

By the Committees on Governmental Oversight and Accountability;
and Criminal Justice; and Senator Bean

585-03395-20

20201024c2

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 any other criminal justice agency at the
21 request of the state attorney, for the purpose of making an
22 evidence-based determination as to whether a person is innocent
23 of a crime for which he or she was convicted.

24 2. Postconviction reinvestigative information is exempt
25 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution
26 if it is related to an ongoing, good faith investigation of a
27 claim of actual innocence and remains exempt until the claim is
28 no longer capable of further reasonable investigation or the
29 relief sought is granted. This paragraph is subject to the Open

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30 Government Sunset Review Act in accordance with s. 119.15 and
31 shall stand repealed on October 2, 2025, unless reviewed and
32 saved from repeal through reenactment by the Legislature.

33 Section 2. The Legislature finds that it is a public
34 necessity that postconviction reinvestigative information be
35 made exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
36 Article I of the State Constitution if it is related to an
37 ongoing, good faith investigation of a claim of actual innocence
38 and remains exempt until the claim is no longer capable of
39 further reasonable investigation or the relief sought is
40 granted. Public release of postconviction reinvestigative
41 information could result in the disclosure of sensitive
42 information, such as the identity or location of an alternate
43 suspect, a witness, or other evidence needed to exonerate a
44 wrongfully convicted person, which could compromise the
45 reinvestigation of a wrongfully convicted person's case. The
46 Legislature further finds that it is necessary to protect this
47 information in order to encourage witnesses, who might otherwise
48 be reluctant to come forward, to be forthcoming with evidence of
49 a crime. It is in the interest of pursuing justice for persons
50 who may have been wrongfully convicted that all postconviction
51 reinvestigative information be protected until investigation of
52 the claim of actual innocence is concluded. The Legislature
53 finds that the harm that may result from the release of such
54 information outweighs any public benefit that may be derived
55 from its disclosure, and it is in the interest of the public to
56 safeguard, preserve, and protect information relating to a claim
57 of actual innocence by a person who may have been convicted of a
58 crime he or she did not commit.

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