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1997

### Session Law 97-071

Florida Senate & House of Representatives

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By Senator Rossin

35-13-97

A bill to be entitled

An act relating to public records; creating s. 914.27, F.S.; providing an exemption from public records requirements for certain information held by various governmental entities and certain business entities relating to a victim of or witness to a crime obtained in connection with victim and witness protection services provided pursuant to s. 914.25, F.S., for certain information relating to such person's family, and for information relating to the protection program and permanent relocation sites; providing for future review and repeal under the Open Government Sunset Review Act of 1995; providing a finding of public necessity; providing a contingent effective date.

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

Section 1. Section 914.27, Florida Statutes, is created to read:

914.27 Confidentiality of victim and witness information.--

(1) Information held by any state or local law enforcement agency, state attorney, the statewide prosecutor, the Victim and Witness Protection Review Committee created pursuant to s. 914.26, or the Department of Law Enforcement which discloses:

(a) The identity or location of a victim or witness who has been identified or certified for protection or

1 relocation by the state attorney or statewide prosecutor  
2 pursuant to s. 914.25;

3 (b) The identity or location of an immediate family  
4 member of a victim or witness who has been identified or  
5 certified pursuant to s. 914.25;

6 (c) Relocation sites, techniques, or procedures  
7 utilized or developed as a result of the victim and witness  
8 protection services afforded by s. 914.25; or

9 (d) The identity or relocation site of any victim,  
10 witness, or immediate family member of a victim or witness who  
11 has made a relocation of permanent residence by reason of the  
12 victim's or witness's involvement in the investigation or  
13 prosecution giving rise to certification for protection or  
14 relocation pursuant to s. 914.25;

15  
16 is confidential and exempt from the provisions of s. 119.07(1)  
17 and s. 24(a), Art. I of the State Constitution. Such  
18 information may be shared by law enforcement agencies, state  
19 attorneys, and the statewide prosecutor to facilitate the  
20 protection or relocation services provided pursuant to s.  
21 914.25 and to support the prosecution efforts of the state  
22 attorneys and the statewide prosecutor. Any information so  
23 shared must remain confidential and exempt in the hands of any  
24 agency or entity to which the information is provided.

25 (2) If a victim or witness is identified for  
26 protective services under s. 914.25, but is not certified to  
27 receive such services by the state attorney or statewide  
28 prosecutor, the identity and location information exempt  
29 pursuant to paragraphs (1)(a) and (b) becomes public  
30 information, unless otherwise provided by law.

31

1 (3) If a victim or witness is certified for protective  
2 services, information made confidential and exempt from public  
3 disclosure under paragraphs (1)(a) and (b) becomes public  
4 information, unless otherwise provided by law, at the time the  
5 certification made pursuant to s. 914.25 expires, unless the  
6 state attorney or statewide prosecutor making such  
7 certification complies with the provisions of subsection (4).

8 (4) The certifying state attorney or statewide  
9 prosecutor may state in writing to the Victim and Witness  
10 Protection Review Committee established pursuant to s. 914.26  
11 that even though certification for participation in the victim  
12 or witness protection program is about to expire, disclosure  
13 of information made confidential and exempt by paragraph  
14 (1)(a) or paragraph (1)(b) continues to constitute an  
15 unwarranted risk to, or jeopardizes the safety of, victims,  
16 witnesses, or family members of such victims or witnesses.  
17 Accordingly, the confidential and exempt status of such  
18 information shall continue until the certifying state attorney  
19 or statewide prosecutor determines that disclosure of the  
20 information would not constitute an unwarranted risk to, or  
21 jeopardize the safety of, any person, and provides written  
22 notification to that effect to the Victim and Witness  
23 Protection Review Committee.

24 (5) For the purposes of effectively implementing s.  
25 914.25, any state or local law enforcement agency, state  
26 attorney, or the statewide prosecutor may provide written  
27 notification to an agency as defined in s. 119.011 or to a  
28 business entity operating under contract with, licensed by, or  
29 having any other business relationship with an agency, or  
30 providing services pursuant to s. 914.25, that information  
31 described in subsection (1) held by that agency or business is

1 confidential and exempt from public disclosure. The state or  
2 local law enforcement agency, state attorney, or the statewide  
3 prosecutor providing such written notification shall also  
4 provide written notification to the agency or business as to  
5 when, in accordance with this section, identity and location  
6 information exempted pursuant to paragraphs (1)(a) and (b) can  
7 be made publicly available.

8

9 This section is subject to the Open Government Sunset Review  
10 Act of 1995 in accordance with s. 119.15, and shall stand  
11 repealed on October 2, 2002, unless reviewed and saved from  
12 repeal through reenactment by the Legislature.

13 Section 2. The Legislature finds that the exemptions  
14 provided for in this act are a public necessity. The untimely  
15 disclosure of identity and location information concerning a  
16 victim or witness, and their immediate families, or the  
17 disclosure of information revealing protection or relocation  
18 sites, techniques, or procedures, or the permanent relocation  
19 residence of a victim or witness or family member, would  
20 constitute an unwarranted risk to, and jeopardize the safety  
21 of, such victims, witnesses, and family members. This would  
22 significantly impair the administration of the victim and  
23 witness protection program established pursuant to sections  
24 914.25 and 914.26, Florida Statutes, and impede the  
25 investigation and prosecution of crime.

26 Section 3. This act shall take effect on the same date  
27 that Senate Bill \_\_\_ or similar legislation providing for  
28 establishment of victim and witness protection services in  
29 each county by the Department of Law Enforcement takes effect,  
30 if such legislation is adopted in the same legislative session  
31 or an extension thereof.

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SENATE SUMMARY

Exempts from disclosure under the public records law information that discloses the location of a victim or witness, or the location of the family member of a victim or witness, who has been identified or certified for protection or relocation by the state attorney or statewide prosecutor. Provides for the information to become a public record if the victim or witness is not certified for protection services, and upon expiration of the certification, unless the state attorney or statewide prosecutor notifies the Victim and Witness Protection Review Committee. Provides for future repeal of the exemption and for legislative review under the Open Government Sunset Review Act of 1995.

By Representative Greene

1                                    A bill to be entitled  
 2                    An act relating to public records; creating s.  
 3                    914.27, F.S.; providing an exemption from  
 4                    public records requirements for certain  
 5                    information held by various governmental  
 6                    entities and certain business entities relating  
 7                    to a victim of or witness to a crime obtained  
 8                    in connection with victim and witness  
 9                    protection services provided pursuant to s.  
 10                    914.25, F.S., for certain information relating  
 11                    to such person's family, and for information  
 12                    relating to the protection program and  
 13                    permanent relocation sites; providing for  
 14                    future review and repeal; providing a finding  
 15                    of public necessity; providing a contingent  
 16                    effective date.

17  
 18 Be It Enacted by the Legislature of the State of Florida:

19  
 20                    Section 1. Section 914.27, Florida Statutes, is  
 21 created to read:

22                    914.27 Confidentiality of victim and witness  
 23 information.--

24                    (1) Information held by any state or local law  
 25 enforcement agency, state attorney, the statewide prosecutor,  
 26 the Victim and Witness Protection Review Committee created  
 27 pursuant to s. 914.26, or the Department of Law Enforcement  
 28 which discloses:

29                    (a) The identity or location of a victim or witness  
 30 who has been identified or certified for protection or  
 31

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1 relocation by the state attorney or statewide prosecutor  
 2 pursuant to s. 914.25;

3 (b) The identity or location of an immediate family  
 4 member of a victim or witness who has been identified or  
 5 certified pursuant to s. 914.25;

6 (c) Relocation sites, techniques, or procedures  
 7 utilized or developed as a result of the victim and witness  
 8 protection services afforded by s. 914.25; or

9 (d) The identity or relocation site of any victim,  
 10 witness, or immediate family member of a victim or witness who  
 11 has made a relocation of permanent residence by reason of the  
 12 victim's or witness's involvement in the investigation or  
 13 prosecution giving rise to certification for protection or  
 14 relocation pursuant to s. 914.25;

15  
 16 is confidential and exempt from the provisions of s. 119.07(1)  
 17 and s. 24(a), Art. I of the State Constitution. Such  
 18 information may be shared by law enforcement agencies, state  
 19 attorneys, and the statewide prosecutor to facilitate the  
 20 protection or relocation services provided pursuant to s.  
 21 914.25 and to support the prosecution efforts of the state  
 22 attorneys and the statewide prosecutor. Any information so  
 23 shared must remain confidential and exempt in the hands of any  
 24 agency or entity to which the information is provided.

25 (2) If a victim or witness is identified for  
 26 protective services under s. 914.25, but is not certified to  
 27 receive such services by the state attorney or statewide  
 28 prosecutor, the identity and location information exempt  
 29 pursuant to paragraphs (1)(a) and (b) becomes public  
 30 information, unless otherwise provided by law.



1           (3) If a victim or witness is certified for protective  
2 services, information made confidential and exempt from public  
3 disclosure under paragraphs (1)(a) and (b) becomes public  
4 information, unless otherwise provided by law, at the time the  
5 certification made pursuant to s. 914.25 expires, unless the  
6 state attorney or statewide prosecutor making such  
7 certification complies with the provisions of subsection (4).

8           (4) The certifying state attorney or statewide  
9 prosecutor may state in writing to the Victim and Witness  
10 Protection Review Committee established pursuant to s. 914.26  
11 that even though certification for participation in the victim  
12 or witness protection program is about to expire, disclosure  
13 of information made confidential and exempt by paragraph  
14 (1)(a) or paragraph (1)(b) continues to constitute an  
15 unwarranted risk to, or jeopardizes the safety of, victims,  
16 witnesses, or family members of such victims or witnesses.  
17 Accordingly, the confidential and exempt status of such  
18 information shall continue until the certifying state attorney  
19 or statewide prosecutor determines that disclosure of the  
20 information would not constitute an unwarranted risk to, or  
21 jeopardize the safety of, any person, and provides written  
22 notification to that effect to the Victim and Witness  
23 Protection Review Committee.

24           (5) For the purposes of effectively implementing s.  
25 914.25, any state or local law enforcement agency, state  
26 attorney, or the statewide prosecutor may provide written  
27 notification to an agency as defined in s. 119.011 or to a  
28 business entity operating under contract with, licensed by, or  
29 having any other business relationship with an agency, or  
30 providing services pursuant to s. 914.25, that information  
31 described in subsection (1) held by that agency or business is

1 confidential and exempt from public disclosure. The state or  
2 local law enforcement agency, state attorney, or the statewide  
3 prosecutor providing such written notification shall also  
4 provide written notification to the agency or business as to  
5 when, in accordance with this section, identity and location  
6 information exempted pursuant to paragraphs (1)(a) and (b) can  
7 be made publicly available.

8  
9 This section is subject to the Open Government Sunset Review  
10 Act of 1995 in accordance with s. 119.15, and shall stand  
11 repealed on October 2, 2002, unless reviewed and saved from  
12 repeal through reenactment by the Legislature.

13       Section 2. The Legislature finds that the exemptions  
14 provided for in this act are a public necessity. The untimely  
15 disclosure of identity and location information concerning a  
16 victim or witness, and their immediate families, or the  
17 disclosure of information revealing protection or relocation  
18 sites, techniques, or procedures, or the permanent relocation  
19 residence of a victim or witness or family member, would  
20 constitute an unwarranted risk to, and jeopardize the safety  
21 of, such victims, witnesses, and family members. This would  
22 significantly impair the administration of the victim and  
23 witness protection program established pursuant to ss. 914.25  
24 and 914.26, Florida Statutes, and impede the investigation and  
25 prosecution of crime.

26       Section 3   This act shall take effect on the same date  
27 that House Bill       or similar legislation providing for  
28 establishment of a victim and witness protection program takes  
29 effect, if such legislation is adopted in the same legislative  
30 session or an extension thereof.

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HOUSE SUMMARY

Provides an exemption from public records requirements for certain information held by various governmental entities and certain business entities relating to a victim of or witness to a crime obtained in connection with victim and witness protection services, for certain information relating to such person's family, and for information relating to the protection program and permanent relocation sites. Provides for future review and repeal. Takes effect contingent upon adoption of legislation establishing a program for provision of such services.

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Florida House of Representatives - 1997

By the Committee on Governmental Operations and  
Representatives Greene, Villalobos and Culp

A bill to be entitled

An act relating to public records; creating s.  
914.27, F.S.; providing an exemption from  
public records requirements for certain  
information held by various governmental  
entities and certain business entities relating  
to a victim of or witness to a crime obtained  
in connection with victim and witness  
protection services provided pursuant to s.  
914.25, F.S., for certain information relating  
to such person's family, and for information  
relating to the protection program and  
permanent relocation sites; providing for  
future review and repeal; providing a finding  
of public necessity; providing a contingent  
effective date.

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

Section 1. Section 914.27, Florida Statutes, is  
created to read:

914.27 Confidentiality of victim and witness  
information.--

(1) Information held by any state or local law  
enforcement agency, state attorney, the statewide prosecutor,  
the Victim and Witness Protection Review Committee created  
pursuant to s. 914.26, or the Department of Law Enforcement  
which discloses:

(a) The identity or location of a victim or witness  
who has been identified or certified for protection or

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1 relocation by the state attorney or statewide prosecutor  
2 pursuant to s. 914.25:

3 (b) The identity or location of an immediate family  
4 member of a victim or witness who has been identified or  
5 certified pursuant to s. 914.25:

6 (c) Relocation sites, techniques, or procedures  
7 utilized or developed as a result of the victim and witness  
8 protection services afforded by s. 914.25; or

9 (d) The identity or relocation site of any victim,  
10 witness, or immediate family member of a victim or witness who  
11 has made a relocation of permanent residence by reason of the  
12 victim's or witness's involvement in the investigation or  
13 prosecution giving rise to certification for protection or  
14 relocation pursuant to s. 914.25:

15  
16 is confidential and exempt from the provisions of s. 119.07(1)  
17 and s. 24(a), Art. I of the State Constitution. Such  
18 information may be shared by law enforcement agencies, state  
19 attorneys, and the statewide prosecutor to facilitate the  
20 protection or relocation services provided pursuant to s.  
21 914.25 and to support the prosecution efforts of the state  
22 attorneys and the statewide prosecutor. Any information so  
23 shared must remain confidential and exempt in the hands of any  
24 agency or entity to which the information is provided.

25 (2) If a victim or witness is identified for  
26 protective services under s. 914.25, but is not certified to  
27 receive such services by the state attorney or statewide  
28 prosecutor, the identity and location information exempt  
29 pursuant to paragraphs (1)(a) and (b) becomes public  
30 information, unless otherwise provided by law.

31

1           (3) If a victim or witness is certified for protective  
2 services, information made confidential and exempt from public  
3 disclosure under paragraphs (1)(a) and (b) becomes public  
4 information, unless otherwise provided by law, at the time the  
5 certification made pursuant to s. 914.25 expires, unless the  
6 state attorney or statewide prosecutor making such  
7 certification complies with the provisions of subsection (4).

8           (4) The certifying state attorney or statewide  
9 prosecutor may state in writing to the Victim and Witness  
10 Protection Review Committee established pursuant to s. 914.26  
11 that even though certification for participation in the victim  
12 or witness protection program is about to expire, disclosure  
13 of information made confidential and exempt by paragraph  
14 (1)(a) or paragraph (1)(b) continues to constitute an  
15 unwarranted risk to, or jeopardizes the safety of, victims,  
16 witnesses, or family members of such victims or witnesses.  
17 Accordingly, the confidential and exempt status of such  
18 information shall continue until the certifying state attorney  
19 or statewide prosecutor determines that disclosure of the  
20 information would not constitute an unwarranted risk to, or  
21 jeopardize the safety of, any person, and provides written  
22 notification to that effect to the Victim and Witness  
23 Protection Review Committee.

24           (5) For the purposes of effectively implementing s.  
25 914.25, any state or local law enforcement agency, state  
26 attorney, or the statewide prosecutor may provide written  
27 notification to an agency as defined in s. 119.011 or to a  
28 business entity operating under contract with, licensed by, or  
29 having any other business relationship with an agency, or  
30 providing services pursuant to s. 914.25, that information  
31 described in subsection (1) held by that agency or business is

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1 confidential and exempt from public disclosure. The state or  
2 local law enforcement agency, state attorney, or the statewide  
3 prosecutor providing such written notification shall also  
4 provide written notification to the agency or business as to  
5 when, in accordance with this section, identity and location  
6 information exempted pursuant to paragraphs (1)(a) and (b) can  
7 be made publicly available.

8

9 This section is subject to the Open Government Sunset Review  
10 Act of 1995 in accordance with s. 119.15, and shall stand  
11 repealed on October 2, 2002, unless reviewed and saved from  
12 repeal through reenactment by the Legislature.

13 Section 2. The Legislature finds that the exemptions  
14 provided for in this act are a public necessity. The untimely  
15 disclosure of identity and location information concerning a  
16 victim or witness, and their immediate families, or the  
17 disclosure of information revealing protection or relocation  
18 sites, techniques, or procedures, or the permanent relocation  
19 residence of a victim or witness or family member, would  
20 constitute an unwarranted risk to, and jeopardize the safety  
21 of, such victims, witnesses, and family members. This would  
22 significantly impair the administration of the victim and  
23 witness protection program established pursuant to ss. 214.25  
24 and 214.26, Florida Statutes, and impede the investigation and  
25 prosecution of crime.

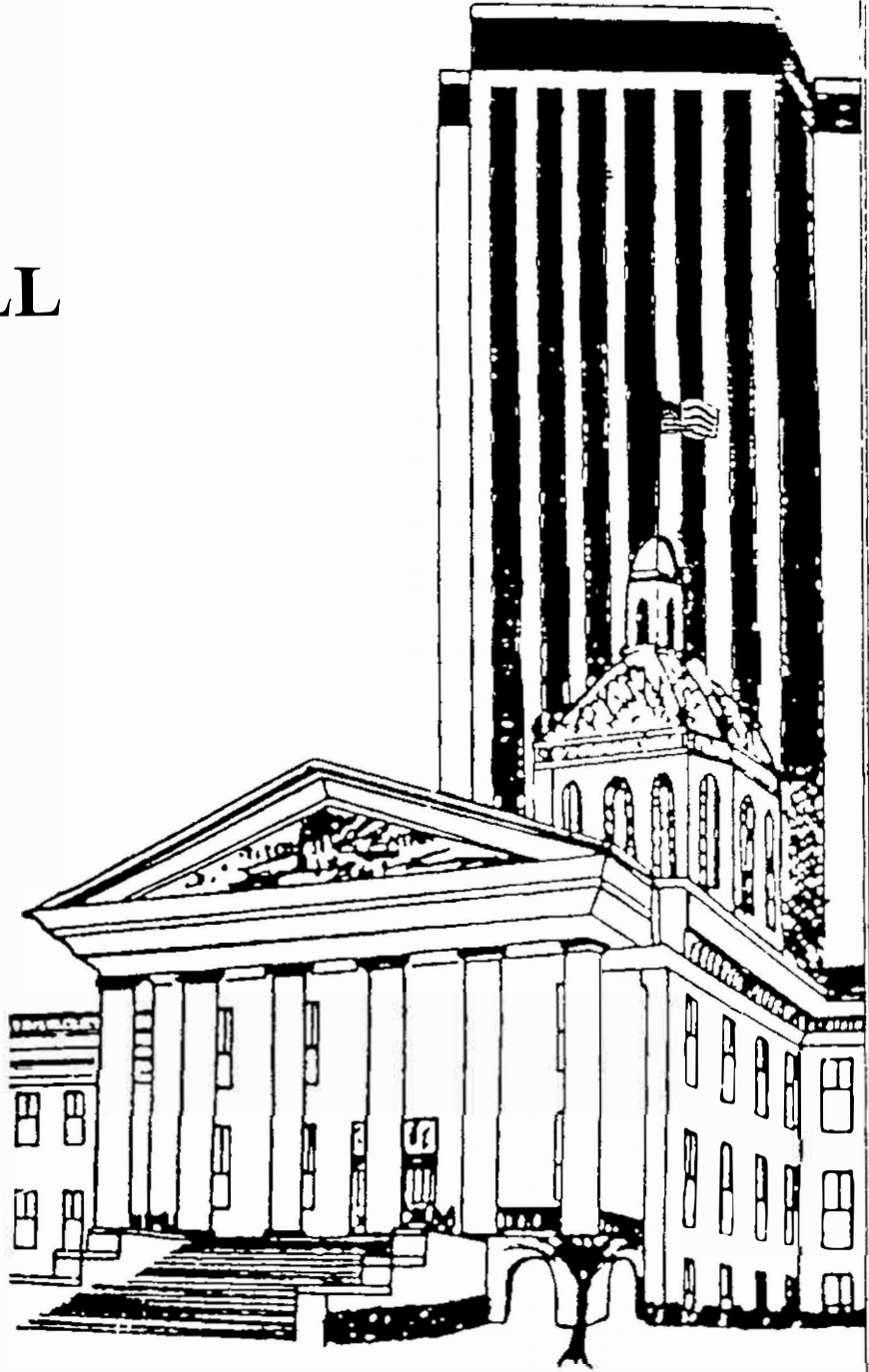
26 Section 3. This act shall take effect on the same date  
27 that House Bill 35 or similar legislation providing for  
28 establishment of a victim and witness protection program takes  
29 effect, if such legislation is adopted in the same legislative  
30 session or an extension thereof.

31

# FLORIDA LEGISLATURE

## FINAL LEGISLATIVE BILL INFORMATION

*1997 Regular Session*



prepared by:

**JOINT LEGISLATIVE MANAGEMENT COMMITTEE  
LEGISLATIVE INFORMATION DIVISION**

**Claude Pepper Building, Room 704**

**111 West Madison Street**

**Tallahassee, Florida 32399-1400**

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## HISTORY OF SENATE BILLS

## S 164 (CONTINUED)

04/30/97 HOUSE Comm Action—Unanimously Favorable with 1 amendment(s) by Crime & Punishment (JC)—HJ 01349, Fiscal Responsibility Council in Daily Folder—HJ 01349, Read second time—HJ 01319, Amendment(s) adopted—HJ 01321, Read third time—HJ 01321, Passed as amended, YEAS 113 NAYS 0—HJ 01321

04/30/97 SENATE In returning messages

05/01/97 SENATE Was taken up—SJ 01240, Refused to concur, requested House to recede—SJ 01241

05/01/97 HOUSE In returning messages, Receded—HJ 01732, Amendment(s) adopted—HJ 01733, Passed as amended, YEAS 119 NAYS 0—HJ 01733

05/01/97 SENATE In returning messages

05/02/97 SENATE Was taken up—SJ 01422, Concurred—SJ 01423, Passed as amended, YEAS 40 NAYS 0—SJ 01423, Ordered engrossed, then enrolled—SJ 01423

05/08/97 Signed by Officers and presented to Governor

05/24/97 Became Law without Governor's Signature, Chapter No 97-90

## S 166 GENERAL BILL by Gutman (Similar 1ST ENG/S 0796)

Fla. Criminal Code/Sentencing, amends provision re rules of construction of said code, provides for imposition of consecutive sentences notwithstanding specified provisions re habitual offenders, provides for imposition of consecutive mandatory minimum terms of incarceration, limitations on release, & other mandatory minimum punishments, reenacts provisions to incorporate amendment in references thereto, etc Amends 775 021, reenacts 790 1615(3), 806 031(3) Effective Date 10/01/1997

01/08/97 SENATE Prefiled

01/22/97 SENATE Referred to Criminal Justice, Ways and Means

03/04/97 SENATE Introduced, referred to Criminal Justice, Ways and Means—SJ 00039

03/05/97 SENATE Withdrawn from Criminal Justice, Ways and Means, Withdrawn from further consideration—SJ 00108

## S 168 GENERAL BILL by Gutman (Identical S 0088)

Defendant's Voluntary Intoxication, prohibits consideration of evidence of defendant's voluntary intoxication to determine existence of a mental state that is an element of crime Creates 90 4051 Effective Date 07/01/1997

01/08/97 SENATE Prefiled

01/22/97 SENATE Referred to Criminal Justice, Judiciary

03/04/97 SENATE Introduced, referred to Criminal Justice, Judiciary—SJ 00039

03/07/97 SENATE On Committee agenda—Criminal Justice, 03/11/97, 9 00 am, Room—A(LL-37)

03/11/97 SENATE Comm Action Favorable by Criminal Justice—SJ 00140

03/12/97 SENATE Now in Judiciary—SJ 00140

05/02/97 SENATE Died in Committee on Judiciary

## S 170 GENERAL BILL/CS/CS/1ST ENG by Judiciary; Criminal Justice; Gutman (Compare CS/H 0327, CS/1ST ENG/H 0767, 2ND ENG/H 1165, H 1317, CS/S 0936, S 1192)

Criminal Justice, provides for reclassification of misdemeanor violation of criminal mischief offenses & penalties involving less than \$1,000 property damage when offender has one or more prior convictions under said section, provides for arrest without warrant when there is probable cause to believe that person has committed criminal mischief or graffiti-related offense, etc Amends Chs 68, 166, 316, 806, 812, 832, 901 Effective Date 10/01/1997

01/08/97 SENATE Prefiled

01/22/97 SENATE Referred to Criminal Justice, Judiciary

03/04/97 SENATE Introduced, referred to Criminal Justice, Judiciary—SJ 00039

03/13/97 SENATE On Committee agenda—Criminal Justice, 03/17/97, 3 00 pm, Room—A(LL-37)

03/17/97 SENATE Comm Action CS by Criminal Justice—SJ 00236, CS read first time on 03/19/97—SJ 00239

03/19/97 SENATE Now in Judiciary—SJ 00236

03/21/97 SENATE On Committee agenda—Judiciary, 03/25/97, 3 30 pm, Room—1C(309)—Not considered

03/28/97 SENATE On Committee agenda—Judiciary, 04/02/97, 2 30 pm, Room—1C(309)—Not considered

04/08/97 SENATE On Committee agenda—Judiciary, 04/10/97, 9 00 am, Room—1C(309)

04/10/97 SENATE Comm Action—CS/CS by Judiciary—SJ 00474, CS read first time on 04/14/97—SJ 00475

04/14/97 SENATE Placed on Calendar—SJ 00474

04/28/97 SENATE Placed on Special Order Calendar—SJ 00709

04/29/97 SENATE Placed on Special Order Calendar—SJ 00709, —SJ 00938

04/30/97 SENATE Placed on Special Order Calendar—SJ 00938, —SJ 01096

05/01/97 SENATE Placed on Special Order Calendar—SJ 00957, —SJ 01096, Read second time—SJ 01153, Amendment(s) adopted—SJ 01153, —SJ 01234, Ordered engrossed—SJ 01234

05/02/97 SENATE Read third time—SJ 01420, CS passed as amended, YEAS 36 NAYS 0—SJ 01420

05/02/97 HOUSE In Messages, Died in Messages

## S 172 GENERAL BILL by Brown-White, (CO-SPONSORS) Cowin; Dyer (Similar CS/1ST ENG/H 0377)

Juror Comp/Donation to Programs authorizes donation of juror compensation to program specified by certified guardian ad litem program or to domestic violence shelter, provides duties of clerk of court & guidelines re receipt or expenditures of such donated moneys Amends 40 24 Effective Date 10/01/1997

01/08/97 SENATE Prefiled

01/22/97 SENATE Referred to Judiciary

03/04/97 SENATE Introduced, referred to Judiciary—SJ 00039

04/11/97 SENATE On Committee agenda—Judiciary, 04/15/97, 2 00 pm, Room—1C(309)

04/15/97 SENATE Comm Action—Favorable with 4 amendment(s) by Judiciary—SJ 00521

04/16/97 SENATE Placed on Calendar—SJ 00521

04/28/97 SENATE Placed on Special Order Calendar—SJ 00709

04/29/97 SENATE Placed on Special Order Calendar—SJ 00709, —SJ 00938

04/30/97 SENATE Placed on Special Order Calendar—SJ 00938, —SJ 01096

05/01/97 SENATE Placed on Consent Calendar—SJ 01294, Read second time—SJ 01106, Amendment(s) adopted—SJ 01106, House Bill substituted—SJ 01106, Laid on Table, Iden/Sim/Compare Bill(s) passed, refer to CS/HB 377 (Ch 97-199)

## S 174 GENERAL BILL by Rossin (Similar CS/H 0181, Compare CS/1ST ENG/H 0035, CS/1ST ENG/S 0176)

Public Records/Victims/Witnesses, provides exemption from public records requirements for certain information held by various governmental & certain business entities re victim of or witness to crime obtained in connection with victim & witness protection services provided pursuant to specific provision, takes effect contingent upon adoption of legislation establishing such services if adopted in same legislative session or extension thereof, etc Creates 914 27 Effective Date Contingent

01/08/97 SENATE Prefiled

01/22/97 SENATE Referred to Criminal Justice, Governmental Reform and Oversight

03/04/97 SENATE Introduced, referred to Criminal Justice, Governmental Reform and Oversight—SJ 00039

03/13/97 SENATE On Committee agenda—Criminal Justice, 03/17/97, 3 00 pm, Room—A(LL-37)

03/17/97 SENATE Comm Action Favorable with 1 amendment(s) by Criminal Justice—SJ 00235

03/18/97 SENATE Now in Governmental Reform and Oversight—SJ 00235

03/27/97 SENATE On Committee agenda—Governmental Reform and Oversight, 04/01/97, 2 00 pm, Room—1C(309)

04/01/97 SENATE Comm Action—Favorable by Governmental Reform and Oversight—SJ 00362

04/02/97 SENATE Placed on Calendar—SJ 00362

04/24/97 SENATE Placed on Special Order Calendar—SJ 00583, Read second time—SJ 00539, Amendment(s) adopted—SJ 00539, House Bill substituted—SJ 00539, Laid on Table, Iden/Sim/Compare Bill(s) passed, refer to CS/HB 181 (Ch 97-71), See also CS/HB 35 (Ch 97-52)

## S 176 GENERAL BILL/CS/1ST ENG by Criminal Justice, Rossin (Identical CS/1ST ENG/H 0035, Compare CS/H 0181, S 0174)

Victim & Witness Protection Protocol, provides definitions for "victim or witness at risk of harm" & "serious felony offense", authorizes law enforcement agencies to provide protective services, including temporary relocation services, under specified circumstances, provides immunity from civil liability under certain circumstances, establishes Victim & Witness Protection Review Committee within Fla Violent Crime Council, etc Creates 914 25, amends 943 031 Effective Date 07/01/1997

01/08/97 SENATE Prefiled

01/22/97 SENATE Referred to Criminal Justice, Ways and Means

03/04/97 SENATE Introduced, referred to Criminal Justice, Ways and Means—SJ 00039

03/13/97 SENATE On Committee agenda—Criminal Justice, 03/17/97, 3 00 pm, Room—A(LL-37)

03/17/97 SENATE Comm Action CS by Criminal Justice—SJ 00236, CS read first time on 03/19/97—SJ 00239

03/18/97 SENATE Now in Ways and Means—SJ 00236

04/14/97 SENATE Withdrawn from Ways and Means—SJ 00472, Placed on Calendar

04/24/97 SENATE Placed on Special Order Calendar—SJ 00583, Read second time—SJ 00538, Amendment(s) adopted—SJ 00539, Ordered engrossed—SJ 00539

04/25/97 SENATE House Bill substituted—SJ 00605, Laid on Table, Iden/Sim/Compare Bill(s) passed, refer to CS/HB 35 (Ch 97-52), See also CS/HB 181 (Ch 97-71)

## S 178 GENERAL BILL/CS by Education, Latvala (Similar CS/H 0197, Compare H 1007, CS/1ST ENG/S 0458)

Education & Workplace Readiness, creates provision re student readiness for postsecondary education & workplace, provides legislative intent, provides for end-of-high-school destinations, provides for student progression toward chosen destination, provides DOE duties, provides course requirements, provides school personnel duties, provides for conversion of college credit hours to high

## HISTORY OF HOUSE BILLS

## H 179 (CONTINUED)

- 04/18/97 HOUSE Comm Action—Unanimously Favorable with 2 amendment(s) by Finance & Taxation (FRC)—HJ 00700, Placed on Economic Impact Council Calendar—HJ 00665
- 04/25/97 HOUSE Read second time—HJ 01050, Amendment(s) adopted—HJ 01050
- 05/02/97 HOUSE Carried over to 1998 Session pursuant to House Rule 96, Placed on Economic Impact Council Calendar

**H 181 GENERAL BILL/CS by Governmental Operations (GRC); Greene; Vidalobos; (CO-SPONSORS) Culp; Jacobs; Bradley (Similar S 0174, Compare CS/ST ENG/H 0035, CS/ST ENG/S 0176)**

Public Records/Victims/Witnesses, provides exemption from public records requirements for certain information held by various governmental & certain business entities re victim of or witness to crime obtained in connection with victim & witness protection services provided pursuant to specific provision, takes effect on same date as HB 35 or similar legislation if passed in same or extended session, etc Creates 914 27 Effective Date 07/01/1997

- 01/08/97 HOUSE Prefiled
- 03/06/97 HOUSE Introduced—HJ 00059
- 03/21/97 HOUSE Referred to Governmental Operations (GRC)—HJ 00304
- 03/25/97 HOUSE On Committee agenda—Governmental Operations (GRC), 03/31/97, 3 30 pm, 413C
- 03/31/97 HOUSE Comm Action—Unanimously CS by Governmental Operations (GRC)—HJ 00494
- 04/09/97 HOUSE CS read first time on 04/09/97—HJ 00485
- 04/10/97 HOUSE Pending Consent Calendar—HJ 00494
- 04/14/97 HOUSE Available for Consent Calendar
- 04/16/97 HOUSE Placed on Consent Calendar, Temporarily postponed, on Second Reading, Available for Consent Calendar
- 04/17/97 HOUSE Placed on Consent Calendar, Read second and third times—HJ 00604, —HJ 00605, CS passed, YEAS 116 NAYS 0—HJ 00605
- 04/23/97 SENATE In Messages
- 04/24/97 SENATE Received—SJ 00600, Substituted for SB 174—SJ 00539, Read second time—SJ 00539
- 04/25/97 SENATE Read third time—SJ 00605, CS passed, YEAS 39 NAYS 0—SJ 00606, Immediately certified—SJ 00606
- 04/25/97 HOUSE Ordered enrolled—HJ 01119
- 04/30/97 Signed by Officers and presented to Governor—HJ 01349
- 05/16/97 Became Law without Governor's Signature, Chapter No 97-71, See also CS/HB 35 (Ch 97-52)

**H 183 GENERAL BILL/CS by Election Reform (GRC); Diaz de la Portilla; (CO-SPONSORS) Feeney; Byrd; Culp (Compare CS/ST ENG/H 0461, CS/H 0463, CS/S 0568, S 0926, S 1406)**

Campaign Funds, prohibits use of campaign funds by candidates & their spouses for salary or personal expenses, provides penalties, revises definition of "independent expenditure", revises notice requirements for certain independent expenditures Amends 106 1405, 011, 085 Effective Date 01/01/1998

- 01/08/97 HOUSE Prefiled
- 01/23/97 HOUSE Referred to Election Reform (GRC)
- 03/04/97 HOUSE Introduced, referred to Election Reform (GRC)—HJ 00059
- 03/12/97 HOUSE On Committee agenda—Election Reform (GRC), 03/18/97, 1 00 pm, 212-HOB
- 03/18/97 HOUSE Comm Action—CS by Election Reform (GRC)—HJ 00327
- 03/25/97 HOUSE CS read first time on 03/25/97—HJ 00325, in Governmental Responsibility Council, pending ranking—HJ 00327
- 03/27/97 HOUSE Referred to Election Reform (GRC) by Governmental Responsibility Council—HJ 00374
- 05/02/97 HOUSE Carried over to 1998 Session pursuant to House Rule 96, In House Committee on Election Reform (GRC), Iden/Sim./Compare Bill(s) passed refer to CS/HB 461 (Ch 97-13)

**H 185 GENERAL BILL by Maygarden (Identical S 0116)**

Arrests/Expenses Incurred, prescribes financial responsibility for medical & other specified expenses of person who becomes ill, wounded, or injured during apprehension for violation of state law or county or municipal ordinance, provides that responsibility for such expenses exists until treatment is completed, prescribes guidelines for payment of such costs from county or municipal general fund, etc Amends 901 35 Effective Date 07/01/1997

- 01/09/97 HOUSE Prefiled
- 01/23/97 HOUSE Referred to Law Enforcement & Public Safety (JC)
- 03/04/97 HOUSE Introduced, referred to Law Enforcement & Public Safety (JC)—HJ 00059
- 03/19/97 HOUSE Withdrawn from Law Enforcement & Public Safety (JC)—HJ 00202, Filed and not referred—HJ 00202
- 05/01/97 HOUSE Withdrawn from further consideration—HJ 01351

**H 187 GENERAL BILL by Effman; (CO-SPONSORS) Argenziano; Byrd; Rodriguez-Chomat; Fasano; Feeney; Culp; Ziebarth (Compare CS/H 0049, CS/S 0210, CS/S 1108)**

Sexual Predators/Public Notification, requires sheriff to advertise certain in-

## H 187 (CONTINUED)

- formation re release of sexual predators Amends 775 21 Effective Date 07/01/1997
- 01/09/97 HOUSE Prefiled
- 01/23/97 HOUSE Referred to Crime & Punishment (JC)
- 03/04/97 HOUSE Introduced, referred to Crime & Punishment (JC)—HJ 00059
- 04/23/97 HOUSE Withdrawn from Crime & Punishment (JC), Withdrawn from further consideration—HJ 00670

**H 189 GENERAL BILL by Effman; (CO-SPONSORS) Heyman; Culp**  
Child Support/Retroactive Payment, provides that obligation of child support shall be retroactive to date of legal separation, provides for credits Amends 61 13 Effective Date Upon becoming law

- 01/09/97 HOUSE Prefiled
- 01/23/97 HOUSE Referred to Family Law & Children (JC)
- 02/28/97 HOUSE On Committee agenda—Family Law & Children (JC), 03/05/97, 2 00 pm, 16-HOB
- 03/04/97 HOUSE Introduced, referred to Family Law & Children (JC)—HJ 00059, On Committee agenda—Family Law & Children (JC), 03/05/97, 2 00 pm, 16-HOB—Amendments adopted, bill temporarily deferred
- 04/11/97 HOUSE Withdrawn from Family Law & Children (JC), Withdrawn from further consideration—HJ 00500

## H 191

- 02/21/97 HOUSE Withdrawn

**H 193 GENERAL BILL/CS by Finance & Taxation (FRC), Lynn; Culp; (CO-SPONSORS) Feeney; Jacobs; Murman; Ziebarth, Chestnut (Similar H 0119, S 0618)**

Corp Income Tax/Child Care Credit, provides order of credits against corporate income tax or franchise tax, authorizes credit against corporate income tax & insurance premium taxes for child care facility startup costs & operation, & for payment of employee's child care costs, requires recipient to refund portion of tax credits received under certain conditions, provides for administration by Children & Family Services Dept., etc Amends Ch 220, creates 624 5107 Effective Date 12/31/1997

- 01/09/97 HOUSE Prefiled
- 01/23/97 HOUSE Referred to Children & Family Empowerment (GSC), Finance & Taxation (FRC), General Government Appropriations
- 03/04/97 HOUSE Introduced, referred to Children & Family Empowerment (GSC), Finance & Taxation (FRC), General Government Appropriations—HJ 00059, On Committee agenda—Children & Family Empowerment (GSC), 03/10/97, 1 30 pm, 317C
- 03/10/97 HOUSE Comm Action Unanimously Favorable with 1 amendment(s) by Children & Family Empowerment (GSC)—HJ 00200
- 03/13/97 HOUSE Now in Finance & Taxation (FRC)—HJ 00200
- 03/14/97 HOUSE On Committee agenda—Finance & Taxation (FRC), 03/20/97, 3 15 pm, Morris Hall
- 03/20/97 HOUSE Comm Action Unanimously CS by Finance & Taxation (FRC)—HJ 00375
- 04/01/97 HOUSE CS read first time on 04/01/97—HJ 00372
- 03/31/97 HOUSE Now in General Government Appropriations—HJ 00375
- 05/02/97 HOUSE Carried over to 1998 Session pursuant to House Rule 96, In House Committee on General Government Appropriations

**H 195 GENERAL BILL by Eggelletion (Compare CS/H 1377, CS/3RD ENG/S 1002, S 1332, S 1766, S 2336)**

Vehicle Emissions/Safety Inspections, revises language re standards & criteria adopted by DEP to achieve & maintain applicable federal & state air quality standards, provides for waiver of performance bond under certain circumstances, provides for emissions testing for nitrogen oxides, clarifies requirements for repair shops, authorizes dept to provide for increased inspection fee, etc Amends Ch 325, 320 055, repeals 325 205 Appropriation \$55,500 Effective Date Upon becoming law

- 01/09/97 HOUSE Prefiled
- 01/23/97 HOUSE Referred to Transportation (EIC), Environmental Protection (GRC), Finance & Taxation (FRC), General Government Appropriations
- 03/04/97 HOUSE Introduced, referred to Transportation (EIC), Environmental Protection (GRC), Finance & Taxation (FRC), General Government Appropriations—HJ 00059
- 03/06/97 HOUSE Withdrawn from Transportation (EIC), Environmental Protection (GRC), Finance & Taxation (FRC), General Government Appropriations—HJ 00129, Filed and not referred—HJ 00129
- 05/02/97 HOUSE Carried over to 1998 Session pursuant to House Rule 96, Introduced, not referred, Iden/Sim./Compare Bill(s) passed refer to CS/SB 1002 (Ch 97-300)

CHAPTER 97-71

Committee Substitute for House Bill No 181

An act relating to public records, creating s 914 27, F S , providing an exemption from public records requirements for certain information held by various governmental entities and certain business entities relating to a victim of or witness to a crime obtained in connection with victim and witness protection services provided pursuant to s 914 25, F.S , for certain information relating to such person's family, and for information relating to the protection program and permanent relocation sites, providing for future review and repeal, providing a finding of public necessity; providing a contingent effective date

Be It Enacted by the Legislature of the State of Florida

Section 1 Section 914 27, Florida Statutes, is created to read.

914 27 Confidentiality of victim and witness information —

(1) Information held by any state or local law enforcement agency, state attorney, the statewide prosecutor, the Victim and Witness Protection Review Committee created pursuant to s 914 26, or the Department of Law Enforcement which discloses

(a) The identity or location of a victim or witness who has been identified or certified for protection or relocation by the state attorney or statewide prosecutor pursuant to s 914 25,

(b) The identity or location of an immediate family member of a victim or witness who has been identified or certified pursuant to s 914 25,

(c) Relocation sites, techniques, or procedures utilized or developed as a result of the victim and witness protection services afforded by s 914.25, or

(d) The identity or relocation site of any victim, witness, or immediate family member of a victim or witness who has made a relocation of permanent residence by reason of the victim's or witness's involvement in the investigation or prosecution giving rise to certification for protection or relocation pursuant to s. 914 25,

is confidential and exempt from the provisions of s 119 07(1) and s 24(a), Art I of the State Constitution Such information may be shared by law enforcement agencies, state attorneys, and the statewide prosecutor to facilitate the protection or relocation services provided pursuant to s 914 25 and to support the prosecution efforts of the state attorneys and the statewide prosecutor Any information so shared must remain confidential and exempt in the hands of any agency or entity to which the information is provided.

(2) If a victim or witness is identified for protective services under s. 914.25, but is not certified to receive such services by the state attorney or statewide prosecutor, the identity and location information exempt pursuant to paragraphs (1)(a) and (b) becomes public information, unless otherwise provided by law.

(3) If a victim or witness is certified for protective services, information made confidential and exempt from public disclosure under paragraphs (1)(a) and (b) becomes public information, unless otherwise provided by law, at the time the certification made pursuant to s. 914.25 expires, unless the state attorney or statewide prosecutor making such certification complies with the provisions of subsection (4).

(4) The certifying state attorney or statewide prosecutor may state in writing to the Victim and Witness Protection Review Committee established pursuant to s. 914.26 that even though certification for participation in the victim or witness protection program is about to expire, disclosure of information made confidential and exempt by paragraph (1)(a) or paragraph (1)(b) continues to constitute an unwarranted risk to, or jeopardizes the safety of, victims, witnesses, or family members of such victims or witnesses. Accordingly, the confidential and exempt status of such information shall continue until the certifying state attorney or statewide prosecutor determines that disclosure of the information would not constitute an unwarranted risk to, or jeopardize the safety of, any person, and provides written notification to that effect to the Victim and Witness Protection Review Committee.

(5) For the purposes of effectively implementing s. 914.25, any state or local law enforcement agency, state attorney, or the statewide prosecutor may provide written notification to an agency as defined in s. 119.011 or to a business entity operating under contract with, licensed by, or having any other business relationship with an agency, or providing services pursuant to s. 914.25, that information described in subsection (1) held by that agency or business is confidential and exempt from public disclosure. The state or local law enforcement agency, state attorney, or the statewide prosecutor providing such written notification shall also provide written notification to the agency or business as to when, in accordance with this section, identity and location information exempted pursuant to paragraphs (1)(a) and (b) can be made publicly available.

This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2002, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that the exemptions provided for in this act are a public necessity. The untimely disclosure of identity and location information concerning a victim or witness, and their immediate families, or the disclosure of information revealing protection or relocation sites, techniques, or procedures, or the permanent relocation residence of a victim or witness or family member, would constitute an unwarranted risk to, and jeopardize the safety of, such victims, witnesses, and family members. This would significantly impair the administration of the victim and witness

protection program established pursuant to ss 914 25 and 914 26, Florida Statutes, and impede the investigation and prosecution of crime

Section 3 This act shall take effect on the same date that House Bill 35 or similar legislation providing for establishment of a victim and witness protection program takes effect, if such legislation is adopted in the same legislative session or an extension thereof

Became a law without the Governor's approval May 16, 1997.

Filed in Office Secretary of State May 12, 1997.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

Date March 31, 1997 Revised \_\_\_\_\_

Subject: Public Records Exemptions for Information Relating to Specified Crime Victims or Witnesses

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1	<u>Dugger</u>	<u>Miller</u>	<u>CJ</u>	<u>Fav/1 amendment</u>
2.	<u>Tinney</u>	<u>Wilson</u>	<u>GO</u>	<u>Favorable</u>
3	_____	_____	_____	_____
4.	_____	_____	_____	_____
5	_____	_____	_____	_____

I. Summary:

SB 174 creates a limited public records exemption for information held by various governmental entities, and in some cases the private sector, regarding the identity and location of a victim or witness who has been identified or certified for receipt of certain protection services. An exemption also is created for information held by these same entities which identifies relocation sites, techniques, or procedures used or developed to provide victim or witness protection. Additionally, under certain circumstances, the identity and permanent relocation site or residence of a victim, witness, or immediate family member of a victim or witness would be confidential and exempt.

The effective date of this bill is contingent upon the passage of SB 176, or similar legislation, which provides for the delivery of victim or witness protection services. The passage of SB 176 or similar legislation is the action that would generate the need to make victim or witness identity and location information confidential and exempt.

The bill creates section 914.27, Florida Statutes.

II. Present Situation:

Florida has a long history of providing public access to the meetings and records of governmental and other public entities. The first law affording access to public records was enacted by the Florida Legislature in 1909. The Public Records Law, ch. 119, F.S., and the Public Meetings Law, s. 286.011, F.S., specify the conditions under which public access must be provided to governmental records and meetings of the executive branch and other governmental agencies.

The Public Records Law states that, unless specifically exempted, all agency records are to be available for public inspection. The word "agency" is defined in the Public Records Law to mean any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency

Section 119 15, F S , the Open Government Sunset Review Act of 1995, provides for the repeal and prior legislative review of any public records or public meetings exemptions that are created or substantially amended in 1996 and subsequently. The law states that an exemption may be created or expanded only if the exemption

- 1) allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption,
- 2) protects information of a sensitive personal nature concerning individuals, the release of which would be defamatory or cause unwarranted damage to the good name or reputation of such individuals, or would jeopardize their safety, or
- 3) protects information of a confidential nature concerning entities, including, but not limited to, a formula, pattern, device, combination of devices, or compilation of information that is used to protect or further a business advantage over those who do not know or use it, the disclosure of which would injure the affected entity in the marketplace (See s 119 15(4)(b), F S )

Under s 24, Art I of the State Constitution, a bill that creates an exemption from a public records law must also contain a statement of public necessity that justifies the exemption. Additionally, a bill that contains an exemption may not contain other substantive provisions, although it may contain multiple exemptions that relate to one subject. (See s. 24(c), Art I of the State Constitution )

Section 119 07(3), F S , 1996 Supp , contains several specific exemptions from the public access requirements of the Public Records Law. For example, that section of law protects the confidentiality of specified criminal justice information, neshare records, agency employee social security numbers and other personal information, among many other exemptions. There are also exemptions for personal, identifying information associated with various classes of public employees. Information that would reveal the home address, telephone number, or photograph of an active or former law enforcement officer, is exempt. Similar information relating to judges, specified personnel of the Department of Children and Family Services and the Department of Revenue, municipal and county code enforcement officers, and state attorneys also is exempt.

Currently, "*active* criminal intelligence information" and "*active* criminal investigative information" are exempt from public disclosure as provided by s 119 07(3)(b), F S , 1996 Supp. "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 “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.

Criminal intelligence information and criminal investigative information does *not* include:

- The time, date, location, and nature of a reported crime
- The name, sex, age, and address of a person arrested or of the victim of a crime except as provided in s 119 07(3)(f), F S
- The time, date, and location of the incident and of the arrest
- The crime with which an alleged perpetrator is charged.
- Documents given or required by law or agency rule to be given to the person arrested, except as provided in s. 119 07(3)(f), F.S , and except that the court in a criminal case may order that certain information required by law or agency rule to be given to the person arrested be maintained in a confidential manner until released at trial if it is found that the release of such information would
  - (a) Be defamatory to the good name of a victim or witness or would jeopardize the safety of such victim or witness, and
  - (b) Impair the ability of a state attorney to locate or prosecute a codefendant
- Information and indictments except as provided in s 905 26, F S

Criminal intelligence information is considered “*active*” as long as it is related to intelligence-gathering activities conducted with a reasonable, good faith belief that the activities will lead to detection of ongoing or reasonably anticipated criminal activities “Criminal investigative information” is considered “*active*” by law as long as it is related to an ongoing investigation which is continuing with a reasonable, good faith anticipation of securing an arrest or prosecution in the foreseeable future (s 119 011(3), F S , 1996 Supp )

A “criminal justice agency” means any law enforcement agency, court, or prosecutor. The term also includes any other agency charged by law with criminal law enforcement duties, or 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 (RICO) 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. The term also includes the Department of Corrections (s 119 011(4), F S , 1996 Supp )

In addition, the law specifies that any criminal intelligence information or criminal investigative information including the photograph, name, address, or other fact or information which reveals



the identity of the victim of the crime of sexual battery as defined in ch 794, F S , the identity of the victim of the crime of lewd, lascivious, or indecent assault upon or in the presence of a child, as defined in ch 800, F S , or the identity of the victim of the crime of child abuse as defined by ch. 827, F S , and any criminal intelligence information or criminal investigative information or other criminal record, including those portions of court records and court proceedings, which may reveal the identity of a person who is a victim of any sexual offense, including a sexual offense proscribed in chs 794, 800, or 827, F S , is exempt from public disclosure

Accordingly, those entities involved with the victim and witness protection services which would be provided pursuant to SB 176, if it passes, need specific exemptions to meet their needs. The exemptions should be for the scope and duration necessary to make their protective services program effective.

### **III. Effect of Proposed Changes:**

SB 174 would provide that information held by any state or local law enforcement agency, state attorney, the statewide prosecutor, the Victim and Witness Protection Review Committee, or the FDLE which would disclose the identity or location of a victim or witness who has been identified or certified for protection or relocation by the state attorney or statewide prosecutor pursuant to the victim and witness protection services under s 914.25, F S , would be confidential and exempt from public disclosure. Additionally, identity or location information of victim or witness family members would be confidential and exempt.

If a victim or witness is identified but not certified for protective services pursuant to s 914.25, F S , the identity and location information described above would be available for public inspection.

If a victim or witness is certified for protective services pursuant to s 914.25, F S , the person's identity and location would become publicly available when the certification expires, unless the certifying entity provides a written statement to the Victim and Witness Protection Review Committee stating that disclosure of such information would constitute an unwarranted risk to, or jeopardize the safety of victims, witnesses, or family members of such victims or witnesses. Accordingly, such information would remain confidential and exempt until the certifying entity determines that disclosure of such information would not constitute an unwarranted risk to, or jeopardize the safety of any person, and provides written notification to that effect to the Victim and Witness Protection Review Committee.

Additionally, this bill would make confidential and exempt relocation sites, techniques, or procedures utilized or developed as a result of the victim and witness protection services under s 914.25, F S , as well as information regarding the identity or relocation site of any victim, witness, or immediate family member of a victim or witness who has made a relocation of permanent residence because of the victim's or witness' involvement in the investigation or prosecution. This information would remain confidential and exempt.

The bill also would provide that any state or local law enforcement agency, state attorney, or the statewide prosecutor could provide written notification to other governmental agencies and to the private sector that information they possess should be held confidential and exempt if the information reveals identity or location information, relocation sites, techniques, or procedures, or permanent relocation information. The entity providing such notification would also be required to provide written notification as to when the identity or location information would become publicly available

Under the bill, confidential and exempt information could be shared by law enforcement agencies, state attorneys, and the statewide prosecutor to facilitate the protection or relocation services and to support the prosecution efforts of the state attorneys and the statewide prosecutor. Any information so shared would be required to remain confidential and exempt in the hands of any agency or entity to which the information is provided.

The bill would provide a public necessity statement justifying the newly created exemptions on the basis of protecting the safety of certain victims, witnesses, and their family members. These exemptions would be subject to the Open Government Sunset Review Act of 1995, and would repeal on October 2, 2002, unless reenacted by the Legislature.

The effective date of this bill would be contingent upon the passage of SB 176, or similar legislation, which would provide for the delivery of victim or witness protection services, which is what would generate the need to make victim or witness identity and location information confidential and exempt.

#### **IV. Constitutional Issues:**

##### **A Municipality/County Mandates Restrictions.**

None

##### **B Public Records/Open Meetings Issues**

SB 176 creates a limited public records exemption for information held by certain entities regarding the identity and location of a victim or witness who has been identified or certified for receipt of certain protection services. It also applies to information held by those entities which identifies relocation sites, techniques, or procedures used to provide this protection. SB 176 relates only to exemptions and the bill contains a statement of the public necessity that justifies the creation of the exemption. For these reasons, the bill appears to comply with the constitutional requirements under s. 24(c), Art. I, Florida Constitution.

##### **C Trust Funds Restrictions**

None

**V. Economic Impact and Fiscal Note:****A Tax/Fee Issues**

None

**B. Private Sector Impact**

None

**C. Government Sector Impact:**

None

**VI. Technical Deficiencies:**

None

**VII. Related Issues:**

SB 176, the companion to SB 174, provides for the delivery of victim and witness protection services. If the Legislature passes SB 176, any law enforcement agency, a state attorney, or the statewide prosecutor may identify, to the state attorney or statewide prosecutor having jurisdiction in a case, a victim or witness who is believed to be critical to certain state investigations or prosecutions and is at risk of harm by reason of those state criminal investigations or prosecutions.

If the state attorney or statewide prosecutor determines that the victim or witness is critical to a state investigation or prosecution involving certain serious felony offenses, the state attorney or statewide prosecutor may certify the victim or witness for special protection or temporary relocation services. Upon certification, the investigating agency, in conjunction with the certifying state attorney or statewide prosecutor, may provide appropriate witness protection services. Upon a finding by the state attorney or statewide prosecutor of a compelling need to temporarily relocate a victim or witness, the state attorney or statewide prosecutor shall notify the Department of Law Enforcement (FDLE). FDLE, in conjunction with the state attorney or statewide prosecutor and the investigating law enforcement agency, is required to coordinate a temporary relocation of the victim or witness.

Victim and witness protection services, including relocation, may be provided for up to 1 year or until the risks giving rise to the certification have diminished, whichever is sooner. The state attorney or statewide prosecutor may recertify a victim or witness for an additional period of up to 1 year if there remains a risk of harm as a result of extended criminal proceedings or by virtue of a retrial of one or more defendants.

The lead agency providing protective services may seek reimbursement from the Victim and Witness Protection Review Committee, which is created within the Florida Violent Crime Council. The committee is charged with developing criteria for the disbursement of reimbursement funds for protective services rendered and for the review and approval of requests for reimbursements.

The current exemption for active criminal intelligence and investigative information held by a criminal justice agency would possibly apply to the entities which would be involved in providing victim and witness protection services if SB 176 passes this session. This is because a criminal justice agency is defined to include any agency having custody of criminal intelligence information or criminal investigative information for the purpose of assisting law enforcement agencies.

Accordingly, pursuant to the active criminal intelligence and investigation exemptions, victim or witness information may be kept from a person arrested if it would jeopardize the victim or witness. Such victim or witness information would probably include location information if the victim or witness needed to be protected. However, when intelligence gathering activities and investigations are no longer active, victim and witness information not provided to the person arrested would become available. The definition of active is not related to the safety of the victim or witness.

Furthermore, the exemption in s. 119.07(3)(f), F.S., 1996 Supp., which covers all agencies, provides that criminal intelligence and investigative information—whether active or inactive—which reveals identifying information about victims only applies to victims of certain sexual crimes, and does not include witness protection. SB 176, if passed, would provide protective services to victims of more than just sexual battery crimes.

#### **VIII. Amendments:**

#1 by Criminal Justice Committee

Inserts in the contingent effective date language a technical reference to SB 176, the companion bill which provides for the delivery of victim and witness protection services.

STORAGE NAME h0181s1 go  
DATE March 31, 1997

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
GOVERNMENTAL OPERATIONS  
BILL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**BILL #** CS/HB 181  
**RELATING TO** Public Records/Victims/Witnesses  
**SPONSOR(S):** Committee on Governmental Operations, Representative Greene, Villalobos & others  
**STATUTE(S) AFFECTED:** Creates 914.27  
**COMPANION BILL(S)** SB 174(s), CS/HB 35(c), & CS/SB 176(c)  
**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE**  
(1) GOVERNMENTAL OPERATIONS YEAS 4 NAYS 0  
(2)  
(3)  
(4)  
(5)

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**I SUMMARY**

CS/HB 181 creates a limited public records exemption for information held by various governmental entities, and in some cases the private sector, regarding the identity and location of a victim or witness who has been identified or certified for receipt of certain protection services. Protection services include temporary relocation. CS/HB 181 creates a public records exemption for information held by various governmental entities, and in some cases the private sector, which identifies relocation sites, techniques, or procedures utilized or developed for the purposes of providing victim or witness protection. Additionally, under certain circumstances, the identity and permanent relocation site/residence of a victim, witness, or immediate family member of a victim or witness is made confidential and exempt.

CS/HB 181 provides that these exemptions are subject to the Open Government Sunset Review Act of 1995, and will repeal on October 2, 2002, unless otherwise reviewed and reenacted by the Legislature.

CS/HB 181 does not appear to have a fiscal impact on state or local governments.

## II SUBSTANTIVE ANALYSIS.

### A. PRESENT SITUATION.

#### Public Records Law

Article I, s 24, Florida Constitution, expresses Florida's public policy regarding access to government records in providing that

(a) Every person has the right to inspect or copy any public records made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this Constitution. This section specifically includes the legislative, executive, and judicial branches of government and each agency or department created thereunder; counties, municipalities, and districts, and each constitutional officer, board, and commission, or entity created pursuant to law or this Constitution.

Article I, s 24, Florida Constitution, does, however, permit the Legislature to provide by general law for the exemption of records from the requirements of s 24. The general law exempting the records must state with specificity the public necessity justifying the exemption and can be no broader than necessary to accomplish the stated purpose of the law.

Public policy regarding access to government records is also addressed in the Florida Statutes. Section 119.07, F S , provides

Every person who has custody of a public record shall permit the record to be inspected and examined by any person desiring to do so, at a reasonable time, under reasonable conditions, and under supervision by the custodian of the public record or the custodian's designee.

Section 119.15, F S , provides that an exemption may be created or maintained only if it serves an identifiable public purpose and may be no broader than is necessary to meet the public purpose it serves. An identifiable public purpose is served if the exemption meets one of the following purposes and the Legislature finds that the purpose is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exemption:

1. Allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption,
2. Protects information of a sensitive personal nature concerning individuals, the release of which information would be defamatory to such individuals or cause unwarranted damage to the good name or reputation of such individuals or would jeopardize the safety of such individuals. However, in exemptions under this subparagraph, only information that would identify the individuals may be exempted; or

3. Protects information of a confidential nature concerning entities, including, but not limited to, a formula, pattern, device, combination of devices, or compilation of information which is used to protect or further a business advantage over those who do not know or use it, the disclosure of which information would injure the affected entity in the marketplace.

### Victim and Witness Protection Services

CS/HB 35, the companion bill to CS/HB 181, provides for the delivery of victim and witness protection services. Any law enforcement agency, a state attorney, or the statewide prosecutor may identify, to the state attorney or statewide prosecutor having jurisdiction in a case, a victim or witness who is believed to be critical to a state investigation or prosecution and is at risk of harm by reason of that state criminal investigation or prosecution.

If the state attorney or statewide prosecutor determines that the victim or witness is critical to a state investigation or prosecution, the state attorney or statewide prosecutor may certify the victim or witness for special protection or temporary relocation services. Upon certification, the investigating agency, in conjunction with the certifying state attorney or statewide prosecutor, may provide appropriate witness protection services. Upon a finding by the state attorney or statewide prosecutor of a compelling need to temporarily relocate a victim or witness, the state attorney or statewide prosecutor must notify the Department of Law Enforcement. The Department of Law Enforcement, in consultation with the state attorney or statewide prosecutor and the investigating law enforcement agency, are required to coordinate a temporary relocation of the victim or witness.

Victim and witness protection services, including relocation, may be provided for up to 1 year or until the risks giving rise to the certification have diminished, whichever is sooner. The state attorney or statewide prosecutor may recertify a victim or witness at risk of harm for an additional period of up to 1 year.

The lead agency providing protective services may seek reimbursement from the Victim and Witness Protection Review Committee. The Victim and Witness Protection Review Committee is created within the Florida Violent Crime Council. Its membership is to consist of a state attorney or the statewide prosecutor, a sheriff, a chief of police, and the designee of the executive director of the Department of Law Enforcement. The committee must be appointed by the chair of the council, upon the advice of the executive director of the Department of Law Enforcement, from the membership of the council. The Victim and Witness Protection Review Committee is charged with developing criteria for the disbursement of reimbursement funds for protective services rendered and for the review and approval of requests for reimbursements.

### Current Law Regarding Victim and Witness Protection

Currently "active criminal intelligence information" and "active criminal investigative information" are exempt from public disclosure pursuant to s. 119.07(3)(b), F.S. "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. "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

"Criminal intelligence information" and "criminal investigative information" do **not** include:

- 1 The time, date, location, and nature of a reported crime
2. The **name**, sex, age, and **address** of a person arrested or of the **victim of a crime except as provided in s. 119.07(3)(f)**.
- 3 The time, date, and location of the incident and of the arrest.
- 4 The crime charged
- 5 Documents given or required by law or agency rule to be given to the person arrested, except as provided in s 119.07(3)(f), and except that the court in a criminal case may order that certain information required by law or agency rule to be given to the person arrested be maintained in a confidential manner .. until released at trial if it is found that the release of such information would
  - a **Be defamatory to the good name of a victim or witness or would jeopardize the safety of such victim or witness;** and
  - b Impair the ability of a state attorney to locate or prosecute a codefendant
- 6 Informations and indictments except as provided in s 905.26 s 119 011(3), F S

Criminal intelligence information is considered "*active*" as long as it is related to intelligence gathering conducted with a reasonable, good faith belief that it will lead to detection of ongoing or reasonably anticipated criminal activities. "Criminal investigative information" is considered "*active*" as long as it is related to an ongoing investigation which is continuing with a reasonable, good faith anticipation of securing an arrest or prosecution in the foreseeable future s 119 011(3)(d), F S

A "**criminal justice agency**" means any law enforcement agency, court, or prosecutor. The term also includes any other agency charged by law with criminal law enforcement duties, or 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. The term also includes the Department of Corrections s 119.011(4), F S

Section 119 07(3)(f), F S , provides that any criminal intelligence information or criminal investigative information including the photograph, name, address, or other fact or information which reveals the identity of the victim of the crime of sexual battery as defined in ch 794, F S , the identity of the victim of the crime of lewd, lascivious, or indecent assault upon or in the presence of a child, as defined in ch 800, F.S , or the identity of the victim of the crime of child abuse as defined by ch 827, F.S , and any criminal intelligence information or criminal investigative information or other criminal record, including those portions of court records and court proceedings, which may



reveal the identity of a person who is a victim of any sexual offense, including a sexual offense proscribed in chs. 794, 800, or 827, F S , is exempt from public disclosure.

Section 92.56, F S , provides that, under certain circumstances, court records, including testimony from witnesses, that reveal the photograph, name, or address of the victim of certain alleged offenses are confidential and exempt

Section 119.105, F S , provides that police reports are public records, except as otherwise made exempt or confidential by general or special law. No person who inspects or copies police reports for the purpose of obtaining names and addresses of victims shall use any such information for commercial solicitation of victims or relatives of victims. This section also states that nothing shall prohibit the publication of such information by the news media

Section 119.07(3)(s), F S , provides that any document which reveals the identity, home or employment telephone number, home or employment address, or personal assets of the victim of a crime and identifies that person as the victim of a crime, which document is received by any agency that regularly receives information from or concerning the victims of crime, is exempt from public disclosure. This section further states that any information not otherwise held confidential or exempt "from the provisions of subsection (1) which reveal the home or employment address, or personal assets of a person who has been the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence" is exempt, if the victim so requests in writing. The written request must include official verification that an applicable crime occurred. Such information ceases to be exempt 5 years after the receipt of the written request. Furthermore, any state or federal agency which is authorized to have access to such documents by any provision of law must be granted such access in the furtherance of such agency's statutory duties

Section 945.10, F S , provides, in part, that information held by the Department of Corrections, which if released would jeopardize a person's safety, or concerns a victim's statement and identity, is confidential and exempt.

Section 960.28, F.S., provides, in part, that information received or maintained by the Department of Legal Affairs identifying an alleged victim who seeks payment of medical expenses (under s. 960.28, F S ) is confidential and exempt.

Section 794.03, F.S., provides that identifying information regarding the victim of any sexual offense identified within ch. 794, F S , is confidential and exempt. The portion of that section mandating criminal sanctions for identifying a victim of a sexual offense in any instrument of mass communication was held unconstitutional. *State v. Globe Communications Corp.*, 648 So. 2d 110, 112 (Fla. 1994) ("If a newspaper lawfully obtains truthful information about a matter of public significance then state officials may not constitutionally punish publication of the information.")

The current exemption for active criminal intelligence and investigative information held by a criminal justice agency would possibly apply to the entities involved in providing victim and witness protection services envisioned by HB 35. This is because a criminal justice agency is defined to include any agency having custody of criminal intelligence information or criminal investigative information for the purpose of assisting law enforcement agencies. Accordingly, pursuant to the active criminal intelligence and

investigation exemptions, victim or witness information may be kept from a "person arrested" if it would jeopardize the victim or witness (but apparently anybody else can get that information, including the best friend of the person arrested). Such victim or witness information would probably include location information if the victim or witness needed to be protected. However, when intelligence gathering and investigations are no longer "active" victim and witness information not provided to the person arrested, would become available. The definition of "active" is not keyed to the safety of the victim or witness.

Furthermore, the exemption in 119 07(3)(f), F S , which runs to all agencies provides that criminal intelligence and investigative information (whether active or inactive) which reveals identifying information about victims, only applies to victims of certain sexual crimes, and does not include witness protection. HB 35 envisions providing protective services to victims of more than just sexual battery crimes, and envisions protecting witnesses.

Accordingly, those entities involved with the victim and witness protection services to be provided pursuant to HB 35 need specific exemptions to meet their needs. The exemptions must be for the scope and duration necessary to make their protective services program effective.

## B EFFECT OF PROPOSED CHANGES:

CS/HB 181 provides that information held by any state or local law enforcement agency, state attorney, the statewide prosecutor, the Victim and Witness Protection Committee, or the Department of Law Enforcement which discloses the identity or location of a victim or witness who has been identified or certified for protection or relocation by the state attorney or statewide prosecutor pursuant to the victim and witness protection services afforded by s 914 25, F S , is confidential and exempt from public disclosure. Additionally, identity or location information of victim or witness family members is confidential and exempt.

If a victim or witness is identified but not certified for protective services pursuant to s 914 25, F S., the identity and location information described above becomes publicly available.

If a victim or witness is certified for protective services pursuant to s. 914 25, F.S., the above-described identity and location information becomes publicly available when the certification expires, unless the certifying entity provides a written statement to the Victim and Witness Protection Review Committee stating that disclosure of such information would constitute an unwarranted risk to, or jeopardize the safety of victims, witnesses, or family members of such victims or witnesses. Accordingly, such information remains confidential and exempt until the certifying entity determines that disclosure of such information would not constitute an unwarranted risk to, or jeopardize the safety of any person, and provides written notification to that effect to the Victim and Witness Protection Review Committee.

Additionally, CS/HB 181 makes confidential and exempt relocation sites, techniques, or procedures utilized or developed as a result of the victim and witness protection services afforded by s 914 25, F S , as well as information regarding the identity or relocation site of any victim, witness, or immediate family member of a victim or witness who has

made a relocation of permanent residence by reason of the victim's or witness' involvement in the investigation or prosecution giving rise to certification for protection or relocation pursuant to s 914.25, F.S. The information discussed in this paragraph remains confidential and exempt

CS/HB 181 also provides that, for the purposes of effectively implementing the victim and witness protection services afforded by s 914.25, any state or local law enforcement agency, state attorney, or the statewide prosecutor may provide written notification to other governmental agencies and to the private sector that information they possess should be held confidential and exempt in that it reveals identity or location information; relocation sites, techniques, or procedures; or permanent relocation information. The entity which provides such notification must also provide written notification as to when the identity or location information is to become publicly available (in accordance with the provisions of the act). Relocation sites, techniques, or procedures and permanent relocation information remains confidential and exempt. If sites, techniques, and procedures used were not kept exempt those seeking to do harm to victims or witnesses could easily sabotage any protections provided. Revealing permanent relocation information regarding a victim, witness, or family member would clearly jeopardize their continued safety

CS/HB 181 also provides that the information made confidential and exempt may be shared by law enforcement agencies, state attorneys, and the statewide prosecutor to facilitate the protection or relocation services and to support the prosecution efforts of the state attorneys and the statewide prosecutor. Any information so shared must remain confidential and exempt in the hands of any agency or entity to which the information is provided

## C APPLICATION OF PRINCIPLES:

### 1. Less Government

a Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Yes. Certain information held by any state or local law enforcement agency, state attorney, the statewide prosecutor, and the Victim and Witness Protection Review Committee regarding victims and witnesses must be held confidential and exempt from public disclosure.

(3) any entitlement to a government service or benefit?

No

b If an agency or program is eliminated or reduced:

An agency or program is not eliminated or reduced

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2 Lower Taxes

a. Does the bill increase anyone's taxes?

No

b Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No

3. Personal Responsibility

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

This bill does not reduce or eliminate an entitlement to government services or subsidies

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No

5. Family Empowerment.

- a. If the bill purports to provide services to families or children.

This bill does not purport to provide services to families or children.

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b Does the bill directly affect the legal rights and obligations between family members?

No.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority

N/A

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

#### D SECTION-BY-SECTION ANALYSIS.

Section 1 -- Creates s. 914.27, F S , which provides an exemption from the public records law for information held by various governmental entities, and in some cases the private sector, regarding the identity or location of a victim or witness identified or certified for protection or relocation pursuant to s 914 25, F S , and the location of immediate family members of such victim or witness, provides for the termination of such exemption Provides that relocation sites, techniques, or procedures and permanent residential relocation sites are confidential and exempt Provides that these exemptions are subject to the Open Government Sunset Review Act of 1995, and will repeal on October 2, 2002, unless otherwise reviewed and reenacted by the Legislature.

Section 2 -- Provides a public necessity statement for the exemption discussed above in section 1

Section 3 -- Provides a contingent effective date

### III FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS.

1 Non-recurring Effects.

None.

2 Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None

4. Total Revenues and Expenditures:

None.

B FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE

1 Non-recurring Effects

None.

2 Recurring Effects.

None

3 Long Run Effects Other Than Normal Growth:

None

C DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR.

1. Direct Private Sector Costs

None.

2 Direct Private Sector Benefits

None

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS.

None.

IV CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds

B REDUCTION OF REVENUE RAISING AUTHORITY

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES.

This bill does not reduce the percentage of a state tax shared with counties or municipalities

V. COMMENTS:

The provisions of this bill were before the Legislature in 1996 as CS/HB 2681. CS/HB 2681 was passed by the Committee on Governmental Operations but died in the House Committee on Rules & Calendar

VI AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES

The House Committee on Governmental Operations, on March 31, 1997, adopted a technical amendment to HB 181 which tied the effective date to the passage of HB 35. The bill and amendment were favorably reported out as a committee substitute



**STORAGE NAME:** h0181s1 go

**DATE** March 31, 1997

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VII. SIGNATURES

COMMITTEE ON GOVERNMENTAL OPERATIONS

Prepared by

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