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LEGISLATIVE ACTION

Senate

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House

The Committee on Criminal Justice (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 other criminal justice agency at the request
13 of the state attorney for the purpose of making an evidence-
14 based determination as to whether an identifiable person,
15 identifiable persons, or a group of identifiable persons is
16 innocent of the crime or crimes that he, she, or they have been
17 convicted of committing.

18 2. Postconviction reinvestigative information is
19 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
20 of the State Constitution when it is related to an ongoing, good
21 faith investigation of a claim of actual innocence until the
22 claim is no longer capable of further reasonable investigation
23 or the relief sought is granted. This paragraph is subject to
24 the Open Government Sunset Review Act in accordance with s.
25 119.15 and shall stand repealed on October 2, 2025, unless
26 reviewed and saved from repeal through reenactment by the
27 Legislature.

28 Section 2. The Legislature finds that it is a public
29 necessity that postconviction reinvestigative information be
30 made confidential and exempt from s. 119.07(1), Florida
31 Statutes, and s. 24(a), Article I of the State Constitution. The
32 Legislature further finds that the information compiled by a
33 state attorney's office, or another criminal justice agency upon
34 the request of a state attorney, for the purpose of making an
35 evidence-based determination as to whether an identifiable
36 person or group of persons is innocent of the crime or crimes
37 that he, she, or they have been convicted of committing be made
38 confidential and exempt from s. 119.07(1), Florida Statutes, and
39 s. 24(a), Article I of the State Constitution. The Legislature



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40 recognizes that it is in the public interest to safeguard,
41 preserve, and protect information related to a claim of actual
42 innocence by a person who may have been convicted of a crime or
43 crimes that he, she, or they did not commit. It is necessary to
44 protect this information in order to encourage witnesses, who
45 might otherwise be reluctant to come forward, to be forthcoming
46 with evidence of a crime or crimes. Further, the information
47 compiled during the reinvestigation could reveal the identity of
48 the person or persons who actually committed the crime or crimes
49 which have been identified as the perpetrator or perpetrators.
50 It is in the interest of the pursuit of justice that all
51 postconviction reinvestigation information be protected until
52 such investigation is concluded.

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

54
55 ===== T I T L E A M E N D M E N T =====

56 And the title is amended as follows:

57 Delete everything before the enacting clause
58 and insert:

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