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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:

13  
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46 shall stand repealed on October 2, 2026, unless reviewed and  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.