12An act relating to public records; amending s.3119.071, F.S.; defining the terms "conviction4integrity unit" and "conviction integrity unit5reinvestigation information"; providing a public6records exemption for certain conviction integrity7unit reinvestigation information; providing for the869999999101112131415151619.071, Florida Statutes, to read:111919.071 General exemptions from inspection or copying of1919101. As used in this paragraph, the term:111214151619.071 General integrity unit" means a unit within a state119.071 General exemptions from inspection or copying of1919101. As used in this paragraph, the term:11121314151619.10.10.10.10.10.10.10.10.10.10.10.10.10.		20211048er
3 119.071, F.S.; defining the terms "conviction integrity unit" and "conviction integrity unit reinvestigation information"; providing a public records exemption for certain conviction integrity unit reinvestigation information; providing for the future review and repeal of the exemption; providing a statement of public necessity; providing an effective date. Be It Enacted by the Legislature of the State of Florida: Section 1. Paragraph (q) is added to subsection (2) of section 119.071, Florida Statutes, to read: 119.071 General exemptions from inspection or copying of public records (q) AGENCY INVESTIGATIONS (q11. As used in this paragraph, the term: a. "Conviction integrity unit" means a unit within a state attorney's office established for the purpose of reviewing plausible claims of actual innocence. b. "Conviction integrity unit reinvestigation information" means information or materials generated during a new investigation by a conviction integrity unit following the unit's formal written acceptance of an applicant's case. The term does not include:	1	
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25 <u>investigation by a conviction integrity unit following the</u> 26 <u>unit's formal written acceptance of an applicant's case. The</u> 27 <u>term does not include:</u>	23	b. "Conviction integrity unit reinvestigation information"
<pre>26 <u>unit's formal written acceptance of an applicant's case. The</u> 27 <u>term does not include:</u></pre>	24	means information or materials generated during a new
27 <u>term does not include:</u>	25	investigation by a conviction integrity unit following the
	26	unit's formal written acceptance of an applicant's case. The
28 (I) Information, materials, or records generated by a state	27	term does not include:
	28	(I) Information, materials, or records generated by a state
29 <u>attorney's office during an investigation done for the purpose</u>	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.

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