

By Senator Bean

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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 terms "conviction
4 integrity unit" and "conviction integrity unit
5 reinvestigation information"; providing a public
6 records exemption for certain conviction integrity
7 unit reinvestigation information; providing for the
8 future review and repeal of the exemption; providing a
9 statement of public necessity; providing an effective
10 date.

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

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

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

18 (2) AGENCY INVESTIGATIONS.—

19 (q)1. As used in this paragraph, the term:

20 a. "Conviction integrity unit" means a unit within a state
21 attorney's office established for the purpose of reviewing
22 plausible claims of actual innocence.

23 b. "Conviction integrity unit reinvestigation information"
24 means information or materials generated during a new
25 investigation by a conviction integrity unit following the
26 unit's formal written acceptance of an applicant's case. The
27 term does not include:

28 (I) Information, materials, or records generated by a state
29 attorney's office during an investigation done for the purpose

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30 of responding to motions made pursuant to Rule 3.800, Rule
31 3.850, or Rule 3.853, Florida Rules of Criminal Procedure, or
32 any other collateral proceeding.

33 (II) Petitions by applicants to the conviction integrity
34 unit.

35 (III) Criminal investigative information generated before
36 the commencement of a conviction integrity unit investigation
37 which is not otherwise exempt from this section.

38 2. Conviction integrity unit reinvestigation information is
39 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
40 Constitution for a reasonable period of time during an active,
41 ongoing, and good faith investigation of a claim of actual
42 innocence in a case that previously resulted in the conviction
43 of the accused person and until the claim is no longer capable
44 of further investigation. This paragraph is subject to the Open
45 Government Sunset Review Act in accordance with s. 119.15 and
46 shall stand repealed on October 2, 2026, unless reviewed and
47 saved from repeal through reenactment by the Legislature.

48 Section 2. The Legislature finds that it is a public
49 necessity that conviction integrity unit reinvestigation
50 information be made exempt from s. 119.07(1), Florida Statutes,
51 and s. 24(a), Article I of the State Constitution for a
52 reasonable period of time during an active, ongoing, and good
53 faith investigation of a claim of actual innocence in a case
54 that previously resulted in the conviction of the accused person
55 and until the claim is no longer capable of further
56 investigation. Public release of conviction integrity unit
57 reinvestigation information could result in the disclosure of
58 sensitive information, such as the identity or location of an

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59 alternate suspect, a witness, or other evidence needed to
60 exonerate a wrongfully convicted person, which could compromise
61 the investigation of a wrongfully convicted person's case. The
62 Legislature further finds that it is necessary to protect this
63 information in order to encourage witnesses, who might otherwise
64 be reluctant to come forward, to be forthcoming with evidence of
65 a crime. It is in the interest of pursuing justice for persons
66 who may have been wrongfully convicted that all conviction
67 integrity unit reinvestigation information be protected until
68 investigation of the claim of actual innocence is no longer
69 capable of further investigation. The Legislature finds that the
70 harm that may result from the release of such information
71 outweighs any public benefit that may be derived from its
72 disclosure, and that it is in the interest of the public to
73 safeguard, preserve, and protect information relating to a claim
74 of actual innocence by a person who may have been convicted of a
75 crime that he or she did not commit.

76 Section 3. This act shall take effect July 1, 2021.