

By the Committee on Judiciary; and Senators Bean and Baxley

590-02599-21

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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 2 years during an active, ongoing, and good
41 faith investigation of a claim of actual innocence in a case
42 that previously resulted in the conviction of the accused person
43 and until the claim is no longer capable of further
44 investigation. This paragraph is subject to the Open Government
45 Sunset Review Act in accordance with s. 119.15 and shall stand
46 repealed on October 2, 2026, unless reviewed and saved from
47 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 2 years
52 during an active, ongoing, and good faith investigation of a
53 claim of actual innocence in a case that previously resulted in
54 the conviction of the accused person and until the claim is no
55 longer capable of further investigation. Public release of
56 conviction integrity unit reinvestigation information could
57 result in the disclosure of sensitive information, such as the
58 identity or location of an alternate suspect, a witness, or

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

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