

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           unity 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.

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 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 use 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  
29 state attorney's office during investigation done for the  
30 purposes of responding to motions made pursuant to Rules 3.800,  
31 3.850, or 3.853, Florida Rules of Criminal Procedure, or any  
32 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 that is not otherwise exempt from this section.

38 2. Conviction integrity unit reinvestigation information  
39 is 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), Art. I of the State Constitution for a reasonable  
52 period of time during an active, ongoing, and good faith  
53 investigation of a claim of actual innocence in a case that  
54 previously resulted in the conviction of the accused person and  
55 until the claim is no longer capable of further investigation.  
56 Public release of conviction integrity unit reinvestigation  
57 information could result in the disclosure of sensitive  
58 information, such as the identity or location of an alternate  
59 suspect, a witness, or other evidence needed to exonerate a  
60 wrongfully convicted person, which could compromise the  
61 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 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 he or she did not commit.

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