

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Government Operations
2 Subcommittee
3 Representative Narain offered the following:
4

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

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

9 119.071 General exemptions from inspection or copying of
10 public records.—

11 (2) AGENCY INVESTIGATIONS.—

12 (m)1. Notwithstanding any other provision of this
13 subsection, the personal identifying information of a witness to
14 a murder, as described in s. 782.04, is confidential and exempt
15 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution
16 for 2 years after the date on which the murder is observed by
17 the witness. The personal identifying information may be

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18 disclosed only to a criminal justice agency or governmental
19 entity for use in the performance of its official duties and
20 responsibilities.

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22 Review Act in accordance with s. 119.15 and shall stand repealed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

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

27 119.0714 Court files; court records; official records.—

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

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

34 Section 3. The Legislature finds that it is a public
35 necessity that personal identifying information of a witness to
36 a murder, as described in s. 782.04, Florida Statutes, be made
37 confidential and exempt from s. 119.07(1), Florida Statutes, and
38 s. 24(a), Article I of the State Constitution for 2 years after
39 the date on which the murder is observed by the witness. The
40 judicial system cannot function without the participation of
41 witnesses. Complete cooperation and truthful testimony of
42 witnesses is essential to the determination of the facts of a
43 case. The public disclosure of personal identifying information

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

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

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64 **T I T L E A M E N D M E N T**

65 Remove everything before the enacting clause and insert:

66 A bill to be entitled

67 An act relating to public records; amending s. 119.071, F.S.;

68 providing an exemption from public records requirements for

69 personal identifying information of a witness to a murder for a

COMMITTEE/SUBCOMMITTEE AMENDMENT

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70 specified period; authorizing specified entities to receive the
71 information; providing for future legislative review and repeal
72 of the exemption; amending s. 119.0714, F.S.; providing that the
73 public record exemption applies to personal identifying
74 information of a witness to a murder that is made part of a
75 court file; providing a statement of public necessity; providing
76 an effective date.