

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 a person is innocent of a
 23 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
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31 | shall stand repealed on October 2, 2025, unless reviewed and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 | Art. I of the State Constitution if it is related to an ongoing,
37 | good faith investigation of a claim of actual innocence and
38 | remains exempt until the claim is no longer capable of further
39 | reasonable investigation or the relief sought is granted. Public
40 | release of postconviction reinvestigative information could
41 | result in the disclosure of sensitive information, such as the
42 | identity or location of an alternate suspect, a witness, or
43 | other evidence needed to exonerate a wrongfully convicted
44 | person, which could compromise the reinvestigation of a
45 | wrongfully convicted person's case. The Legislature further
46 | finds that it is necessary to protect this information in order
47 | to encourage witnesses, who might otherwise be reluctant to come
48 | forward, to be forthcoming with evidence of a crime. It is in
49 | the interest of pursuing justice for persons who may have been
50 | wrongfully convicted that all postconviction reinvestigative

CS/HB 931

2020

51 information be protected until investigation of the claim of
52 actual innocence is concluded. The Legislature finds that the
53 harm that may result from the release of such information
54 outweighs any public benefit that may be derived from its
55 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.

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