

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>    </u>	

1 Committee/Subcommittee hearing bill: Criminal Justice & Public  
 2 Safety Subcommittee

3 Representative Gottlieb offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

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

9 119.071 General exemptions from inspection or copying of  
 10 public records.—

11 (2) AGENCY INVESTIGATIONS.—

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

13 a. "Conviction integrity unit" means a unit within a state  
 14 attorney's office established for the purpose of reviewing  
 15 plausible claims of actual innocence.

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16 b. "Conviction integrity unit reinvestigation information"  
17 means information or materials generated during a new  
18 investigation by a conviction integrity unit following the  
19 unit's formal written acceptance of an applicant's case. The  
20 term does not include:

21 (I) Information, materials, or records generated by a  
22 state attorney's office during an investigation done for the  
23 purpose of responding to motions made pursuant to Rule 3.800,  
24 Rule 3.850, or Rule 3.853, Florida Rules of Criminal Procedure,  
25 or any other collateral proceeding.

26 (II) Petitions by applicants to the conviction integrity  
27 unit.

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

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39 shall stand repealed on October 2, 2026, unless reviewed and  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

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41           Section 2. The Legislature finds that it is a public  
42 necessity that conviction integrity unit reinvestigation  
43 information be made exempt from s. 119.07(1), Florida Statutes,  
44 and s. 24(a), Article I of the State Constitution for a  
45 reasonable period of time during an active, ongoing, and good  
46 faith investigation of a claim of actual innocence in a case  
47 that previously resulted in the conviction of the accused person  
48 and until the claim is no longer capable of further  
49 investigation. Public release of conviction integrity unit  
50 reinvestigation information could result in the disclosure of  
51 sensitive information, such as the identity or location of an  
52 alternate suspect, a witness, or other evidence needed to  
53 exonerate a wrongfully convicted person, which could compromise  
54 the investigation of a wrongfully convicted person's case. The  
55 Legislature further finds that it is necessary to protect this  
56 information in order to encourage witnesses, who might otherwise  
57 be reluctant to come forward, to be forthcoming with evidence of  
58 a crime. It is in the interest of pursuing justice for persons  
59 who may have been wrongfully convicted that all conviction  
60 integrity unit reinvestigation information be protected until  
61 investigation of the claim of actual innocence is no longer  
62 capable of further investigation. The Legislature finds that the  
63 harm that may result from the release of such information  
64 outweighs any public benefit that may be derived from its  
65 disclosure, and that it is in the interest of the public to

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66 safeguard, preserve, and protect information relating to a claim  
67 of actual innocence by a person who may have been convicted of a  
68 crime that he or she did not commit.

69 Section 4. This act shall take effect July 1, 2021.

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72 **T I T L E A M E N D M E N T**

73 Remove lines 4-7 and insert:

74 integrity unit" and "conviction integrity unit reinvestigation  
75 information"; providing a public records exemption for certain  
76 conviction integrity unit reinvestigation information; providing  
77 for the