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LEGISLATIVE ACTION

Senate

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House

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The Committee on Governmental Oversight and Accountability  
(Bean) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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

(2) AGENCY INVESTIGATIONS.—

(q)1. As used in this paragraph, the term "postconviction



216858

11 reinvestigative information” means information compiled by a  
12 state attorney, or any other criminal justice agency at the  
13 request of the state attorney, for the purpose of making an  
14 evidence-based determination as to whether a person is innocent  
15 of a crime for which he or she was convicted.

16 2. Postconviction reinvestigative information is exempt  
17 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution  
18 if it is related to an ongoing, good faith investigation of a  
19 claim of actual innocence and remains exempt until the claim is  
20 no longer capable of further reasonable investigation or the  
21 relief sought is granted. This paragraph is subject to the Open  
22 Government Sunset Review Act in accordance with s. 119.15 and  
23 shall stand repealed on October 2, 2025, unless reviewed and  
24 saved from repeal through reenactment by the Legislature.

25 Section 2. The Legislature finds that it is a public  
26 necessity that postconviction reinvestigative information be  
27 made exempt from s. 119.07(1), Florida Statutes, and s. 24(a),  
28 Article I of the State Constitution if it is related to an  
29 ongoing, good faith investigation of a claim of actual innocence  
30 and remains exempt until the claim is no longer capable of  
31 further reasonable investigation or the relief sought is  
32 granted. Public release of postconviction reinvestigative  
33 information could result in the disclosure of sensitive  
34 information, such as the identity or location of an alternate  
35 suspect, a witness, or other evidence needed to exonerate a  
36 wrongfully convicted person, which could compromise the  
37 reinvestigation of a wrongfully convicted person’s case. The  
38 Legislature further finds that it is necessary to protect this  
39 information in order to encourage witnesses, who might otherwise



216858

40 be reluctant to come forward, to be forthcoming with evidence of  
41 a crime. It is in the interest of pursuing justice for persons  
42 who may have been wrongfully convicted that all postconviction  
43 reinvestigative information be protected until investigation of  
44 the claim of actual innocence is concluded. The Legislature  
45 finds that the harm that may result from the release of such  
46 information outweighs any public benefit that may be derived  
47 from its disclosure, and it is in the interest of the public to  
48 safeguard, preserve, and protect information relating to a claim  
49 of actual innocence by a person who may have been convicted of a  
50 crime he or she did not commit.

51 Section 3. This act shall take effect July 1, 2020.

52  
53 ===== T I T L E A M E N D M E N T =====

54 And the title is amended as follows:

55 Delete everything before the enacting clause  
56 and insert:

57 A bill to be entitled  
58 An act relating to public records; amending s.  
59 119.071, F.S.; defining the term "postconviction  
60 reinvestigative information"; providing an exemption  
61 from public records requirements for certain  
62 postconviction reinvestigative information; providing  
63 for future review and repeal of the exemption;  
64 providing a statement of public necessity; providing  
65 an effective date.