



146078

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

Senator Polsky moved the following:

Senate Amendment (with title amendment)

Between lines 154 and 155

insert:

Section 6. Subsections (1) and (2) of section 905.27,
Florida Statutes, are amended to read:

905.27 Testimony not to be disclosed; exceptions.—

(1) A grand juror, state attorney, assistant state
attorney, reporter, stenographer, interpreter, clerk of court,
or any other person appearing before the grand jury shall not
disclose the testimony of a witness examined before the grand



146078

12 jury or other evidence received by it except when required by a
13 court to disclose the testimony for the purpose of:

14 (a) Ascertaining whether it is consistent with the
15 testimony given by the witness before the court;

16 (b) Determining whether the witness is guilty of perjury;
17 or

18 (c) Furthering justice.

19 (2) It is unlawful for any person knowingly to publish,
20 broadcast, disclose, divulge, or communicate to any other
21 person, or knowingly to cause or permit to be published,
22 broadcast, disclosed, divulged, or communicated to any other
23 person, in any manner whatsoever, any testimony of a witness
24 examined before the grand jury, or the content, gist, or import
25 thereof, except when such testimony is or has been disclosed in
26 a court proceeding. When a court orders the disclosure of such
27 testimony pursuant to subsection (1) for use in a criminal case,
28 it may be disclosed to the prosecuting attorney of the court in
29 which such criminal case is pending, and by the prosecuting
30 attorney to his or her assistants, legal associates, and
31 employees, and to the defendant and the defendant's attorney,
32 and by the latter to his or her legal associates and employees.
33 When such disclosure is ordered by a court pursuant to
34 subsection (1) for use in a civil case, it may be disclosed to
35 all parties to the case and to their attorneys and by the latter
36 to their legal associates and employees. However, the grand jury
37 testimony afforded such persons by the court can only be used in
38 the defense or prosecution of the civil or criminal case and for
39 no other purpose whatsoever. When a court orders the disclosure
40 of such testimony pursuant to subsection (1) in response to a



146078

41 request by the media or other interested person, it may be
42 disclosed so long as the subject of the grand jury inquiry is
43 deceased, and the testimony was previously disclosed to law
44 enforcement.

45

46 ===== T I T L E A M E N D M E N T =====

47 And the title is amended as follows:

48 Delete line 31

49 and insert:

50 implement certain technology; amending s. 905.27,
51 F.S.; prohibiting a clerk of court from disclosing
52 testimony given or evidence received before a grand
53 jury unless certain conditions exist; authorizing the
54 disclosure of testimony given during a grand jury
55 under specified conditions; providing an effective