

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>    </u>	

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1 Committee/Subcommittee hearing bill: Criminal Justice  
2 Subcommittee

3 Representative Byrd offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

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

9 119.071 General exemptions from inspection or copying of  
10 public records.-

11 (2) AGENCY INVESTIGATIONS.-

12 (q)1. As used in this paragraph, the term "postconviction  
13 reinvestigative information" means information compiled by a  
14 state attorney, or other criminal justice agency at the request  
15 of the state attorney, for the purpose of making an evidence-

Amendment No.

16 based determination as to whether a person is innocent of a  
17 crime for which he or she was convicted.

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25 shall stand repealed on October 2, 2025, unless reviewed and  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

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

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Amendment No.

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

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

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56 **T I T L E A M E N D M E N T**

57 Remove everything before the enacting clause and insert:

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