

**IN THE COURTS OF THE FIRST JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA**

ADMINISTRATIVE ORDER NO. 1996-05

IN RE: RECORDS

**DISCLOSURE OF IDENTIFYING INFORMATION
SECTION 794.024, *FLORIDA STATUTES***

WHEREAS, the above referenced statute became effective October 1, 1995, and states as follows:

794.024 Unlawful to disclose identifying information –

- (1) A public employee or officer who has access to the photograph, name, or address of a person who is alleged to be the victim of an offense described in this chapter, Chapter 800, §827.03, §827.04, or §827.071 may not willfully and knowingly disclose it to a person who is not assisting in the investigation or prosecution of the alleged offense or to any person other than the defendant, the defendant's attorney, or a person specified in an order entered by the court having jurisdiction of the alleged offense, or to organizations authorized to receive such information pursuant to §119.07(3)(h).
- (2) A violation of subsection (1) constitutes a misdemeanor of the second degree, punishable as provided in §775.082 or §775.083.;

WHEREAS, without an order of the court having jurisdiction of the described offenses as described in this statute, it would be impossible to properly investigate and prosecute these offenses or to properly defend anyone charged with committing these particular criminal offenses. A strict reading of this statute would criminalize the disclosure of these certain crime victims' names by any law enforcement officer, any assistant state attorney or staff member of that office, any assistant public defender or staff member of that office, any privately retained defense counsel or any clerk of the court, or to any of the following groups or individuals:

Probation, Pretrial Diversion, Pretrial Release, Pretrial Intervention, Department of Corrections, law enforcement agencies not investigating the crime, Emergency Medical Services, Health and Rehabilitative Services, Child Protection Team, medical doctors, teachers, relatives and friends of the victim, relatives and friends of the defendant in these cases, judges, grand jurors, petit jurors, members of the jury venire, clerks and deputy clerks, guardians ad litem, attorneys ad litem, court security officers, any potential witnesses and spectators, as allowed by law, in the courtroom; and

WHEREAS, to provide for the proper and efficient allocation of judicial resources and to ensure compliance with this statute, a circuit-wide order would be appropriate, it is, therefore,

ORDERED:

1. That all public employees or officers and privately retained defense counsel that have access to the photograph, name, or address of a person who is alleged to be the victim of an offense described in Chapter 794 or 800, §827.03, §827.04, or §827.071, *Florida Statutes*, may disclose it to anyone reasonably associated with the investigation, prosecution or defense of these cases including, but not limited to, the following individuals or groups:

Probation, Pretrial Diversion, Pretrial Release, Pretrial Intervention, Department of Corrections, law enforcement agencies not investigating the crime, Emergency Medical Services, Health and Rehabilitative Services, Child Protection Team, medical doctors, teachers, relatives and friends of the victim, relatives and friends of the defendant in these cases, judges, grand jurors, petit jurors, members of the jury venire, clerks and deputy clerks, guardians ad litem, attorneys ad litem, court security officers, any potential witnesses and spectators, as allowed by law, in the courtroom.

2. That pursuant to this administrative order there shall be no necessity of the courts in the First Judicial Circuit to enter any further orders authorizing disclosure of this information to others pursuant to §794.024, *Florida Statutes*.

3. This Administrative Order shall take effect immediately.

DONE AND ORDERED in chambers at Pensacola, Escambia County, Florida, this 10th day of January, 1996.

Signed by: John P. Kuder, Chief Judge

All Circuit Court Judges, First Judicial Circuit
All County Court Judges, First Judicial Circuit
All Clerks of Court, First Judicial Circuit
Honorable Curtis Golden, State Attorney
Honorable Jack Behr, Public Defender
Wayne Peacock, Court Administrator
John Trawick, Esquire (Law Clerk)