

By the Committee on Criminal Justice; and Senator Bean

591-02752-20

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.071, F.S.; defining the term "postconviction
4 reinvestigative information"; providing an exemption
5 from public records requirements for certain
6 postconviction reinvestigative information; providing
7 for future review and repeal of the exemption;
8 providing a statement of public necessity; providing
9 an effective date.

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

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

15 119.071 General exemptions from inspection or copying of
16 public records.—

17 (2) AGENCY INVESTIGATIONS.—

18 (q)1. As used in this paragraph, the term "postconviction
19 reinvestigative information" means information compiled by a
20 state attorney or other criminal justice agency at the request
21 of the state attorney for the purpose of making an evidence-
22 based determination as to whether an identifiable person,
23 identifiable persons, or a group of identifiable persons is
24 innocent of the crime or crimes that he, she, or they have been
25 convicted of committing.

26 2. Postconviction reinvestigative information is
27 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
28 of the State Constitution when it is related to an ongoing, good
29 faith investigation of a claim of actual innocence until the

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30 claim is no longer capable of further reasonable investigation
31 or the relief sought is granted. This paragraph is subject to
32 the Open Government Sunset Review Act in accordance with s.
33 119.15 and shall stand repealed on October 2, 2025, unless
34 reviewed and saved from repeal through reenactment by the
35 Legislature.

36 Section 2. The Legislature finds that it is a public
37 necessity that postconviction reinvestigative information be
38 made confidential and exempt from s. 119.07(1), Florida
39 Statutes, and s. 24(a), Article I of the State Constitution. The
40 Legislature further finds that the information compiled by a
41 state attorney's office, or another criminal justice agency upon
42 the request of a state attorney, for the purpose of making an
43 evidence-based determination as to whether an identifiable
44 person or group of persons is innocent of the crime or crimes
45 that he, she, or they have been convicted of committing be made
46 confidential and exempt from s. 119.07(1), Florida Statutes, and
47 s. 24(a), Article I of the State Constitution. The Legislature
48 recognizes that it is in the public interest to safeguard,
49 preserve, and protect information related to a claim of actual
50 innocence by a person who may have been convicted of a crime or
51 crimes that he, she, or they did not commit. It is necessary to
52 protect this information in order to encourage witnesses, who
53 might otherwise be reluctant to come forward, to be forthcoming
54 with evidence of a crime or crimes. Further, the information
55 compiled during the reinvestigation could reveal the identity of
56 the person or persons who actually committed the crime or crimes
57 which have been identified as the perpetrator or perpetrators.
58 It is in the interest of the pursuit of justice that all

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59 postconviction reinvestigation information be protected until
60 such investigation is concluded.

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