):

☐ Repeal the public records exemption

☒ Reenact the public records exemption as is

☐ Reenact the public records exemption with changes

8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend).
9. Please provide any additional comments regarding the public record exemption under review

Often people are apprehensive or afraid to come forward or cooperate with law enforcement, the exception should remain law to help protect people who are cooperating with investigators. If you make witness information public it is likely to have a chilling effect on people helping law enforcement solve murder cases.

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY October 22, 2021, TO BOTH:

Jonathan Mwakyanjala Analyst Government Operations Subcommittee Jonathan.Mwakyanjala@myfloridahouse.gov Phone: (850) 717-4808	Connie Cellon Staff Attorney Criminal Justice Committee Cellon.Conn@flsenate.gov Phone: (850) 487-5192
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In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire:

[Clay County Sheriff's Office](#)

Name and title of person completing the questionnaire:

[Director Joe Bucci](#)

Telephone number of person completing the questionnaire:

[904-219-8012](#)

E-mail address of person completing the questionnaire:

jbucci@claysheriff.com

Date that this questionnaire was completed:

[10/21/2021](#)

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.

Yes

2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected.

We collect the witnesses personal identifying information (such as name, date of birth, state issued ID number, address, contact information, etc). The witnesses provide sworn statements, both recorded and in writing.

3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from?

49

- a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial?

This information is not tracked by CCSO.

- b. How many of those witnesses provided information that was never used in a criminal trial?

This information is not tracked by CCSO.

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)?

Name, date of birth, address, race, sex, home phone number, cell phone number, place of employment, email address, spouse and children’s names, date of birth, address, race, sex home phone numbers, cell phone numbers, places of employment, email addresses.

2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations.

No, not that I am aware of.

3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain.

No, not in relation to the murder case.

4. Has your agency ever received a public records request for the confidential and exempt information under review? If “yes”:

Yes

- a. What is the approximate number of requests your agency has received for such information each year beginning in 2017?

Approximately: 2017 – 16 2018 – 6 2019 – 10 2020 – 5 2021 ytd – 0

Note: Once requested by the media, the redacted report is posted on the public records portal making it available for all media outlets and the general public. Therefore, reducing the number of official public records requests received for each case.

- b. Please describe the types of entities requesting such information, if available.

Media outlets, general public, SAO, assisting law enforcement agencies, if any.

- c. Was the information released? If “yes,” please explain.

Yes, redacted for the media and general public, un-redacted for the SAO or other law enforcement agencies.

5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If “yes”:

Yes

- a. Please provide the specific state or federal citation for each exemption.

The Florida Senate House Bill 111

- b. Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information.

FSS 119.071(2)(m)

- c. In your opinion, could the exemption under review be merged with other exemption(s)?

No

6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.

- a. Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance?

Yes, other law enforcement agencies and/or SAO upon their request for business purposes.

- b. Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If “yes,” to which entities and under what circumstance?

Yes, other law enforcement agencies and/or SAO upon their request for business purposes.

- c. Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If “yes,” which entities? Please explain.

No

7. Which of the following actions does your agency recommend the Legislature take (Please select one):

☐ Repeal the public records exemption

☒ Reenact the public records exemption as is

☐ Reenact the public records exemption with changes

8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend).
9. Please provide any additional comments regarding the public record exemption under review

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY September 22, 2021, TO BOTH:

Jonathan Mwakyanjala
Analyst
Government Operations Subcommittee
Jonathan.Mwakyanjala@myfloridahouse.gov
Phone: (850) 717-4808

Connie Cellon
Staff Attorney
Criminal Justice Committee
Cellon.Connie@flsenate.gov
Phone: (850) 487-5192

In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire: Clermont Police Department

Name and title of person completing the questionnaire: Chief Charles Broadway

Telephone number of person completing the questionnaire: 352-394-5588

E-mail address of person completing the questionnaire: cbroadway@clermontfl.org

Date that this questionnaire was completed: 10/5/21

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.

Yes

2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected.

Personal identifying information, to include name, date of birth, social security number, driver’s license number, height, weight, physical characteristics, phone number(s), vehicle registration information, etc. is all collected for reporting purposes in our report management system. Additional information, such as criminal history and personal history, may be collected if it is pertinent to the investigation.

The basic personal identifying information is typically collected by responding officers, while more in-depth information is collected by investigating detectives.

3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from? 29 witnesses
 - a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial? 0
 - b. How many of those witnesses provided information that was never used in a criminal trial? None – none of these case has yet gone to trial.

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)?

Social Security Number, Passport Number, Credit Card Number, Banking Information, Date and Place of Birth, Mother’s Maiden Name, Criminal, Medical, and Financial Records Educational Transcripts, Photos and videos containing any these.

2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations.

No.

3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain.

No.

4. Has your agency ever received a public records request for the confidential and exempt information under review? If “yes”: No.

- a. What is the approximate number of requests your agency has received for such information each year beginning in 2017?
- b. Please describe the types of entities requesting such information, if available.
- c. Was the information released? If “yes,” please explain.

5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If “yes”: No.

- a. Please provide the specific state or federal citation for each exemption.
- b. Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information.
- c. In your opinion, could the exemption under review be merged with other exemption(s)?

6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.

- a. Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance? No.
- b. Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If “yes,” to which entities and under what circumstance? No.
- c. Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If “yes,” which entities? Please explain. No.

7. Which of the following actions does your agency recommend the Legislature take (Please select one):

☐ Repeal the public records exemption

☒ Reenact the public records exemption as is

☐ Reenact the public records exemption with changes

8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend).

9. Please provide any additional comments regarding the public record exemption under review

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY September 22, 2021, TO BOTH:

Jonathan Mwakyanjala Analyst Government Operations Subcommittee Jonathan.Mwakyanjala@myfloridahouse.gov Phone: (850) 717-4808	Connie Cellon Staff Attorney Criminal Justice Committee Cellon.Connie@flsenate.gov Phone: (850) 487-5192
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In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire:

Clewiston Police Department

Name and title of person completing the questionnaire:

Thomas P. Lewis, Interim Chief of Police

Telephone number of person completing the questionnaire:

(941) 626-9775

E-mail address of person completing the questionnaire:

Thomas.lewis@clewiston-fl.gov

Date that this questionnaire was completed:

October 11, 2021

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.
2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected. Identification of other witnesses and suspects, location of physical evidence, location of other witnesses and suspects, etc.
3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from? 11
 - a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial? Zero, all are pending trial
 - b. How many of those witnesses provided information that was never used in a criminal trial? 11, all pending trial

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)? Name, gender, age, address, date of birth, social security number, etc.
2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations. No
3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain. No
4. Has your agency ever received a public records request for the confidential and exempt information under review? If “yes”:
 - a. What is the approximate number of requests your agency has received for such information each year beginning in 2017?
 - b. Please describe the types of entities requesting such information, if available.
 - c. Was the information released? If “yes,” please explain.

5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If “yes”:
- Please provide the specific state or federal citation for each exemption.
 - Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information.
 - In your opinion, could the exemption under review be merged with other exemption(s)?
6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.
- Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance? No
 - Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If “yes,” to which entities and under what circumstance? No
 - Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If “yes,” which entities? Please explain. No
7. Which of the following actions does your agency recommend the Legislature take (Please select one):
- ☐ Repeal the public records exemption
- ☒ Reenact the public records exemption as is
- ☐ Reenact the public records exemption with changes
8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend).
9. Please provide any additional comments regarding the public record exemption under review

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY October 22, 2021, TO BOTH:

Jonathan Mwakyanjala Analyst Government Operations Subcommittee Jonathan.Mwakyanjala@myfloridahouse.gov Phone: (850) 717-4808	Connie Cellon Staff Attorney Criminal Justice Committee Cellon.Connie@flsenate.gov Phone: (850) 487-5192
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In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire: Desoto County Sheriff's Office

Name and title of person completing the questionnaire: Captain Kim Sandoval

Telephone number of person completing the questionnaire: (863) 993-4700

E-mail address of person completing the questionnaire: ksandoval@desotosheriff.org

Date that this questionnaire was completed: 10/13/2021

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.

Yes

2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected.

Name, DOB, DL, Address, race, sex, telephone

3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from? Five
 - a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial? Two
 - b. How many of those witnesses provided information that was never used in a criminal trial? Three, cases pending

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)? Name, DOB, DL, Address, race, sex, Telephone
2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations. No
3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain. No
4. Has your agency ever received a public records request for the confidential and exempt information under review? If “yes”: No
 - a. What is the approximate number of requests your agency has received for such information each year beginning in 2017?
 - b. Please describe the types of entities requesting such information, if available.
 - c. Was the information released? If “yes,” please explain.

5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If “yes”: Unknown
- Please provide the specific state or federal citation for each exemption.
 - Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information.
 - In your opinion, could the exemption under review be merged with other exemption(s)?
6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.
- Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance? Yes, three provided to State Attorney’s Office for criminal prosecution of suspect
 - Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If “yes,” to which entities and under what circumstance? No
 - Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If “yes,” which entities? Please explain. No
7. Which of the following actions does your agency recommend the Legislature take (Please select one):
- ☐ Repeal the public records exemption
- ☒ Reenact the public records exemption as is
- ☐ Reenact the public records exemption with changes
8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend).

9. Please provide any additional comments regarding the public record exemption under review

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

1. Has the public records exemption under review ever been the subject of litigation? If "yes," please explain and provide the appropriate case citations.

Yes. *Palm Beach County Sheriff's Office v. Sun-Sentinel Company, LLC*, 226 So.3d 969 (Fla. 4th DCA 2017).

2. Can the confidential and exempt information be readily obtained by alternative means? If "yes," please explain.

Potentially. During an investigation, a witness may come forward publicly and reveal that they were a witness to the homicide. From FDLE's experience and observations, law enforcement agencies have held the witness's identification confidential for the two (2) years. After the two (2) years, the witness's identification is released to the public as the exemption no longer applies regardless if the criminal case is ongoing.

3. Has your agency ever received a public records request for the confidential and exempt information under review? If "yes": **Yes.**

- a. What is the approximate number of requests your agency has received for such information each year beginning in 2017? **This is difficult to ascertain the number as FDLE receives approximately 4,000 public records requests each year. FDLE received approximately fifty (50) public records requests after the mass shooting at Marjory Stoneman Douglas High School. From the two years following this, FDLE redacted the witnesses to the homicide in accordance with the law. However, now that it has been longer than two (2) years, FDLE would be required to release the witness names even though the criminal case is still ongoing.**

- b. Please describe the types of entities requesting such information, if available. **FDLE's public records requesters vary from news media outlets, private citizens, both civil and criminal attorneys, and other law enforcement agencies.**

- c. Was the information released? If "yes," please explain. **After the expiration of the two (2) years, FDLE released the information. If FDLE received a request during the two (2) years, FDLE redacted the names in accordance with the law.**

4. Does any other state or federal law protect the information? **No.** If "yes":

- a. Please provide the specific state or federal citation for each exemption.

- b. Please explain which exemption your agency relies upon when responding to a public records request that would include the exempt information.

- c. In your opinion, could the exemption under review be merged with other exemption(s)?

5. The public record exemption under review makes the information it protects confidential and exempt which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself.

- a. Does your agency share the confidential and exempt information with any entities? If "yes," which entity or entities?

FDLE shares the confidential and exempt information with other law enforcement agencies including the State Attorney's Office and the local

law enforcement agency in furtherance of the criminal investigation. FDLE also shared confidential and exempt information during the course of the MSD Commission Investigation. This information remained confidential and exempt as the MSD Commission could receive such information pursuant to Section 943.687(8), Florida Statutes.

- b. Is there any other entity with which your agency believes it should be sharing the confidential and exempt information? If "yes," which entities?

If there are any other Commissions created by the Legislature, it would be beneficial to have a similar provision as s. 943.687(8), F.S. in order to share information as needed but keep the information confidential and exempt while the investigation and criminal case is ongoing.

6. Which of the following actions does your agency recommend the Legislature take (Please select one):

- ☐ Repeal the public records exemption
☐ Reenact the public records exemption as is
☒ Reenact the public records exemption with changes

FDLE recommends reenacting the exemption and change the two (2) year timeframe. Because homicide trials can take longer than two years for the case to be solved and/or proceed to trial, FDLE suggests removing the two (2) year language and mirror Section 119.071(2)(n), F.S. where the personal identifying information of the alleged victim of sexual harassment is confidential and exempt with no time limitation attached. Keeping the witnesses to a murder confidential and exempt as long as the exemption is law will assist the Legislative purpose of the exemption which is to protect a witness to a murder from harassment and intimidation. Alternatively, FDLE would suggest making the personal identifying information of a witness to a murder confidential and exempt until the case proceeds to trial or a plea is entered on the case.

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY September 22, 2021, TO BOTH:

Jonathan Mwakyanjala Analyst Government Operations Subcommittee Jonathan.Mwakyanjala@myfloridahouse.gov Phone: (850) 717-4808	Connie Cellon Staff Attorney Criminal Justice Committee Cellon.Connie@flsenate.gov Phone: (850) 487-5192
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In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire:

Fellsmere Police Department

Name and title of person completing the questionnaire:

Keith M. Touchberry, Chief of Police

Telephone number of person completing the questionnaire:

772-571-1360

E-mail address of person completing the questionnaire:

policechief@cityoffellsmere.org

Date that this questionnaire was completed:

October 5, 2021

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.

No

2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected.
3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from?
 - a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial?
 - b. How many of those witnesses provided information that was never used in a criminal trial?

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)?
2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations.
3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain.
4. Has your agency ever received a public records request for the confidential and exempt information under review? If “yes”:
 - a. What is the approximate number of requests your agency has received for such information each year beginning in 2017?
 - b. Please describe the types of entities requesting such information, if available.
 - c. Was the information released? If “yes,” please explain.
5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If “yes”:

- a. Please provide the specific state or federal citation for each exemption.
 - b. Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information.
 - c. In your opinion, could the exemption under review be merged with other exemption(s)?
6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.
 - a. Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance?
 - b. Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If “yes,” to which entities and under what circumstance?
 - c. Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If “yes,” which entities? Please explain.
7. Which of the following actions does your agency recommend the Legislature take (Please select one):
 - ☐ Repeal the public records exemption
 - ☐ Reenact the public records exemption as is
 - ☐ Reenact the public records exemption with changes
8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend).
9. Please provide any additional comments regarding the public record exemption under review

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY October 22, 2021, TO BOTH:

Jonathan Mwakyanjala
Analyst
Government Operations Subcommittee
Jonathan.Mwakyanjala@myfloridahouse.gov
Phone: (850) 717-4808

Connie Cellon
Staff Attorney
Criminal Justice Committee
Cellon.Connie@flsenate.gov
Phone: (850) 487-5192

In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire:

Name and title of person completing the questionnaire:

Telephone number of person completing the questionnaire:

E-mail address of person completing the questionnaire:

Date that this questionnaire was completed:

AMENDED BY SENATE CRIMINAL JUSTICE COMMITTEE STAFF TO INCLUDE:

Lt. Baron Cortopassi F15
Criminal Investigations
Franklin County Sheriff's Office
270 State Road 65
Eastpoint, Fl. 32328

Desk: 850-670-8500 ext 1106
Cell: 850-653-5027

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.

Yes

2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected.

Sworn audio/video statements

3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from? One
 - a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial? Not adjudicated as of survey date
 - b. How many of those witnesses provided information that was never used in a criminal trial? Not adjudicated as of survey date

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)? Name, date of birth. Social Security number, Driver’s License number
2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations. No
3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain. Clerk of Court and its website
4. Has your agency ever received a public records request for the confidential and exempt information under review? If “yes”: No
 - a. What is the approximate number of requests your agency has received for such information each year beginning in 2017?
 - b. Please describe the types of entities requesting such information, if available.
 - c. Was the information released? If “yes,” please explain.

5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If “yes”: [Yes](#)
- Please provide the specific state or federal citation for each exemption. [Florida Marcy’s Law \(enacted 2019\). Florida Constitution Article 1, Section 16. FSS 960.](#)
 - Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information. [Florida Marcy’s Law \(enacted 2019\). Florida Constitution Article 1, Section 16. FSS 960.](#)
 - In your opinion, could the exemption under review be merged with other exemption(s)? [Yes, Marcy’s Law](#)
6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.
- Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance? [Assisting law enforcement agencies \(FDLE\), State Attorney’s Office, Dept of Children and Families \(DCF – one witness was a juvenile\) and defense attorney per Brady](#)
 - Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If “yes,” to which entities and under what circumstance? [No](#)
 - Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If “yes,” which entities? Please explain. [Yes, School Counselors/Principle of any juvenile affected as a witnesses/family of witness.](#)
7. Which of the following actions does your agency recommend the Legislature take (Please select one):
- ☒ Repeal the public records exemption
- ☐ Reenact the public records exemption as is
- ☒ Reenact the public records exemption with changes

8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend).

Repeal due to current Marcy’s Law or

Reenact with changes with Dept of Children and Families (DCF – one witness was a juvenile) and School Counselors/Principle of any juvenile affected as a witnesses/family of witness.

9. Please provide any additional comments regarding the public record exemption under review

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY October 22, 2021, TO BOTH:

Jonathan Mwakyanjala Analyst Government Operations Subcommittee Jonathan.Mwakyanjala@myfloridahouse.gov Phone: (850) 717-4808	Connie Cellon Staff Attorney Criminal Justice Committee Cellon.Connie@flsenate.gov Phone: (850) 487-5192
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In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire:

Glades County Sheriff's Office

Name and title of person completing the questionnaire:

Chief Deputy Duane Pottorff

Telephone number of person completing the questionnaire:

Cell #863-227-0207

E-mail address of person completing the questionnaire:

dpottorff@gladessheriff.org

Date that this questionnaire was completed:

October 13, 2021

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.

NO

2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected.
3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from?
 - a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial?
 - b. How many of those witnesses provided information that was never used in a criminal trial?

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)?
2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations.
3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain.
4. Has your agency ever received a public records request for the confidential and exempt information under review? If “yes”:
 - a. What is the approximate number of requests your agency has received for such information each year beginning in 2017?
 - b. Please describe the types of entities requesting such information, if available.
 - c. Was the information released? If “yes,” please explain.
5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If “yes”:

- a. Please provide the specific state or federal citation for each exemption.
 - b. Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information.
 - c. In your opinion, could the exemption under review be merged with other exemption(s)?
6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.
 - a. Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance?
 - b. Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If “yes,” to which entities and under what circumstance?
 - c. Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If “yes,” which entities? Please explain.
7. Which of the following actions does your agency recommend the Legislature take (Please select one):
 - ☐ Repeal the public records exemption
 - ☐ Reenact the public records exemption as is
 - ☐ Reenact the public records exemption with changes
8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend).
9. Please provide any additional comments regarding the public record exemption under review

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY September 22, 2021, TO BOTH:

Jonathan Mwakyanjala
Analyst
Government Operations Subcommittee
Jonathan.Mwakyanjala@myfloridahouse.gov
Phone: (850) 717-4808

Connie Cellon
Staff Attorney
Criminal Justice Committee
Cellon.Connie@flsenate.gov
Phone: (850) 487-5192

In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire: Haines City Police Department

Name and title of person completing the questionnaire: Captain Gabriel Garcia

Telephone number of person completing the questionnaire: 863-421-3636 ext. 2268

E-mail address of person completing the questionnaire: ggarcia@hainescitypd.com

Date that this questionnaire was completed: 10/18/21

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.

Yes

2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected.

Biographical Information to include name, date of birth, social security, address, telephone number, and driver's license number.

3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from? 7
 - a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial? All cases are still pending
 - b. How many of those witnesses provided information that was never used in a criminal trial? All cases are still pending

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)?

The following is what we redact from public records requests:

All information (name, age, address, characteristics, relationships) about living victims in cases where retaliation is possible, per Marsy’s Law.

All information (name, age, address, characteristics, relationships) about witnesses in cases where retaliation is possible, per Marsy’s Law.

All information about juvenile misdemeanor suspects and all juvenile victims, witnesses or juveniles present at the scene of a crime.

All information about victims of sex crimes.

Social security and driver’s licenses numbers.

Sworn personnel’s home addresses and dates of birth.

2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations. **No**
3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain. **No**
4. Has your agency ever received a public records request for the confidential and exempt information under review? If “yes”: **No**
 - a. What is the approximate number of requests your agency has received for such information each year beginning in 2017?
 - b. Please describe the types of entities requesting such information, if available.
 - c. Was the information released? If “yes,” please explain.
5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If “yes”: **Marsy’s Law**
 - a. Please provide the specific state or federal citation for each exemption.
 - b. Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information. **Marsy’s Law**
 - c. In your opinion, could the exemption under review be merged with other exemption(s)?
6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.
 - a. Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance? **No**
 - b. Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If “yes,” to which entities and under what circumstance? **No**
 - c. Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If “yes,” which entities? Please explain. **No**

7. Which of the following actions does your agency recommend the Legislature take (Please select one):

☐ Repeal the public records exemption

☒ Reenact the public records exemption as is

☐ Reenact the public records exemption with changes

8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend).

9. Please provide any additional comments regarding the public record exemption under review

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY October 22, 2021, TO BOTH:

Jonathan Mwakyanjala
Analyst
Government Operations Subcommittee
Jonathan.Mwakyanjala@myfloridahouse.gov
Phone: (850) 717-4808

Connie Cellon
Staff Attorney
Criminal Justice Committee
Cellon.Conn@flsenate.gov
Phone: (850) 487-5192

In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire: Hardee County Sheriff's Office

Name and title of person completing the questionnaire: Colonel James Roberts

Telephone number of person completing the questionnaire: 863-773-0344

E-mail address of person completing the questionnaire: jroberts@hardeeso.com

Date that this questionnaire was completed: October 14, 2021

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.
2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected.
3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from? 57
 - a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial? 0 – pending trials.
 - b. How many of those witnesses provided information that was never used in a criminal trial? 0 – pending trials.

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)? All identifying information, name, date of birth, social security number, address, phone number, employer, etc.
2. Has the public records exemption under review ever been the subject of litigation involving your agency? No. If “yes,” please summarize the outcome and provide the appropriate case citations.
3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain. If judicially closed, the information would be released.
4. Has your agency ever received a public records request for the confidential and exempt information under review? No. If “yes”:
 - a. What is the approximate number of requests your agency has received for such information each year beginning in 2017?
 - b. Please describe the types of entities requesting such information, if available.
 - c. Was the information released? If “yes,” please explain.
5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? No. If “yes”:

- a. Please provide the specific state or federal citation for each exemption.
 - b. Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information.
 - c. In your opinion, could the exemption under review be merged with other exemption(s)?
6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.
 - a. Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? No. If “yes,” to which entities and under which circumstance?
 - b. Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? No. If “yes,” to which entities and under what circumstance?
 - c. Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? No. If “yes,” which entities? Please explain.
7. Which of the following actions does your agency recommend the Legislature take (Please select one):
 - ☐ Repeal the public records exemption
 - ☒ Reenact the public records exemption as is
 - ☐ Reenact the public records exemption with changes
8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend).
9. Please provide any additional comments regarding the public record exemption under review

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY October 22, 2021, TO BOTH:

Jonathan Mwakyanjala Analyst Government Operations Subcommittee Jonathan.Mwakyanjala@myfloridahouse.gov Phone: (850) 717-4808	Connie Cellon Staff Attorney Criminal Justice Committee Cellon.Connie@flsenate.gov Phone: (850) 487-5192
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In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire: Hendry County Sheriff's Office

Name and title of person completing the questionnaire: Michael J. Rowan, Lieutenant Major Crimes Unit

Telephone number of person completing the questionnaire: (863)-673-4450

E-mail address of person completing the questionnaire: mrowan@hendrysheriff.org

Date that this questionnaire was completed: October 15, 2021

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire. **Yes**
2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected. **Name, Date of Birth, Residence Address. This information is requested during sworn and non sworn interviews. The information is recorded in sworn police reports which become an official record.**
3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from? **Over 100**
 - a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial? **25%**
 - b. How many of those witnesses provided information that was never used in a criminal trial? **Unable to be exact on this question.**

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)? **Name, Date of Birth, Home Address, Social Security Number.**
2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations. **No.**
3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain. **No.**
4. Has your agency ever received a public records request for the confidential and exempt information under review? If “yes”: **No.**
 - a. What is the approximate number of requests your agency has received for such information each year beginning in 2017? **N/A**
 - b. Please describe the types of entities requesting such information, if available. **N/A**
 - c. Was the information released? If “yes,” please explain. **N/A**

5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If “yes”: **No.**
- Please provide the specific state or federal citation for each exemption. **N/A**
 - Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information. **119.071 (2)(m)**
 - In your opinion, could the exemption under review be merged with other exemption(s)? **No.**
6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.
- Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance? **No.**
 - Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If “yes,” to which entities and under what circumstance? **No.**
 - Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If “yes,” which entities? Please explain. **No.**
7. Which of the following actions does your agency recommend the Legislature take (Please select one):
- ☐ Repeal the public records exemption
- ☐ Reenact the public records exemption as is
- ☐ Reenact the public records exemption with changes
8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend). **N/A**
9. Please provide any additional comments regarding the public record exemption under review **N/A**

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

From: FISHER, JUSTIN E
To: [Mwakyanjala, Jonathan](#); [Cellon, Connie](#)
Cc: [YOLANDA VILLARREAL](#)
Subject: Open Government Sunset Review Questionnaire
Date: Thursday, October 21, 2021 10:50:37 AM
Attachments: [119.071\(2\)\(m\) Questionnaire \(3\).docx](#)

Mr. Mwakyanjala / Ms. Cellon,

Please see the attached document in regards to the Hillsborough County Sheriff's Office response to this questionnaire. Unfortunately, we do not house the specific data that was requested in this inquiry, therefore, a response of "no" was answer to question "I) 1". Please let us know if we can be of any further assistance.

Thank you,

Sergeant Justin Fisher #226133
Criminal Investigations Division - Homicide Section
Hillsborough County Sheriff's Office
Office: 813-247-0501 Cell: 717-968-3160

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY October 22, 2021, TO BOTH:

Jonathan Mwakyanjala Analyst Government Operations Subcommittee Jonathan.Mwakyanjala@myfloridahouse.gov Phone: (850) 717-4808	Connie Cellon Staff Attorney Criminal Justice Committee Cellon.Connie@flsenate.gov Phone: (850) 487-5192
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In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire:

Hillsborough County Sheriff's Office

Name and title of person completing the questionnaire:

Sergeant Justin Fisher # 226133

Telephone number of person completing the questionnaire:

(813) 247-0595

E-mail address of person completing the questionnaire:

Jfisher@teamhcsso.com

Date that this questionnaire was completed:

Wednesday, October, 20, 2021

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.

No.

2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected.
3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from?
 - a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial?
 - b. How many of those witnesses provided information that was never used in a criminal trial?

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)?
2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations.
3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain.
4. Has your agency ever received a public records request for the confidential and exempt information under review? If “yes”:
 - a. What is the approximate number of requests your agency has received for such information each year beginning in 2017?
 - b. Please describe the types of entities requesting such information, if available.
 - c. Was the information released? If “yes,” please explain.
5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If “yes”:

- a. Please provide the specific state or federal citation for each exemption.
 - b. Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information.
 - c. In your opinion, could the exemption under review be merged with other exemption(s)?
6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.
 - a. Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance?
 - b. Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If “yes,” to which entities and under what circumstance?
 - c. Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If “yes,” which entities? Please explain.
7. Which of the following actions does your agency recommend the Legislature take (Please select one):
 - ☐ Repeal the public records exemption
 - ☐ Reenact the public records exemption as is
 - ☐ Reenact the public records exemption with changes
8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend).
9. Please provide any additional comments regarding the public record exemption under review

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY September 22, 2021, TO BOTH:

Jonathan Mwakyanjala
Analyst
Government Operations Subcommittee
Jonathan.Mwakyanjala@myfloridahouse.gov
Phone: (850) 717-4808

Connie Cellon
Staff Attorney
Criminal Justice Committee
Cellon.Connie@flsenate.gov
Phone: (850) 487-5192

In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire: KISSIMMEE POLICE

Name and title of person completing the questionnaire: SHANNON PROCO/ RECORDS SUPERVISOR

Telephone number of person completing the questionnaire: 407-847-0176 X3133

**E-mail address of person completing the questionnaire:
SHANNON.PROCO@KISSIMMEE.GOV**

Date that this questionnaire was completed: 09/13/21

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.
YES
2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected. **ALL DEMOGRAPHIC INFORMATION INCLUDING NAME, ADDRESS, PHONE, SSN, DL, EMAIL, RACE, SEX, EDUCATION LEVEL, WORK ADDRESS AND PHONE NUMBERS. INFORMATION MAY BE COLLECTED IN WRITTEN, VERBAL AND RECORDED FORMATS.**
3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from?
 - a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial? **OF 22 MURDER CASES WITH 24 VICTIMS IN THE SPECIFIED TIMEFRAME, WE HAVE FORMALLY DOCUMENTED 80 “WITNESSES” AND 284 “INVOLVED OTHER” INDIVIDUALS IN OUR RECORDS MANAGEMENT SYSTEM. INDIVIDUALS WITH THIS DESIGNATION COULD BE CONSIDERED WITNESSES AT TRIAL.**
 - b. How many of those witnesses provided information that was never used in a criminal trial? **A LARGE PERCENTAGE OF WITNESSES MAY NOT TESTIFY AT TRIAL, HOWEVER, THERE INFORMATION MAY BE PERTINENT TO THE PRESTNING THE CASE, EVEN WITHOUT TESTIMONY. AN INDIVIDUALS NEED TO TESTIFY IS OFTEN NOT KNOWN UNTIL THE OFFICAL TRAIL APPROACHES.**

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

4. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)? **ALL DEMOGRAPHIC INFORMATION INCLUDING NAME, ADDRESS, PHONE, SSN, DL, EMAIL, RACE, SEX, EDUCATION LEVEL, WORK ADDRESS AND PHONE NUMBERS. INFORMATION MAY BE COLLECTED IN WRITTEN, VERBAL AND RECORDED FORMATS.**

1.

2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations. **NO**
3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain. **YES. IF THEY OBTAIN A COPY FROM THE CLERK OF COURTS OFFICE.**
4. Has your agency ever received a public records request for the confidential and exempt information under review? If “yes”: **YES**
 - a. What is the approximate number of requests your agency has received for such information each year beginning in 2017? **2017, APPROXIMATELY 120, 2018, 10, 2019, 8, 2020, 6, 2021, 12**
 - b. Please describe the types of entities requesting such information, if available. **MEDIA, PRIVATE CITIZEN**
 - c. Was the information released? If “yes,” please explain. **NO**
5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If “yes”: **NO**
 - a. Please provide the specific state or federal citation for each exemption.
 - b. Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information.
 - c. In your opinion, could the exemption under review be merged with other exemption(s)?
6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.
 - a. Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance? **NO**
 - b. Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If “yes,” to which entities and under what circumstance? **NO**

- c. Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If “yes,” which entities? Please explain. **NO**
7. Which of the following actions does your agency recommend the Legislature take (Please select one):
- ☐ Repeal the public records exemption
- ☒ Reenact the public records exemption as is
- ☐ Reenact the public records exemption with changes
8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend).
9. Please provide any additional comments regarding the public record exemption under review

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY September 22, 2021, TO BOTH:

Jonathan Mwakyanjala
Analyst
Government Operations Subcommittee
Jonathan.Mwakyanjala@myfloridahouse.gov
Phone: (850) 717-4808

Connie Cellon
Staff Attorney
Criminal Justice Committee
Cellon.Connie@flsenate.gov
Phone: (850) 487-5192

In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire: Lake Mary Police Department

Name and title of person completing the questionnaire: Katie Fries, Support Services Supervisor

Telephone number of person completing the questionnaire: 407-585-1322

E-mail address of person completing the questionnaire: kfries@lakemaryfl.com

Date that this questionnaire was completed: October 8, 2021

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.
2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected. Officers/Detectives meet with witnesses either on scene or after the fact. Witnesses provide a statement form to include name and demographical information. This will include address, telephone numbers, email addresses, etc.
3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from? 13
 - a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial? Unknown at this time. Currently awaiting trial.
 - b. How many of those witnesses provided information that was never used in a criminal trial? Unknown at this time. Currently awaiting trial.

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)? Any information that could be used to locate or harass the witness (name, address, phone numbers, personal assets, DOB, SSN).
2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations. No
3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain. No
4. Has your agency ever received a public records request for the confidential and exempt information under review? If “yes”: No
 - a. What is the approximate number of requests your agency has received for such information each year beginning in 2017?
 - b. Please describe the types of entities requesting such information, if available.

- c. Was the information released? If “yes,” please explain.
- 5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If “yes”:
 - a. Please provide the specific state or federal citation for each exemption.
 - b. Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information.
 - c. In your opinion, could the exemption under review be merged with other exemption(s)?
- 6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.
 - a. Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance? No
 - b. Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If “yes,” to which entities and under what circumstance? No
 - c. Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If “yes,” which entities? Please explain. No.
- 7. Which of the following actions does your agency recommend the Legislature take (Please select one):
 - ☐ Repeal the public records exemption
 - ☒ Reenact the public records exemption as is
 - ☐ Reenact the public records exemption with changes
- 8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend).

9. Please provide any additional comments regarding the public record exemption under review

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY September 22, 2021, TO BOTH:

Jonathan Mwakyanjala
Analyst
Government Operations Subcommittee
Jonathan.Mwakyanjala@myfloridahouse.gov
Phone: (850) 717-4808

Connie Cellon
Staff Attorney
Criminal Justice Committee
Cellon.Connie@flsenate.gov
Phone: (850) 487-5192

In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire: Lee County Port Authority Police

Name and title of person completing the questionnaire: Shawn Chamberlain, Chief of Police

Telephone number of person completing the questionnaire: 239-590-4770

E-mail address of person completing the questionnaire: smchamberlain@flylcpa.com

Date that this questionnaire was completed: 10/5/2021

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.

No, not to my knowledge.

2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected.
3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from?
 - a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial?
 - b. How many of those witnesses provided information that was never used in a criminal trial?

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)?
2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations.
3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain.
4. Has your agency ever received a public records request for the confidential and exempt information under review? If “yes”:
 - a. What is the approximate number of requests your agency has received for such information each year beginning in 2017?
 - b. Please describe the types of entities requesting such information, if available.
 - c. Was the information released? If “yes,” please explain.
5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If “yes”:

- a. Please provide the specific state or federal citation for each exemption.
 - b. Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information.
 - c. In your opinion, could the exemption under review be merged with other exemption(s)?
6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.
 - a. Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance?
 - b. Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If “yes,” to which entities and under what circumstance?
 - c. Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If “yes,” which entities? Please explain.
7. Which of the following actions does your agency recommend the Legislature take (Please select one):
 - ☐ Repeal the public records exemption
 - ☐ Reenact the public records exemption as is
 - ☐ Reenact the public records exemption with changes
8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend).
9. Please provide any additional comments regarding the public record exemption under review

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY October 22, 2021, TO BOTH:

Jonathan Mwakyanjala Analyst Government Operations Subcommittee Jonathan.Mwakyanjala@myfloridahouse.gov Phone: (850) 717-4808	Connie Cellon Staff Attorney Criminal Justice Committee Cellon.Connie@flsenate.gov Phone: (850) 487-5192
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In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire:
Lee County Sheriff's Office

Name and title of person completing the questionnaire:
Stan Nelson, Planning and Research Director

Telephone number of person completing the questionnaire:
(239) 477-1066

E-mail address of person completing the questionnaire:
SNelson@sheriffleefl.org

Date that this questionnaire was completed: 10/22/21

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.

Yes

2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected.

Name, date of birth, address, phone number and any information or what was observed in relation to the murder.

This information is collected by speaking directly with witness and obtaining an audio and/or video recorded statement by a detective.

3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from? We do not readily track this data or any data related to the following questions.
 - a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial?
 - b. How many of those witnesses provided information that was never used in a criminal trial?

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)?

Name, DOB, SSN, home address

2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations. No
3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain. No

4. Has your agency ever received a public records request for the confidential and exempt information under review? If “yes”: We do not readily track this data or any data related to the following questions
 - a. What is the approximate number of requests your agency has received for such information each year beginning in 2017?
 - b. Please describe the types of entities requesting such information, if available.
 - c. Was the information released? If “yes,” please explain.
5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If “yes”: No
 - a. Please provide the specific state or federal citation for each exemption.
 - b. Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information.
 - c. In your opinion, could the exemption under review be merged with other exemption(s)?
6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.
 - a. Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance? No
 - b. Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If “yes,” to which entities and under what circumstance? No
 - c. Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If “yes,” which entities? Please explain. No
7. Which of the following actions does your agency recommend the Legislature take (Please select one):

☐ Repeal the public records exemption

☒ Reenact the public records exemption as is

☐ Reenact the public records exemption with changes

8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend).
9. Please provide any additional comments regarding the public record exemption under review

Questionnaire responses provided by the LCSO Public Information Office.

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY September 22, 2021, TO BOTH:

Jonathan Mwakyanjala
Analyst
Government Operations Subcommittee
Jonathan.Mwakyanjala@myfloridahouse.gov
Phone: (850) 717-4808

Connie Cellon
Staff Attorney
Criminal Justice Committee
Cellon.Connie@flsenate.gov
Phone: (850) 487-5192

In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire:
Leesburg Police Department

Name and title of person completing the questionnaire:
Lieutenant Scott Mack

Telephone number of person completing the questionnaire:
352-728-9786 ext. 3844

E-mail address of person completing the questionnaire:
Scott.mack@leesburgflorida.gov

Date that this questionnaire was completed:
October 5, 2021

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.
2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected.

Information that is collected from a witness to a murder would include, but may not be limited to:

Full name and date of birth.

Official state identification number

Social security number

Current contact information to include address, phone number, place of employment, e-mail address (if available)

This information may be collected in a number of ways, most frequently it is collected by an officer during initial contact and recorded on a sworn written statement form. It may also be collected verbally during a recorded interview and documented within an incident report.

3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from?

33 witnesses

- a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial?

0 at this time. Have not gone to trial.

- b. How many of those witnesses provided information that was never used in a criminal trial?

None of these cases have yet gone to trial.

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)?

Name; date of birth; State Identification/DL number, Social Security number; address; telephone number; e-mail address; place of employment

2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations.

No

3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain.

Unknown

4. Has your agency ever received a public records request for the confidential and exempt information under review? If “yes”: *Yes*

- a. What is the approximate number of requests your agency has received for such information each year beginning in 2017?

10-15 per year on average

- b. Please describe the types of entities requesting such information, if available.

Generally, media outlets

- c. Was the information released? If “yes,” please explain.

No

5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If “yes”: *Yes*

- a. Please provide the specific state or federal citation for each exemption.

119.071(2)(c) FS – active criminal investigation (for a limited time)

- b. Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information.

119.071(2)(m) FS – if specifically requested

- c. In your opinion, could the exemption under review be merged with other exemption(s)?

Yes – Marsy’s Law

6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other

than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.

- a. Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance?

Yes – State’s Attorney, Defense, other LEO agencies as needed

- b. Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If “yes,” to which entities and under what circumstance?

No

- c. Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If “yes,” which entities? Please explain.

No

7. Which of the following actions does your agency recommend the Legislature take (Please select one):

☐ Repeal the public records exemption

☐ Reenact the public records exemption as is

☒ Reenact the public records exemption with changes

8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend).

Simply adopt Marsy’s Law to cover witnesses, as well as victims.

9. Please provide any additional comments regarding the public record exemption under review

Florida needs to recognize the real threat possibilities created by social media, bloggers, etc. Witnesses to crimes are put in real danger by the mob mentality that exists in our current social media dependent culture where falsehoods are often published and taken as the truth. Witnesses are easily placed in harms way as a result. It would be beneficial to all if the legislature were to take appropriate

measures to afford protections to individuals who witness a crime. Cooperative witnesses are becoming harder to find, and fear of reprisal is the greatest obstacle to this.

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY September 22, 2021, TO BOTH:

Jonathan Mwakyanjala Analyst Government Operations Subcommittee Jonathan.Mwakyanjala@myfloridahouse.gov Phone: (850) 717-4808	Connie Cellon Staff Attorney Criminal Justice Committee Cellon.Connie@flsenate.gov Phone: (850) 487-5192
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In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire:

Answer: *Town of Longboat Key Police Department*

Name and title of person completing the questionnaire:

Answer: *Deputy Chief Frank Rubino*

Telephone number of person completing the questionnaire:

Answer: *941-316-1201*

E-mail address of person completing the questionnaire:

Answer: *frubino@longboatkey.org*

Date that this questionnaire was completed:

Answer: *October 5, 2021*

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.
2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected.
3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from?
 - a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial?
 - b. How many of those witnesses provided information that was never used in a criminal trial?

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)?
2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations.
3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain.
4. Has your agency ever received a public records request for the confidential and exempt information under review? If “yes”:
 - a. What is the approximate number of requests your agency has received for such information each year beginning in 2017?
 - b. Please describe the types of entities requesting such information, if available.
 - c. Was the information released? If “yes,” please explain.
5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If “yes”:
 - a. Please provide the specific state or federal citation for each exemption.

- b. Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information.
 - c. In your opinion, could the exemption under review be merged with other exemption(s)?
- 6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.
 - a. Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance?
 - b. Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If “yes,” to which entities and under what circumstance?
 - c. Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If “yes,” which entities? Please explain.
- 7. Which of the following actions does your agency recommend the Legislature take (Please select one):
 - ☐ Repeal the public records exemption
 - ☐ Reenact the public records exemption as is
 - ☐ Reenact the public records exemption with changes
- 8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend).
- 9. Please provide any additional comments regarding the public record exemption under review

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

Manatee County Sheriff's Office

Lieutenant D. Bankert

(941)747-3011 x2213

Darin.bankert@manateesheriff.com

10/18/21

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.
2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected.
 - MCSO has collected all biographical information on every witness of a murder to include name, DOB, address, place of employment.
3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from?
 - a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial?
 - b. How many of those witnesses provided information that was never used in a criminal trial?
 - MCSO investigates 24 murders per year resulting in approximately 108 murder investigations over the past 4.5 years since public record exception was enacted.
 - It is estimated that approximately 140 witnesses have been interviewed in murder investigations during this period.
 - It is rare that witness testimony would not be used by either the prosecution or defense in a murder trial. This would take into account plea deals and death of offender.

I. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a

witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)?
 - a. For this specific exemption, name, DOB, race, sex, hair, eyes, hgt, wgt, addresses, phone numbers, e-mail addresses, relationships to people of it could potentially identify who they are.
2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations. **NO**
3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain.
 - a. Court order.
4. Has your agency ever received a public records request for the confidential and exempt information under review? If “yes”: We have asserted this exemption, but it has only been a couple times; I can’t provide an exact number or who requested it. It was not released because the exemption is confidential, not exempt.
 - a. What is the approximate number of requests your agency has received for such information each year beginning in 2017? All numbers are approximate.
 - i. 2017: 10
 - ii. 2018: 10
 - iii. 2019: 10
 - iv. 2020: 10
 - v. 2021: 6 to date
 - b. Please describe the types of entities requesting such information, if available. **TYPICALLY MEDIA**
 - c. Was the information released? If “yes,” please explain. **NO**
5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If “yes”: **ONLY IF THE INDIVIDUAL’S INFORMATION IS OTHERWISE PROTECTED WITHIN CHAPTER 119, OR UNDER VICTIMS RIGHTS (MARSY’S LAW)**
 - a. Please provide the specific state or federal citation for each exemption.
 - b. Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information. **FACT-DEPENDENT BASED UPON ABOVE**
 - c. In your opinion, could the exemption under review be merged with other exemption(s)? **NO**.
6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.

- a. Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance? **State Attorney’s Office**
 - b. Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If “yes,” to which entities and under what circumstance? **DO NOT BELIEVE SO, UNABLE TO ASCERTAIN BEFORE DUE DATE FOR THIS QUESTIONNAIRE.**
 - c. Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If “yes,” which entities? Please explain. **NO.**
7. Which of the following actions does your agency recommend the Legislature take (Please select one):

☐ Repeal the public records exemption

☒ Reenact the public records exemption as is

☐ Reenact the public records exemption with changes

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

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Analyst
Government Operations Subcommittee
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Criminal Justice Committee
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To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire:
Marion County School Board Police Department

Name and title of person completing the questionnaire:
Dennis McFatten

Telephone number of person completing the questionnaire:
#52-671-7274

E-mail address of person completing the questionnaire:
Dennis.mcfatten@marion.k12.fl.us

Date that this questionnaire was completed:
September 1, 2021

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.
2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected.
3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from?
 - a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial?
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II. Public Record Exemption under Review

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1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)?
2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations.
3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain.
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 - a. What is the approximate number of requests your agency has received for such information each year beginning in 2017?
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 - c. Was the information released? If “yes,” please explain.
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 - a. Please provide the specific state or federal citation for each exemption.

- b. Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information.
 - c. In your opinion, could the exemption under review be merged with other exemption(s)?
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 - a. Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance?
 - b. Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If “yes,” to which entities and under what circumstance?
 - c. Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If “yes,” which entities? Please explain.
- 7. Which of the following actions does your agency recommend the Legislature take (Please select one):
 - ☐ Repeal the public records exemption
 - ☐ Reenact the public records exemption as is
 - ☐ Reenact the public records exemption with changes
- 8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend).
- 9. Please provide any additional comments regarding the public record exemption under review

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

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The Senate Committee on Criminal Justice
August 2021**

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(Personal Identifying Information of a Murder Witness)**

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Analyst
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Phone: (850) 717-4808

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Staff Attorney
Criminal Justice Committee
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Phone: (850) 487-5192

In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire: Miami Shores Police Dept.

Name and title of person completing the questionnaire: Kevin Lystad - Chief

Telephone number of person completing the questionnaire: 305-759-2468

E-mail address of person completing the questionnaire: ChiefsOffice@mspd.org

Date that this questionnaire was completed: 10/5/2021

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.

No.

2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected.
3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from?
 - a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial?
 - b. How many of those witnesses provided information that was never used in a criminal trial?

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)?
2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations.
3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain.
4. Has your agency ever received a public records request for the confidential and exempt information under review? If “yes”:
 - a. What is the approximate number of requests your agency has received for such information each year beginning in 2017?
 - b. Please describe the types of entities requesting such information, if available.
 - c. Was the information released? If “yes,” please explain.
5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If “yes”:

- a. Please provide the specific state or federal citation for each exemption.
 - b. Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information.
 - c. In your opinion, could the exemption under review be merged with other exemption(s)?
6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.
 - a. Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance?
 - b. Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If “yes,” to which entities and under what circumstance?
 - c. Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If “yes,” which entities? Please explain.
7. Which of the following actions does your agency recommend the Legislature take (Please select one):
 - ☐ Repeal the public records exemption
 - ☐ Reenact the public records exemption as is
 - ☐ Reenact the public records exemption with changes
8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend).
9. Please provide any additional comments regarding the public record exemption under review

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY October 22, 2021, TO BOTH:

Jonathan Mwakyanjala
Analyst
Government Operations Subcommittee
Jonathan.Mwakyanjala@myfloridahouse.gov
Phone: (850) 717-4808

Connie Cellon
Staff Attorney
Criminal Justice Committee
Cellon.Connie@flsenate.gov
Phone: (850) 487-5192

In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire:
Miami-Dade Police Department (MDPD)

Name and title of person completing the questionnaire:
Commander Janet Lewis
Police Legal Bureau

Telephone number of person completing the questionnaire:
305-471-2550

E-mail address of person completing the questionnaire:
jlewis@mdpd.com

Date that this questionnaire was completed:
October 21, 2021

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.

Yes.

2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected.

The MDPD collects the name, age, date of birth, home address (often multiple addresses are collected), employment information (if any), and contact telephone numbers. Witness statements are compiled, detailing what witnesses know, saw, and heard about the murder or the suspect. All information is first collected via a preliminary interview (known as a “pre interview”) in which investigators gauge or access the information provided. If information provided is pertinent to the investigation, a formal interview is taken, and the information provided is memorialized into a sworn statement.

3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from?

From July 1, 2017, through August 1, 2021, the MDPD has investigated 655 homicides. This number includes all intentional killings of human beings by another person(s). This number does not include suicides, natural deaths, accidental deaths, or cases deemed “undetermined.”

The large majority, or nearly all, of the MDPD’s homicide case files (as defined above), contain witness information which MDPD considers a high priority to protect to successfully prosecute the case.

- a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial?

In virtually every criminal trial that stemmed from a homicide investigation, witness information and testimony was used.

- b. How many of those witnesses provided information that was never used in a criminal trial?

MDPD periodically revisits homicide investigations that did not result in a criminal trial, and some homicide investigations may result in a criminal trial several years later. Accordingly, even witness information that has not been used at a criminal trial to date may still be used in the future.

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)?

The MDPD considers any information pertaining to a witness to be “personal identifying information.”

2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations.

No.

3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain.

No.

4. Has your agency ever received a public records request for the confidential and exempt information under review? If “yes”:

- a. What is the approximate number of requests your agency has received for such information each year beginning in 2017?

The MDPD Homicide Bureau processed 1,454 public records requests in 2019, 1,432 public records requests in 2020, and 1,026 public records requests in 2021 through August 1, 2021. It must be noted that these numbers are all requests received and processed, not just those requesting witness information.

The numbers for years 2017 and 2018 are not provided because the Department’s records management system (GovQA) was not fully functional during those years and did not capture all requests received and handled by the Homicide Bureau.

- b. Please describe the types of entities requesting such information, if available.

Requests are typically received from law firms, the media, family, etc.

- c. Was the information released? If “yes,” please explain.

Information made confidential under the exemption is not released except as provided therein.

5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If “yes”: No

- a. Please provide the specific state or federal citation for each exemption.
 - b. Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information.
 - c. In your opinion, could the exemption under review be merged with other exemption(s)?
6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.

- a. Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance?

Yes, at the very least, this information is shared with the State Attorney’s Office for purposes of prosecution.

- b. Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If “yes,” to which entities and under what circumstance?

Because of the critical nature of protecting murder witnesses, MDPD does not reveal witness information except as required or permitted by law.

- c. Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If “yes,” which entities? Please explain.

No.

7. Which of the following actions does your agency recommend the Legislature take (Please select one):

☐ Repeal the public records exemption

☒ Reenact the public records exemption as is

☐ Reenact the public records exemption with changes

8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend).

N/A

9. Please provide any additional comments regarding the public record exemption under review.

N/A

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY October 22, 2021, TO BOTH:

Jonathan Mwakyanjala
Analyst
Government Operations Subcommittee
Jonathan.Mwakyanjala@myfloridahouse.gov
Phone: (850) 717-4808

Connie Cellon
Staff Attorney
Criminal Justice Committee
Cellon.Connie@flsenate.gov
Phone: (850) 487-5192

In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire:
Nassau County Sheriff's Office

Name and title of person completing the questionnaire:
Melissa L. Edwards – Records Supervisor

Telephone number of person completing the questionnaire:
904-548-4050

E-mail address of person completing the questionnaire:
mledwards@nassauso.com

Date that this questionnaire was completed:

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.

Yes

2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected.

Any details surrounding the incident in question that can be helpful in the investigation of what took place before, during and after the Murder. Sworn statement

3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from? 16
 - a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial? N/A, they haven't went to trial yet.
 - b. How many of those witnesses provided information that was never used in a criminal trial? N/A, they haven't went to trial yet.

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)? Name, date of birth, address, and phone number, sworn statements written, audio or video whichever means available.
2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations. We have not.
3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain. No
4. Has your agency ever received a public records request for the confidential and exempt information under review? If “yes”: Yes
 - a. What is the approximate number of requests your agency has received for such information each year beginning in 2017? Approximately 15

- b. Please describe the types of entities requesting such information, if available.
News Stations, YouTube TV channels
 - c. Was the information released? If “yes,” please explain. **No**
5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If “yes”: **None specific to murder found. Public records in most states are protected while cases are still open/active. So they have a fair investigation and trial.**
- a. Please provide the specific state or federal citation for each exemption.
 - b. Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information. **Florida State Statute 782.04**
 - c. In your opinion, could the exemption under review be merged with other exemption(s)? **No it would complicate FL State Statue 119 further.**
6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.
- a. Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance? **No**
 - b. Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If “yes,” to which entities and under what circumstance? **No**
 - c. Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If “yes,” which entities? Please explain. **No**
7. Which of the following actions does your agency recommend the Legislature take (Please select one):
- ☐ Repeal the public records exemption
 - ☒ Reenact the public records exemption as is

☐ Reenact the public records exemption with changes

8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend).
9. Please provide any additional comments regarding the public record exemption under review

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY September 22, 2021, TO BOTH:

Jonathan Mwakyanjala
Analyst
Government Operations Subcommittee
Jonathan.Mwakyanjala@myfloridahouse.gov
Phone: (850) 717-4808

Connie Cellon
Staff Attorney
Criminal Justice Committee
Cellon.Connie@flsenate.gov
Phone: (850) 487-5192

In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire: North Port Police Dept

Name and title of person completing the questionnaire: N.R. Fitzgerald, Records Manager

Telephone number of person completing the questionnaire: 941-429-7315

E-mail address of person completing the questionnaire: nfitzgerald@northportpd.com

Date that this questionnaire was completed: 10/5/2021

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire. **Yes**
2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected. **Names, address, telephone numbers.**
3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from? **17**
 - a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial? **We are unable to quantify.**
 - b. How many of those witnesses provided information that was never used in a criminal trial? **We are unable to quantify.**

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)? **Full name, social security number, DL number, email addresses, telephone number or any other information that would identify the person in question.**
2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations. **No**
3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain. **No**
4. Has your agency ever received a public records request for the confidential and exempt information under review? If “yes”: **No**
 - a. What is the approximate number of requests your agency has received for such information each year beginning in 2017?
 - b. Please describe the types of entities requesting such information, if available.
 - c. Was the information released? If “yes,” please explain.

5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If “yes”: Not to my knowledge.
- Please provide the specific state or federal citation for each exemption.
 - Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information. 119.071(2)(m)
 - In your opinion, could the exemption under review be merged with other exemption(s)? No, I think the exemption should be a stand-alone exemption as it is now.
6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.
- Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance? Yes. To the State Attorney’s Office when the case went to trial.
 - Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If “yes,” to which entities and under what circumstance? No
 - Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If “yes,” which entities? Please explain. No
7. Which of the following actions does your agency recommend the Legislature take (Please select one):
- ☐ Repeal the public records exemption
- ☒ Reenact the public records exemption as is
- ☐ Reenact the public records exemption with changes
8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend).

9. Please provide any additional comments regarding the public record exemption under review. I believe the exemption suits its purpose as it is now and should remain in force.

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY October 22, 2021, TO BOTH:

Jonathan Mwakyanjala
Analyst
Government Operations Subcommittee
Jonathan.Mwakyanjala@myfloridahouse.gov
Phone: (850) 717-4808

Connie Cellon
Staff Attorney
Criminal Justice Committee
Cellon.Connie@flsenate.gov
Phone: (850) 487-5192

In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire: [Okaloosa County Sheriff's Office](#)

Name and title of person completing the questionnaire: [Marsha Weaver, General Counsel](#)

Telephone number of person completing the questionnaire: [850-259-0064](#)

E-mail address of person completing the questionnaire: mweaver@sheriff-okaloosa.org

Date that this questionnaire was completed: [October 20, 2021](#)

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? **Yes** If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.
2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected. **All demographic information, to include but not limited to: social security number, driver's license, addresses, phone numbers, and work/school information, is collected from all witnesses. Our collection of information, evidence, and interviewing of witnesses is conducted in accordance of OSCO policies.**
3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from? **107 witnesses were identified in homicide cases during that time frame.**
 - a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial? **Unknown. This information would potentially be available from the Office of the State Attorney, First Judicial Circuit.**
 - b. How many of those witnesses provided information that was never used in a criminal trial? **Unknown. This information would potentially be available from the Office of the State Attorney, First Judicial Circuit.**

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)? **All demographic information including, but not limited to, social security numbers, driver's license numbers, names, addresses, phone numbers, and sometimes parents' identifying information if the witness is a juvenile.**
2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations. **No**
3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain. **The Office of the State Attorney would have the information if the criminal investigation is closed. There are also times when information is widely known and shared via social media unconnected to the OCSO.**

4. Has your agency ever received a public records request for the confidential and exempt information under review? If “yes”:
 - a. What is the approximate number of requests your agency has received for such information each year beginning in 2017? **One**
 - b. Please describe the types of entities requesting such information, if available.
Adult sister of an adult homicide victim requested the information.
 - c. Was the information released? If “yes,” please explain. **No**
5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If “yes”:
 - a. Please provide the specific state or federal citation for each exemption.
 - b. Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information.
 - c. In your opinion, could the exemption under review be merged with other exemption(s)?
6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.
 - a. Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance? **Yes, to the state or federal attorney's office for prosecution, to the Dept. of Children and Families if they were also involved in the investigation, and to other state or federal agencies as needed.**
 - b. Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? **No** If “yes,” to which entities and under what circumstance?
 - c. Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? **No** If “yes,” which entities? Please explain.
7. Which of the following actions does your agency recommend the Legislature take (Please select one):

☐ Repeal the public records exemption

☒ Reenact the public records exemption as is

☐ Reenact the public records exemption with changes

8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend).
9. Please provide any additional comments regarding the public record exemption under review

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY October 22, 2021, TO BOTH:

Jonathan Mwakyanjala Analyst Government Operations Subcommittee Jonathan.Mwakyanjala@myfloridahouse.gov Phone: (850) 717-4808	Connie Cellon Staff Attorney Criminal Justice Committee Cellon.Conn@flsenate.gov Phone: (850) 487-5192
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In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire: *Palm Beach County Sheriff's Office*

Name and title of person completing the questionnaire: *Captain Laurence Poston #4619*

Telephone number of person completing the questionnaire: *561-688-4049*

E-mail address of person completing the questionnaire: *postonl@pbso.org*

Date that this questionnaire was completed: *10/15/2021*

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.
2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected. *Names, dates of birth, addresses, and physical characteristics are all gathered from witnesses at crime scenes so that investigators can re-contact them and document their involvement in the event being investigated.*
3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from? *This data is not gathered and kept in any database. It is impossible to give an exact number, but suffice it to say that there has probably been hundreds if not a thousand people who have had their information gathered in some form during these investigations.*
 - a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial? *Unknown*
 - b. How many of those witnesses provided information that was never used in a criminal trial? *Unknown*

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)? *Names, DOB’s, addresses, physical characteristics, etc.*
2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations. *Unknown to this writer.*
3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain. *No*
4. Has your agency ever received a public records request for the confidential and exempt information under review? If “yes”: *Yes*
 - a. What is the approximate number of requests your agency has received for such information each year beginning in 2017? *Unknown, this data is not captured.*

- b. Please describe the types of entities requesting such information, if available. *These requests come from the media, attorneys, and others interested in the case for numerous reasons.*
 - c. Was the information released? If “yes,” please explain. *No, unless the investigation had concluded and all 119 requirements had been met.*
5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If “yes”: *Unknown*
- a. Please provide the specific state or federal citation for each exemption. *Unknown*
 - b. Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information. *Active and ongoing criminal investigation.*
 - c. In your opinion, could the exemption under review be merged with other exemption(s)? *Unknown*
6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.
- a. Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance? *Unknown*
 - b. Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If “yes,” to which entities and under what circumstance? *Unknown*
 - c. Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If “yes,” which entities? Please explain. *No*
7. Which of the following actions does your agency recommend the Legislature take (Please select one):
- ☐ Repeal the public records exemption
 - ☒ Reenact the public records exemption as is

☐ Reenact the public records exemption with changes

8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend). *N/A*
9. Please provide any additional comments regarding the public record exemption under review. *None*

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY September 22, 2021, TO BOTH:

Jonathan Mwakyanjala

Analyst

Government Operations Subcommittee

Jonathan.Mwakyanjala@myfloridahouse.gov

Phone: (850) 717-4808

Connie Cellon

Staff Attorney

Criminal Justice Committee

Cellon.Connie@flsenate.gov

Phone: (850) 487-5192

In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire:

Palm Beach Gardens Police Department

Name and title of person completing the questionnaire:

Clinton Shannon, Chief of Police

Telephone number of person completing the questionnaire:

(561) 799-4401

E-mail address of person completing the questionnaire:

cs Shannon@pbgfl.com

Date that this questionnaire was completed:

09-03-2021

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.

NO.
2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected.
3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from?
 - a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial?
 - b. How many of those witnesses provided information that was never used in a criminal trial?

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)?
2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations.
3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain.
4. Has your agency ever received a public records request for the confidential and exempt information under review? If “yes”:
 - a. What is the approximate number of requests your agency has received for such information each year beginning in 2017?
 - b. Please describe the types of entities requesting such information, if available.
 - c. Was the information released? If “yes,” please explain.

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY September 22, 2021, TO BOTH:

Jonathan Mwakyanjala
Analyst
Government Operations Subcommittee
Jonathan.Mwakyanjala@myfloridahouse.gov
Phone: (850) 717-4808

Connie Cellon
Staff Attorney
Criminal Justice Committee
Cellon.Connie@flsenate.gov
Phone: (850) 487-5192

In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire: Town of Palm Beach Police Department

Name and title of person completing the questionnaire: Capt. Will Rothrock

Telephone number of person completing the questionnaire: 561-838-5454

E-mail address of person completing the questionnaire: wrothrock@palmbeachpolice.com

Date that this questionnaire was completed: 9/2/2021

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.

NO

2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected.
3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from?
 - a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial?
 - b. How many of those witnesses provided information that was never used in a criminal trial?

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)?
2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations.
3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain.
4. Has your agency ever received a public records request for the confidential and exempt information under review? If “yes”:
 - a. What is the approximate number of requests your agency has received for such information each year beginning in 2017?
 - b. Please describe the types of entities requesting such information, if available.
 - c. Was the information released? If “yes,” please explain.
5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If “yes”:

- a. Please provide the specific state or federal citation for each exemption.
 - b. Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information.
 - c. In your opinion, could the exemption under review be merged with other exemption(s)?
6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.
 - a. Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance?
 - b. Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If “yes,” to which entities and under what circumstance?
 - c. Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If “yes,” which entities? Please explain.
7. Which of the following actions does your agency recommend the Legislature take (Please select one):
 - ☐ Repeal the public records exemption
 - ☐ Reenact the public records exemption as is
 - ☐ Reenact the public records exemption with changes
8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend).
9. Please provide any additional comments regarding the public record exemption under review

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY September 22, 2021, TO BOTH:

Jonathan Mwakyanjala
Analyst
Government Operations Subcommittee
Jonathan.Mwakyanjala@myfloridahouse.gov
Phone: (850) 717-4808

Connie Cellon
Staff Attorney
Criminal Justice Committee
Cellon.Connie@flsenate.gov
Phone: (850) 487-5192

In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire:
Pensacola Police Department

Name and title of person completing the questionnaire:
Lt Jonathan Thacker

Telephone number of person completing the questionnaire:
850-435-1854

E-mail address of person completing the questionnaire:
jthacker@cityofpensacola.com

Date that this questionnaire was completed:
October 5, 2021

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.

Yes

2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected.

Identifying and contact information (phone numbers, address, name, DOB, SSN) collected by responding officers on scene as well as by detectives in furtherance of the investigation

3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from?

42

- a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial?

Our department does not keep a record of this information

- b. How many of those witnesses provided information that was never used in a criminal trial?

Our department does not keep a record of this information

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)?

Anything that identifies the witness (phone numbers, address, name, DOB, SSN) additional persons who may be able to reach them if LE unable – such as info re” relatives / loved ones

2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations.

No litigation that was specific to protection of murder witness info under active criminal.

3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain.

No

4. Has your agency ever received a public records request for the confidential and exempt information under review? If “yes”:

No

- a. What is the approximate number of requests your agency has received for such information each year beginning in 2017?
- b. Please describe the types of entities requesting such information, if available.
- c. Was the information released? If “yes,” please explain.
5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If “yes”:

None known

- a. Please provide the specific state or federal citation for each exemption.
- b. Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information. FS 119.071(2)(m)1
- c. In your opinion, could the exemption under review be merged with other exemption(s)? No
6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.
- a. Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance?

Yes, other law enforcement agencies in our region (Escambia County SO, Santa Rosa SO, Gulf Breeze PD, US Marshalls). When we are looking for a

homicide witness who is needed for an interview as to what they witnessed, and we need regional assistance in locating them.

- b. Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If “yes,” to which entities and under what circumstance?

No

- c. Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If “yes,” which entities? Please explain.

No

7. Which of the following actions does your agency recommend the Legislature take (Please select one):

☐ Repeal the public records exemption

☒ Reenact the public records exemption as is

☐ Reenact the public records exemption with changes

8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend).
9. Please provide any additional comments regarding the public record exemption under review

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY September 22, 2021, TO BOTH:

Jonathan Mwakyanjala
Analyst
Government Operations Subcommittee
Jonathan.Mwakyanjala@myfloridahouse.gov
Phone: (850) 717-4808

Connie Cellon
Staff Attorney
Criminal Justice Committee
Cellon.Connie@flsenate.gov
Phone: (850) 487-5192

In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire: Plant City Police Department

Name and title of person completing the questionnaire: Det. Mark Dunnam

Telephone number of person completing the questionnaire: 813-707-2233

E-mail address of person completing the questionnaire: MDunnam@plantcitypolice.com

Date that this questionnaire was completed: 09/02/2021

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.
Yes
2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected. **Name, address, phone number, DOB, relationship to other parties in the report, any other personal identifiers.**
3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from? **57**
Witnesses
 - a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial? **Unknown**
 - b. How many of those witnesses provided information that was never used in a criminal trial? **Unknown**

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)? **Name, address, phone number, DOB, relationship to other parties in the report, any other personal identifiers.**
2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations. **No**
3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain. **Unknown**
4. Has your agency ever received a public records request for the confidential and exempt information under review? If “yes”: **No**
 - a. What is the approximate number of requests your agency has received for such information each year beginning in 2017?
 - b. Please describe the types of entities requesting such information, if available.
 - c. Was the information released? If “yes,” please explain.

5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If “yes”: **Unknown**
- Please provide the specific state or federal citation for each exemption.
 - Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information.
 - In your opinion, could the exemption under review be merged with other exemption(s)?
6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.
- Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance? **Yes, to State Attorney Office and other LE agencies**
 - Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If “yes,” to which entities and under what circumstance? **No**
 - Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If “yes,” which entities? Please explain. **No**
7. Which of the following actions does your agency recommend the Legislature take (Please select one):
- ☐ Repeal the public records exemption
- ☒ Reenact the public records exemption as is
- ☐ Reenact the public records exemption with changes
8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend).

9. Please provide any additional comments regarding the public record exemption under review

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

**Response to The House Government Operations Subcommittee and the Senate Committee
on Criminal Justice's Open Government Sunset Questionnaire for §119.071(2)(m), F.S.
(murder witness identifying information):**

Name of agency or organization completing questionnaire:

Sheriff Grady Judd, Polk County Florida (Polk County Sheriff's Office)

Name, title, email address and telephone number of person completing the questionnaire:

Anne Gibson,
Director, Office of Legal Affairs
agibson@polksheriff.org
(863) 298-6351

Date questionnaire completed:

10/21/21

I.1: Yes.

I.2. Name, address, date of birth, race, sex, phone numbers, and relationship to murder suspect, if any.

I. 3.a. Several, but we don't keep a list or statistics in the manner the question is posed, so that number isn't easily available.

I.3.b. That's not something we track.

II.1. Name, address, date of birth, and relationship to suspect if it's very specific (i.e. suspect's wife).

II.2. No.

II.3. If a criminal case is prosecuted, the defendant gets that information through discovery. However, that information cannot be readily obtained by other parties.

II.4. Yes.

II.4.a. We don't track that number.

II.4.b. The media, and members of the public.

II.4.c. No.

II.5. Not that we're aware of.

II.5.a. N/A.

II.5.b. The statute that's the subject of this questionnaire.

II.5.c. No.

II.6.a. No.

II.6.b. No.

II.6.c. No.

II.7. Reenact the public records exemption as is.

II.8. N/A.

II.9. N/A.

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY September 22, 2021, TO BOTH:

Jonathan Mwakyanjala
Analyst
Government Operations Subcommittee
Jonathan.Mwakyanjala@myfloridahouse.gov
Phone: (850) 717-4808

Connie Cellon
Staff Attorney
Criminal Justice Committee
Cellon.Connie@flsenate.gov
Phone: (850) 487-5192

In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire: Port Richey Police Department

Name and title of person completing the questionnaire: Chief Cyrus Robinson

Telephone number of person completing the questionnaire: (727) - 835 - 0970

E-mail address of person completing the questionnaire: c.robinson@cityofportrichey.com

Date that this questionnaire was completed: 9/2/2021

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.
2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected.
3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from?
 - a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial?
 - b. How many of those witnesses provided information that was never used in a criminal trial?

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)?
2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations.
3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain.
4. Has your agency ever received a public records request for the confidential and exempt information under review? If “yes”:
 - a. What is the approximate number of requests your agency has received for such information each year beginning in 2017?
 - b. Please describe the types of entities requesting such information, if available.
 - c. Was the information released? If “yes,” please explain.
5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If “yes”:
 - a. Please provide the specific state or federal citation for each exemption.

- b. Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information.
 - c. In your opinion, could the exemption under review be merged with other exemption(s)?
- 6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.
 - a. Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance?
 - b. Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If “yes,” to which entities and under what circumstance?
 - c. Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If “yes,” which entities? Please explain.
- 7. Which of the following actions does your agency recommend the Legislature take (Please select one):
 - ☐ Repeal the public records exemption
 - ☐ Reenact the public records exemption as is
 - ☐ Reenact the public records exemption with changes
- 8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend).
- 9. Please provide any additional comments regarding the public record exemption under review

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

QUESTIONS

Collected/Possessed Info/# P/R Request/# Repeal/Reenact/Change

POLICE CHIEFS

Bartow	Yes/3	No	Reenact
Belle Isle	Yes/1 (?)	N/A	N/A
Boca Raton	Yes/13	Yes/9 cases	Reenact
Boynton Beach	Yes/160	No	Reenact
Bradenton	Yes	No	Reenact
Casselberry	Yes/+/-25	Yes/all murders	Reenact
Clermont	Yes/29	No	Reenact
Clewiston	Yes/11	No	Reenact
Fellsmere	No		
Haines City*	Yes/7	No	Reenact
Kissimmee	Yes/+/-80(?)	Yes/140	Reenact
Lake Mary	Yes/13	No	Reenact
Leesburg*	Yes/33	Yes/avg10-15/yr	Reenact,chg
Longboat Key	No		
Miami Shores	No		
Miami Dade	Yes/+/-655	Yes/# unknown	Reenact
North Port	Yes/17	No	Reenact
Palm Bea Gdns	No		
Palm Beach	No		
Pensacola	Yes/42	No	Reenact

POLICE CHIEFS page 2

Plant City	Yes/57	No	Reenact
Port Richey	No		
Santa Fe College	No		
U of F	No		
Wauchula	No		
Winter Springs	No		

Collected/Possessed Info/# P/R Request/# Repeal/Reenact/Change

SHERIFFS

Broward**	Yes/not tracked (est 1489)	Yes/1200	Reenact
Desoto	Yes/5	No	Reenact
Franklin*	Yes/1	No	Repeal or Change
Glades	No		
Hardee	Yes/57	No	Reenact
Hendry	Yes/100+	No	Reenact
Hillsborough	No / data not kept		
Lee	Yes/unknown	Unk.	Reenact
Manatee	Yes/+/-140	Yes/+/-46	Reenact
Nassau	Yes/16	Yes/+/-15	Reenact
Okaloosa	Yes/107	Yes/1	Reenact
Palm Beach	Yes/unk	Yes/unk	Reenact
Polk	Yes/unk	Yes/unk	Reenact
Santa Rosa	Yes/11	Yes/+/-15	Reenact
Volusia	Yes/9	Yes/unk	Reenact
Wakulla	Yes/30	Unknown	Reenact
Walton	Yes/29	None known	Reenact

Collected/Possessed Info/# P/R Request/# Repeal/Reenact/Change

STATE ATTORNEYS

9 th Circuit** *	Yes/unable to determ.	Yes/est.100	Reenact/changes
17 th Circuit***	Yes/unknown	Yes/unknown	Reenact/changes
20 th Circuit***	Yes/no answer	Yes/unknown	Reenact/changes

OTHER

FDLE***	Not answered	Yes/+/- 150	Reenact/change
Lee Cty Port Auth.	No		
Marion Cty Schools	No		

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY September 22, 2021, TO BOTH:

Jonathan Mwakyanjala
Analyst
Government Operations Subcommittee
Jonathan.Mwakyanjala@myfloridahouse.gov
Phone: (850) 717-4808

Connie Cellon
Staff Attorney
Criminal Justice Committee
Cellon.Connie@flsenate.gov
Phone: (850) 487-5192

In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire: Santa Fe College Police Department

Name and title of person completing the questionnaire: Ed Book, Chief of Police

Telephone number of person completing the questionnaire: 352.395.5883

E-mail address of person completing the questionnaire: ed.book@sfccollege.edu

Date that this questionnaire was completed: 10/5/21

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? **No** If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.
2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected.
3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from?
 - a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial?
 - b. How many of those witnesses provided information that was never used in a criminal trial?

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)?
2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations.
3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain.
4. Has your agency ever received a public records request for the confidential and exempt information under review? If “yes”:
 - a. What is the approximate number of requests your agency has received for such information each year beginning in 2017?
 - b. Please describe the types of entities requesting such information, if available.
 - c. Was the information released? If “yes,” please explain.
5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If “yes”:
 - a. Please provide the specific state or federal citation for each exemption.

- b. Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information.
 - c. In your opinion, could the exemption under review be merged with other exemption(s)?
- 6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.
 - a. Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance?
 - b. Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If “yes,” to which entities and under what circumstance?
 - c. Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If “yes,” which entities? Please explain.
- 7. Which of the following actions does your agency recommend the Legislature take (Please select one):
 - ☐ Repeal the public records exemption
 - ☐ Reenact the public records exemption as is
 - ☐ Reenact the public records exemption with changes
- 8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend).
- 9. Please provide any additional comments regarding the public record exemption under review

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY October 22, 2021, TO BOTH:

Jonathan Mwakyanjala Analyst Government Operations Subcommittee Jonathan.Mwakyanjala@myfloridahouse.gov Phone: (850) 717-4808	Connie Cellon Staff Attorney Criminal Justice Committee Cellon.Connie@flsenate.gov Phone: (850) 487-5192
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In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire:
[**Santa Rosa County Sheriff's Office**](#)

Name and title of person completing the questionnaire:
[**Adam D. Riddle, Records Supervisor**](#)

Telephone number of the person completing the questionnaire:
[**850.983.1266**](#)

E-mail address of person completing the questionnaire:
[**ariddle@srso.net**](mailto:ariddle@srso.net)

Date that this questionnaire was completed:
[**10/19/2021**](#)

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.

Yes

2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected.

We request witnesses provide their name, date of birth, race, sex, address, home phone number, cell phone number, place of birth, driver’s license number, height, weight, eye color, hair color, place of employment, and social security number.

We ask each witness to provide the name of suspect(s) or description(s) and in their own words, what they saw or heard. We ask that they include date, time, and location of incident. If the suspect is known to them, how the suspect is known to them. If there is any other information, they have related to the incident that has investigative value.

3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from?

11 (eleven)

- a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial?

Unknown, information would be held by the Office of State Attorney.

- b. How many of those witnesses provided information that was never used in a criminal trial?

Unknown, information would be held by the Office of State Attorney.

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)?

Personal Identifying Information is any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or

linkable to that individual, regardless of whether the individual is a U.S. citizen, lawful permanent resident, visitor to the U.S., or Florida Resident.

PII can include but is not limited to name, alias, date of birth, race, sex, address, home phone number, cell phone number, place of birth, driver's license number, place of employment, social security number, and unique personal identifiers (biometrics).

2. Has the public records exemption under review ever been the subject of litigation involving your agency? If "yes," please summarize the outcome and provide the appropriate case citations.

No

3. Can the exempt information be readily obtained by alternative means? If "yes," please explain.

Yes, it would be possible to obtain witness information should any of the following sources fail to maintain the information as exempt. Jail, State Attorney Office, Public Defender/Defense Counsel, and Clerk of Court. Additionally, the media/investigative journalists often identify actual or potential witnesses for their own stories.

4. Has your agency ever received a public records request for the confidential and exempt information under review? If "yes":

- a. What is the approximate number of requests your agency has received for such information each year beginning in 2017?

The years below are accompanied by the approximate number of "murders" for the corresponding year. Generally, we receive 3-4 requests from members of the media and public for these higher profile cases in addition to doing a press release.

2017 – 4

2018 – 3

2019 – 3

2020 – 3

2021 – 2

- b. Please describe the types of entities requesting such information, if available.

Primary requestors are media and curious members of the public.

- c. Was the information released? If "yes," please explain.

Copies of the arrest report and incident report (police report) were released with witness(es) redacted.

5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If “yes”:

Yes

- a. Please provide the specific state or federal citation for each exemption.

18 U.S. Code § 3521 – Witness relocation and protection

- b. Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information.

119.071(2)(m), F.S. – Homicide witness

- c. In your opinion, could the exemption under review be merged with other exemption(s)?

No

6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.

- a. Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance? Yes, neighboring jurisdictions in cooperation with an ongoing investigation or similar circumstances that would justify release of said information.

- b. Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If “yes,” to which entities and under what circumstance?

No

- c. Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If “yes,” which entities? Please explain.

No

7. Which of the following actions does your agency recommend the Legislature take (Please select one):

- ☐ Repeal the public records exemption
- ☒ Reenact the public records exemption as is
- ☐ Reenact the public records exemption with changes

8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend).

N/A

9. Please provide any additional comments regarding the public record exemption under review

N/A

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY September 22, 2021, TO BOTH:

Jonathan Mwakyanjala Analyst Government Operations Subcommittee Jonathan.Mwakyanjala@myfloridahouse.gov Phone: (850) 717-4808	Connie Cellon Staff Attorney Criminal Justice Committee Cellon.Connie@flsenate.gov Phone: (850) 487-5192
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In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire:
[Office of the State Attorney, 20th Judicial Circuit](#)

Name and title of person completing the questionnaire:
[Jody Brown, Assistant State Attorney](#)

Telephone number of person completing the questionnaire:
[239-533-1228](#)

E-mail address of person completing the questionnaire:
jpbrown@sao20.org

Date that this questionnaire was completed:
[09/03/2021](#)

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.

Yes.

2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected.

This varies for each witness. Generally, we collect name, address, all contact information, familial information, etc. We often collect a sworn statement as to their recollection of events they witnessed. This information is either provided to us by law enforcement or by speaking directly with the witness.

3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from?
 - a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial?

Every witness provides valuable information but not all of the cases go to trial. Frequently, the information provided by a witness is what ultimately helps a case resolve in a plea.

- b. How many of those witnesses provided information that was never used in a criminal trial?

See above.

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)?

Name, address, phone number, email address, place of employment, familial information, and any other information that would reveal the identity of the witness.

2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations.

No.

3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain.

It should never be able to be readily obtained by any alternative means.

4. Has your agency ever received a public records request for the confidential and exempt information under review? If “yes”:

Yes.

- a. What is the approximate number of requests your agency has received for such information each year beginning in 2017?

Unknown as this is not recorded.

- b. Please describe the types of entities requesting such information, if available.

Private attorneys, media, private investigators, concerned citizens.

- c. Was the information released? If “yes,” please explain.

No.

5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If “yes”:

No.

- a. Please provide the specific state or federal citation for each exemption.
- b. Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information.

- c. In your opinion, could the exemption under review be merged with other exemption(s)?

6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.

- a. Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance?

Yes. We regularly discuss our witnesses to a case with the arresting agency. Additionally, we have an obligation to provide their information once a Demand for Discovery is filed by a defendant or his attorney.

- b. Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If “yes,” to which entities and under what circumstance?

No.

- c. Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If “yes,” which entities? Please explain.

No.

7. Which of the following actions does your agency recommend the Legislature take (Please select one):

- ☐ Repeal the public records exemption
- ☐ Reenact the public records exemption as is
- ☒ Reenact the public records exemption with changes

8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend).

We would recommend the language be changed from “for a period of 2 years” to “until the closure of the criminal case.” A repeal of this exemption could create dangerous conditions for such witnesses and could also result in fewer people coming forward with information for fear of retaliation.

9. Please provide any additional comments regarding the public record exemption under review

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY September 22, 2021, TO BOTH:

Jonathan Mwakyanjala
Analyst
Government Operations Subcommittee
Jonathan.Mwakyanjala@myfloridahouse.gov
Phone: (850) 717-4808

Connie Cellon
Staff Attorney
Criminal Justice Committee
Cellon.Connie@flsenate.gov
Phone: (850) 487-5192

In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire: University of Florida Police

Name and title of person completing the questionnaire: Lieutenant Jeff Moran

Telephone number of person completing the questionnaire: 352-273-3317

E-mail address of person completing the questionnaire: jdmoran@ufl.edu

Date that this questionnaire was completed: 10/05/2021

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.

NO

2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected.
3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from?
 - a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial?
 - b. How many of those witnesses provided information that was never used in a criminal trial?

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)?
2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations.
3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain.
4. Has your agency ever received a public records request for the confidential and exempt information under review? If “yes”:
 - a. What is the approximate number of requests your agency has received for such information each year beginning in 2017?
 - b. Please describe the types of entities requesting such information, if available.
 - c. Was the information released? If “yes,” please explain.
5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If “yes”:

- a. Please provide the specific state or federal citation for each exemption.
 - b. Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information.
 - c. In your opinion, could the exemption under review be merged with other exemption(s)?
6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.
 - a. Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance?
 - b. Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If “yes,” to which entities and under what circumstance?
 - c. Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If “yes,” which entities? Please explain.
7. Which of the following actions does your agency recommend the Legislature take (Please select one):
 - ☐ Repeal the public records exemption
 - ☐ Reenact the public records exemption as is
 - ☐ Reenact the public records exemption with changes
8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend).
9. Please provide any additional comments regarding the public record exemption under review

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY October 22, 2021, TO BOTH:

Jonathan Mwakyanjala
Analyst
Government Operations Subcommittee
Jonathan.Mwakyanjala@myfloridahouse.gov
Phone: (850) 717-4808

Connie Cellon
Staff Attorney
Criminal Justice Committee
Cellon.Conn@flsenate.gov
Phone: (850) 487-5192

In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire:
Volusia Sheriff's Office

Name and title of person completing the questionnaire:
Sergeant A.J. Pagliari and PIO Andrew Gant

Telephone number of person completing the questionnaire:
Sergeant Pagliari (386) 254-1537 / Andrew Gant (386) 736-5961

E-mail address of person completing the questionnaire:
ajpagliari@vcsso.us / agant@vcsso.us

Date that this questionnaire was completed:
10/14/21

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.
 - a. Yes
2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected.
 - a. First name, last name, middle initial, race, sex, address, DOB, phone number and their witness statement (in either written or audio recorded format) pertaining to their witnessing of the murder
 - b. The information is collected either through initial contact from a patrol deputy or follow up contact via a detective working the murder
3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from?
 - i. 9
 - b. How many of those witnesses provided information that was subsequently used in the course of a criminal trial?
 - i. 7
 - c. How many of those witnesses provided information that was never used in a criminal trial?
 - i. 2

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)?

Name, date of birth, Social Security Number, home address, business address, phone number.

2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the

appropriate case citations.

No.

3. Can the exempt information be readily obtained by alternative means? If "yes," please explain.

No, not if all entities in possession of the exempt information protect it as provided by law.

4. Has your agency ever received a public records request for the confidential and exempt information under review? If "yes": Yes

a. What is the approximate number of requests your agency has received for such information each year beginning in 2017? Unknown

b. Please describe the types of entities requesting such information, if available.
News media, which routinely request all available information/records/reports related to an active homicide investigation.

c. Was the information released? If "yes," please explain. No.

5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If "yes": Partially.

a. Please provide the specific state or federal citation for each exemption. Florida Statute 119.071 (2)(c) provides a broad exemption for active criminal investigative information, which may include the identifying information of a witness.

b. Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information. Generally, the exemption for active criminal investigative information (119.071 (2)(c)) is cited to protect a wide variety of detail contained in a record of any active investigation, including a homicide case.

c. In your opinion, could the exemption under review be merged with other exemption(s)? The existing separate exemption is helpful as-is because it provides not just an exemption, but confidential status for 2 years after the date of the incident. This ensures that other entities in possession of the information (courts, State Attorney's Offices, etc.) must make a conscious effort to protect it.

6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency

for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.

- a. Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance?
 - i. Yes
 - ii. Information is disclosed to the State Attorney’s Office as part of their prosecution of the case
- b. Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If “yes,” to which entities and under what circumstance?
 - i. No
- c. Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If “yes,” which entities? Please explain.
 - i. No

7. Which of the following actions does your agency recommend the Legislature take (Please select one):

☐ Repeal the public records exemption

☒ Reenact the public records exemption as is

☐ Reenact the public records exemption with changes

8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend).

9. Please provide any additional comments regarding the public record exemption under review

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY October 22, 2021, TO BOTH:

Jonathan Mwakyanjala
Analyst
Government Operations Subcommittee
Jonathan.Mwakyanjala@myfloridahouse.gov
Phone: (850) 717-4808

Connie Cellon
Staff Attorney
Criminal Justice Committee
Cellon.Connie@flsenate.gov
Phone: (850) 487-5192

In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire:
Wakulla County Sheriff's Office

Name and title of person completing the questionnaire:
Major Herman E. Whaley, Jr. "Chuck," Criminal Investigations Division

Telephone number of person completing the questionnaire:
(850) 631-1420

E-mail address of person completing the questionnaire:
hwhaley@wco.org

Date that this questionnaire was completed:
October 13, 2021

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.

Yes.

2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected.

Once a potential witness is identified, a brief interview is conducted of them to ascertain what information they may have. This information is documented in an investigative report. If the witness' information is determined to be germane to the murder, a formal interview is conducted of the witness which is audio recorded or audio/video recorded and documented in an investigative report. During the interview, a detailed description of what was witnessed from the witness' perspective is gleaned. Follow-up interviews of witnesses may be conducted. Depending on the circumstances, evidence may be taken from the witness such as cellular telephones, clothing, etc.

3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from?

Thirty witnesses to murder have provided information on three murders. One murder occurred at an outdoor party in Wakulla County and 27 witnesses were interviewed who either saw the shooting (or heard the shots fired) by Detectives of the Wakulla County Sheriff's Office. One murder occurred in Tallahassee (Leon County) and a witness who observed the shooting occur reported it to Detectives at the Wakulla County Sheriff's Office, who arranged for the witness to be formally interviewed by the Leon County Sheriff's Office. One murder occurred in Wakulla County and two witnesses observed the shooting. They were both formally interviewed by Detectives of the Wakulla County Sheriff's Office.

- a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial?

None. None of those cases have yet gone to trial.

- b. How many of those witnesses provided information that was never used in a criminal trial?

Unknown. Until such time that a trial takes place, which witnesses are deemed pertinent in court remain unknown.

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a

witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)?

Name, address, date of birth, social security number, DHSMV records.

2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations.

No.

3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain.

No, except upon discovery being made to the defendant.

4. Has your agency ever received a public records request for the confidential and exempt information under review? If “yes”:

Unknown

- a. What is the approximate number of requests your agency has received for such information each year beginning in 2017?
 - b. Please describe the types of entities requesting such information, if available.
 - c. Was the information released? If “yes,” please explain.
5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If “yes”:

Yes

- a. Please provide the specific state or federal citation for each exemption.

F.S. 119.071 (2)(c)1, Active Criminal Investigative Information

- b. Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information.

F.S. 119.071 (2)(c)1, until such time prosecution is either declined, nolle prosequi, or accomplished.

- c. In your opinion, could the exemption under review be merged with other exemption(s)?

I have no opinion in this matter.

6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.

- a. Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance?

A murder occurred in Tallahassee (Leon County) and a witness who observed the shooting occur reported it to Detectives at the Wakulla County Sheriff's Office. Detectives of the Wakulla County Sheriff's Office provided identifying information about the witness to the Leon County Sheriff's Office. Detectives of the Leon County Sheriff's Office subsequently utilized the information to facilitate a formal interview of the witness.

- b. Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If “yes,” to which entities and under what circumstance?

No.

- c. Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If “yes,” which entities? Please explain.

No.

7. Which of the following actions does your agency recommend the Legislature take (Please select one):

☐ Repeal the public records exemption

☒ Reenact the public records exemption as is

☐ Reenact the public records exemption with changes

8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend).

Not Applicable.

9. Please provide any additional comments regarding the public record exemption under review

Not Applicable.

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY October 22, 2021, TO BOTH:

Jonathan Mwakyanjala
Analyst
Government Operations Subcommittee
Jonathan.Mwakyanjala@myfloridahouse.gov
Phone: (850) 717-4808

Connie Cellon
Staff Attorney
Criminal Justice Committee
Cellon.Conn@flsenate.gov
Phone: (850) 487-5192

In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire:

Name and title of person completing the questionnaire:

Telephone number of person completing the questionnaire:

E-mail address of person completing the questionnaire:

Date that this questionnaire was completed:

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? **Yes**
2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected. **Eye witness accounts, sworn statements regarding activities prior to/during/after the event, items of evidentiary value, information to progress an investigation, information regarding relationships of victim and suspect, consent to search properties/residences/vehicles, demographic information related to all parties involved, and potential DNA sources.**

Information is collected via audio recorded statements, digital forensics, interviews and interrogations, written statements, show-ups, sworn testimony, and documents.

3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from? **29**
 - a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial? **All witnesses provide information that is used throughout the judicial process. Information collected from witnesses would be used formulating arguments, pleas, sentencing, or closure due to the defendant being deceased or actions justified.**
 - b. How many of those witnesses provided information that was never used in a criminal trial? **Due to pending prosecution the ability to provide an accurate number is not possible.**

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)? **Name, DL Number, SS Number, address, relationship to other individuals should it be information which will identify the subject.**
2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations. **No**
3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain. **Yes. It can only be readily obtained by authorized personnel, if needed, through our law enforcement records management system.**

4. Has your agency ever received a public records request for the confidential and exempt information under review? If "yes": **None that are known.**
- What is the approximate number of requests your agency has received for such information each year beginning in 2017? **None known**
 - Please describe the types of entities requesting such information, if available.
 - Was the information released? If "yes," please explain.
5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If "yes": **No**
- Please provide the specific state or federal citation for each exemption.
 - Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information.
 - In your opinion, could the exemption under review be merged with other exemption(s)?
6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.
- Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If "yes," to which entities and under which circumstance? **No**
 - Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If "yes," to which entities and under what circumstance? **No**
 - Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If "yes," which entities? Please explain. **No**
7. Which of the following actions does your agency recommend the Legislature take (Please select one):

☐ Repeal the public records exemption

☒ Reenact the public records exemption as is

☐ Reenact the public records exemption with changes

8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend). **N/A**
9. Please provide any additional comments regarding the public record exemption under review **None**

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

**The House Government Operations Subcommittee
The Senate Committee on Criminal Justice
August 2021**

**Open Government Sunset Review Questionnaire
(Personal Identifying Information of a Murder Witness)**

PLEASE RETURN THIS QUESTIONNAIRE BY September 22, 2021, TO BOTH:

Jonathan Mwakyanjala
Analyst
Government Operations Subcommittee
Jonathan.Mwakyanjala@myfloridahouse.gov
Phone: (850) 717-4808

Connie Cellon
Staff Attorney
Criminal Justice Committee
Cellon.Connie@flsenate.gov
Phone: (850) 487-5192

In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire: **Wauchula Police Department**

Name and title of person completing the questionnaire: **Chief John M. Eason**

Telephone number of person completing the questionnaire: **(863)773-3265**

E-mail address of person completing the questionnaire: **jeason@wauchulapolice.com**

Date that this questionnaire was completed: **September 6th, 2021**

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If “no,” please return this questionnaire immediately. If “yes,” please complete the remainder of the questionnaire.

No

2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected.
3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from?
 - a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial?
 - b. How many of those witnesses provided information that was never used in a criminal trial?

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be “personal identifying information” pursuant to section 119.071(2)(m)?
2. Has the public records exemption under review ever been the subject of litigation involving your agency? If “yes,” please summarize the outcome and provide the appropriate case citations.
3. Can the exempt information be readily obtained by alternative means? If “yes,” please explain.
4. Has your agency ever received a public records request for the confidential and exempt information under review? If “yes”:
 - a. What is the approximate number of requests your agency has received for such information each year beginning in 2017?
 - b. Please describe the types of entities requesting such information, if available.
 - c. Was the information released? If “yes,” please explain.
5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If “yes”:

- a. Please provide the specific state or federal citation for each exemption.
 - b. Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information.
 - c. In your opinion, could the exemption under review be merged with other exemption(s)?
6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.
 - a. Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If “yes,” to which entities and under which circumstance?
 - b. Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If “yes,” to which entities and under what circumstance?
 - c. Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If “yes,” which entities? Please explain.
7. Which of the following actions does your agency recommend the Legislature take (Please select one):
 - ☐ Repeal the public records exemption
 - ☐ Reenact the public records exemption as is
 - ☐ Reenact the public records exemption with changes
8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend).
9. Please provide any additional comments regarding the public record exemption under review

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

The House Government Operations Subcommittee

The Senate Committee on Criminal Justice

August 2021

Open Government Sunset Review Questionnaire

(Personal Identifying Information of a Murder Witness)

PLEASE RETURN THIS QUESTIONNAIRE BY September 22, 2021, TO BOTH:

Jonathan Mwakyanjala

Analyst

Government Operations Subcommittee

Jonathan.Mwakyanjala@myfloridahouse.gov

Phone: (850) 717-4808

Connie Cellon

Staff Attorney

Criminal Justice Committee

Cellon.Conn@flsenate.gov

Phone: (850) 487-5192

In 2017, the Legislature created a public record exemption in s. 119.071(2)(m), F.S., for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness. This public record exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, F.S.).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(2)(m), F.S., is attached for your convenience.

Name of agency or organization completing the questionnaire:

Winter Springs Police Department

Name and title of person completing the questionnaire:

Lieutenant Brad Heath

Telephone number of person completing the questionnaire:

407-327-7557

E-mail address of person completing the questionnaire:

bheath@winterspringsfl.org

Date that this questionnaire was completed:

10/05/21

I. Criminal Intelligence and Criminal Investigations Relating to Murder

1. Has your agency collected or possessed any criminal intelligence or criminal investigative information relating to witnesses of a murder? If "no," please return this questionnaire immediately. If "yes," please complete the remainder of the questionnaire.
2. What type of information is collected from witnesses of a murder? Please describe the process in which this information is collected.
3. From July 1, 2017, the effective date of the public record exception, to August 1, 2021, how many witnesses to a murder has your agency collected information from?

No

- a. How many of those witnesses provided information that was subsequently used in the course of a criminal trial?
- b. How many of those witnesses provided information that was never used in a criminal trial?

II. Public Record Exemption under Review

Section 119.071(2)(m), F.S., provides a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder. Such information is confidential and exempt from public disclosure for two years after the date on which the murder is observed by the witness.

1. What information or types of information does your agency consider to be "personal identifying information" pursuant to section 119.071(2)(m)?
2. Has the public records exemption under review ever been the subject of litigation involving your agency? If "yes," please summarize the outcome and provide the appropriate case citations.
3. Can the exempt information be readily obtained by alternative means? If "yes," please explain.
4. Has your agency ever received a public records request for the confidential and exempt information under review? If "yes":
 - a. What is the approximate number of requests your agency has received for such information each year beginning in 2017?
 - b. Please describe the types of entities requesting such information, if available.
 - c. Was the information released? If "yes," please explain.
5. Does any other state or federal law protect the information related to the personal identifying information of a murder witness? If "yes":
 - a. Please provide the specific state or federal citation for each exemption.
 - b. Please explain which exemption your agency relies upon responding to a public records request that would include the exempt information.
 - c. In your opinion, could the exemption under review be merged with other exemption(s)?
6. The public record exemption under review makes the information it protects confidential and exempt, which forbids an agency from sharing the information with any entity other than those authorized in the exemption itself. The exemption under review allows the information it protects to be disclosed by a criminal justice agency in the furtherance of its official duties and responsibilities, to assist in locating or identifying the witness if the agency believes the witness to be missing or endangered, to another governmental agency for use in the performance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law.
 - a. Has your agency shared personal identifying information of a witness to a murder under any of the circumstances prescribed above? If "yes," to which entities and under which circumstance?
 - b. Has your agency shared personal identifying information of a witness to a murder in a manner not prescribed by the exemption above? If "yes," to which entities and under what circumstance?
 - c. Is there any other entity with which your agency believes it should be sharing personal identifying information of a witness to a murder that is not authorized in statute? If "yes," which entities? Please explain.

7. Which of the following actions does your agency recommend the Legislature take (Please

select one):

- ☐ Repeal the public records exemption
- ☐ Reenact the public records exemption as is
- ☐ Reenact the public records exemption with changes

8. If you selected the “reenact the public records exemption with changes” option above, please explain what changes your agency recommends. (You may also provide proposed amendatory language consistent with any change you recommend).

9. Please provide any additional comments regarding the public record exemption under review

2020 Florida Statutes

Public Records Exemption under Review

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

(m)1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:

- a. In the furtherance of its official duties and responsibilities.
- b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
- c. To another governmental agency for use in the performance of its official duties and responsibilities.
- d. To the parties in a pending criminal prosecution as required by law.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Subcommittee on
Transportation,
Tourism, and Economic Development,
Chair
Appropriations
Appropriations Subcommittee on Criminal
and Civil Justice
Criminal Justice
Ethics and Elections
Transportation

SENATOR GEORGE B. GAINER
2nd District

January 7, 2022

Dear Chair Pizzo,

I am respectfully requesting a formal excusal for the upcoming Criminal Justice meetings on January 11th and January 18th. I regret that I will be unable to attend, as I am taking measured steps for an upcoming surgery. In addition, I request my bill presentation for SB 752 be temporarily postponed.

If there are any questions or concerns, please do not hesitate to call my office at (850) 487-5002.

Thank you,

A handwritten signature in blue ink that reads "George B. Gainer". The signature is fluid and cursive, with the first name "George" being the most prominent.

Senator George Gainer
District 2

REPLY TO:

- ☐ 840 West 11th Street, Panama City, Florida 32401 (850) 747-5454
- ☐ Northwest Florida State College, 100 East College Boulevard, Building 330, Rooms 105 and 112, Niceville, Florida 32578 (850) 747-5454
- ☐ 408 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5002

Senate's Website: www.flsenate.gov

WILTON SIMPSON
President of the Senate

AARON BEAN
President Pro Tempore

CourtSmart Tag Report

Room: SB 110

Case No.:

Type:

Caption: Senate Criminal Justice Committee

Judge:

Started: 1/18/2022 11:00:50 AM

Ends: 1/18/2022 12:28:35 PM

Length: 01:27:46

11:00:49 AM Meeting called to order by Chair Pizzo
11:00:55 AM Roll call by CAA Sue Arnold
11:01:00 AM Quorum present
11:01:09 AM Comments from Chair Pizzo and also announcing that Senator Gainer is excused
11:01:35 AM Introduction of Tab 2, SPB 7030 by Chair Pizzo
11:01:50 AM Explanation of SPB 7030, OGSR/Health Information of an Inmate or an Offender by Yolanda Siples
11:02:37 AM Comments from Chair Pizzo
11:02:42 AM Jared Torres, Florida Department of Corrections waives in support
11:02:46 AM Comments from Chair Pizzo
11:02:51 AM Senator Hooper moves that SPB 7030 be submitted as a Committee Bill
11:02:56 AM Roll call by CAA
11:03:00 AM SPB 7030 reported favorably
11:03:12 AM Introduction of Tab 3, SPB 7032 by Chair Pizzo
11:03:21 AM Explanation of SPB 7032, OGSR/Criminal Intelligence Information or Criminal Investigative Information by Connie Cellon
11:04:09 AM Comments from Chair Pizzo
11:04:48 AM Senator Brandes moves that SPB 7032 be submitted as a Committee Bill
11:04:53 AM Roll call by CAA
11:04:59 AM SPB 7032 reported favorably
11:05:18 AM Introduction of Tab 1, Presentation by the Florida Department of Corrections by Chair Pizzo
11:06:08 AM Speaker Secretary Ricky Dixon, Florida Department of Corrections
11:15:41 AM Comments from Chair Pizzo
11:15:52 AM Speaker Ann Salamone
11:22:36 AM Speaker Kim White
11:25:10 AM Comments from Chair Pizzo
11:26:13 AM Speaker Chris Doolin, Small County Coalition
11:27:01 AM Question from Chair Pizzo
11:27:59 AM Response from Chris Doolin
11:29:00 AM Follow-up question from Chair Pizzo
11:29:10 AM Response from Chris Doolin
11:30:01 AM Comments from Chair Pizzo
11:30:47 AM Response from Chris Doolin
11:31:08 AM Speaker James Baiardi, Florida PBA, State Correctional Officers Chapter
11:33:14 AM Speaker Laurette Philipsen
11:34:00 AM Question from Senator Brandes
11:34:11 AM Response from Secretary Dixon
11:34:26 AM Follow-up question from Senator Brandes
11:35:13 AM Response from Secretary Dixon
11:35:48 AM Follow-up question from Senator Brandes
11:35:58 AM Response from Secretary Dixon
11:36:08 AM Follow-up question from Senator Brandes
11:36:24 AM Response from Secretary Dixon
11:36:32 AM Follow-up question from Senator Brandes
11:36:36 AM Response from Secretary Dixon
11:37:40 AM Follow-up question from Senator Brandes
11:37:41 AM Response from Secretary Dixon
11:38:13 AM Follow-up question from Senator Brandes
11:38:18 AM Response from Secretary Dixon
11:38:37 AM Follow-up question from Senator Brandes
11:38:40 AM Response from Secretary Dixon
11:38:59 AM Follow-up question from Senator Brandes
11:39:04 AM Response from Secretary Dixon

11:39:37 AM	Follow-up question from Senator Brandes
11:39:39 AM	Response from Secretary Dixon
11:41:01 AM	Follow-up question from Senator Brandes
11:41:05 AM	Response from Secretary Dixon
11:41:12 AM	Follow-up question from Senator Brandes
11:41:14 AM	Response from Secretary Dixon
11:42:17 AM	Follow-up question from Senator Brandes
11:42:24 AM	Response from Secretary Dixon
11:44:03 AM	Question from Senator Baxley
11:44:11 AM	Response from Secretary Dixon
11:45:59 AM	Follow-up question from Senator Baxley
11:46:11 AM	Response from Secretary Dixon
11:47:01 AM	Comment/question from Senator Taddeo
11:47:13 AM	Response from Secretary Dixon
11:48:33 AM	Follow-up question from Senator Taddeo
11:48:42 AM	Response from Secretary Dixon
11:50:21 AM	Follow-up question from Senator Taddeo
11:50:31 AM	Response from Secretary Dixon
11:51:25 AM	Follow-up question from Senator Taddeo
11:51:40 AM	Response from Secretary Dixon
11:52:53 AM	Follow-up questions from Senator Taddeo
11:52:56 AM	Response from Secretary Dixon
11:55:03 AM	Question from Chair Pizzo
11:56:52 AM	Response from Secretary Dixon
11:58:41 AM	Follow-up question from Chair Pizzo
11:58:47 AM	Response from Secretary Dixon
11:59:04 AM	Follow-up question from Chair Pizzo
11:59:13 AM	Response from Secretary Dixon
11:59:27 AM	Follow-up question from Chair Pizzo
11:59:34 AM	Response from Secretary Dixon
11:59:51 AM	Follow-up question from Chair Pizzo
11:59:57 AM	Response from Secretary Dixon
12:00:12 PM	Follow-up question from Chair Pizzo
12:00:44 PM	Response from Secretary Dixon
12:02:35 PM	Follow-up question from Chair Pizzo
12:02:41 PM	Response from Secretary Davis
12:03:16 PM	Follow-up question from Chair Pizzo
12:03:21 PM	Response from Secretary Dixon
12:03:41 PM	Comments from Chair Pizzo
12:05:10 PM	Response from Secretary Dixon
12:05:24 PM	Additional comments from Chair Pizzo
12:05:49 PM	Response from Secretary Dixon
12:06:36 PM	Question from Senator Brandes
12:06:41 PM	Response from Secretary Dixon
12:07:58 PM	Follow-up question from Senator Brandes
12:08:06 PM	Response from Secretary Dixon
12:08:13 PM	Follow-up question from Senator Brandes
12:08:30 PM	Response from Secretary Dixon
12:09:16 PM	Comments from Senator Brandes
12:09:33 PM	Response from Secretary Dixon
12:10:57 PM	Follow-up question from Senator Brandes
12:11:02 PM	Response from Secretary Dixon
12:11:14 PM	Follow-up question from Senator Brandes
12:11:17 PM	Response from Secretary Dixon
12:11:29 PM	Follow-up question from Senator Brandes
12:11:32 PM	Response from Secretary Dixon
12:12:11 PM	Follow-up question from Senator Brandes
12:12:14 PM	Response from Secretary Dixon
12:12:25 PM	Comments from Senator Brandes
12:16:48 PM	Comments from Chair Pizzo
12:20:53 PM	Question from Chair Pizzo
12:21:02 PM	Response from Secretary Dixon

12:21:15 PM	Follow-up question from Chair Pizzo
12:21:23 PM	Response from Secretary Dixon
12:22:17 PM	Additional question from Chair Pizzo
12:22:35 PM	Response from Secretary Dixon
12:23:50 PM	Comments from Chair Pizzo
12:23:58 PM	Comments from Senator Baxley
12:25:24 PM	Comments from Chair Pizzo
12:28:13 PM	Senator Hooper moves to adjourn
12:28:22 PM	Meeting adjourned