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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/10/2020	.	
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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



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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23 shall stand repealed on October 2, 2025, unless reviewed and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



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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.