

FLORIDA HOUSE OF REPRESENTATIVES

FINAL BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: HB 7003 PCB GOS 26-02 TITLE: OGSR/Conviction Integrity Unit Reinvestigation Information SPONSOR(S): Government Operations Subcommittee, Gentry	COMPANION BILL: SB 7004 LINKED BILLS: None RELATED BILLS: None
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FINAL HOUSE FLOOR ACTION: 106 Y's 0 N's **GOVERNOR'S ACTION:** Pending

SUMMARY

Effect of the Bill:

The bill saves from repeal the public record exemption for information generated by a state attorney's conviction integrity unit while it is reinvestigating the case of a previously convicted person to review plausible claims of actual innocence. The public record exemption will repeal on October 2, 2026, if the bill does not become law.

Fiscal or Economic Impact:

None.

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ANALYSIS

EFFECT OF THE BILL:

HB 7003 passed as [SB 7004](#).

The bill removes the scheduled repeal, created pursuant to the [Open Government Sunset Review Act](#), for the public record exemption for information generated by a state attorney's [conviction integrity unit](#) while it is reinvestigating the case of a previously convicted person to review plausible claims of actual innocence. The public record exemption will repeal on October 2, 2026, if the bill does not become law. (Section 1)

Subject to the Governor's veto powers, the effective date of the bill is upon becoming a law. (Section 2)

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Open Government Sunset Review Act

The Open Government Sunset Review Act (OGSR Act)¹ sets forth a legislative review process for newly created or substantially amended public record or public meeting exemptions. It requires an automatic repeal of the exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.²

The OGSR Act provides that a public record or public meeting exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than is necessary to meet one of the following purposes:

- Allow the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption.
- Protect sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision.

¹ S. [119.15, F.S.](#)

² S. [119.15\(3\), F.S.](#)

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- Protect trade or business secrets.³

If, and only if, in reenacting an exemption that will repeal, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required. If the exemption is reenacted with grammatical or stylistic changes that do not expand the exemption, if the exemption is narrowed, or if an exception to the exemption is created, then a public necessity statement and a two-thirds vote are not required.⁴

Criminal Investigative and Intelligence Information

Current law provides a public record exemption for “active criminal intelligence information”⁵ and “active criminal investigative information.”⁶ Criminal intelligence information is considered “active” if it relates to gathering intelligence with a reasonable, good faith belief that it will lead to detection of ongoing or reasonably anticipated criminal activities; whereas criminal investigative information is “active” if it relates to an ongoing investigation which is continued with a reasonable, good faith anticipation of securing an arrest or prosecution in the foreseeable future. If information in either category is directly related to a pending prosecution or an appeal, it is also considered “active.”⁷

Conviction Integrity Units

A conviction integrity unit (CIU) is an optional division that a state attorney may establish within his or her office for the purpose of reviewing the plausible claims of innocence of previously convicted persons.⁸ In 2024, the National Registry of Exonerations recorded 147 exonerations nationwide, of which 62 were secured by CIUs in various jurisdictions.⁹

State attorneys in six circuits have created CIUs:

- The Fourth Circuit (Duval, Clay, and Nassau Counties).¹⁰
- The Ninth Circuit (Orange and Osceola Counties).¹¹
- The Eleventh Circuit (Miami-Dade County).¹²
- The Thirteenth Circuit (Hillsborough County).¹³
- The Fifteenth Circuit (Palm Beach County).¹⁴
- The Seventeenth Circuit (Broward County).¹⁵

Each of the six CIUs follow similar procedures, including requiring a convicted person to meet certain criteria to receive more than an initial screening of his or her case. Some units also rely on an independent review panel of legal experts who review and evaluate cases alongside the CIU members. Once an application is approved, the CIU will conduct a thorough investigation into the applicant’s claims, interviewing witnesses, inspecting evidence,

³ S. [119.15\(6\)\(b\), F.S.](#)

⁴ [Art. I, s. 24\(c\), FLA. CONST.](#)

⁵ “Criminal intelligence information” means information with respect to an identifiable person or group of persons that is collected by a criminal justice agency in an effort to anticipate, prevent, or monitor criminal activity. [S. 119.011\(3\)\(a\), F.S.](#)

⁶ “Criminal investigative information” means information with respect to an identifiable person or group of persons that is compiled by a criminal justice agency in the course of conducting a criminal investigation, including, but not limited to, information derived from laboratory tests, reports of investigators or informants, or surveillance. [S. 119.011\(3\)\(b\), F.S.](#)

⁷ [S. 119.011\(3\)\(d\), F.S.](#)

⁸ [S. 119.071\(2\)\(q\)1.a., F.S.](#)

⁹ The National Registry of Exonerations, [Annual Report](#) (Apr. 2, 2025) (last visited Nov. 13, 2025).

¹⁰ Office of the State Attorney for the Fourth Judicial Circuit, [Conviction Integrity Review](#) (last visited Nov. 13, 2025).

¹¹ Office of the State Attorney for the Ninth Judicial Circuit, [Conviction Integrity Policy](#) (last visited Nov. 13, 2025).

¹² In 2003, the Eleventh Circuit State Attorney’s Office created the Justice Project, an office initially formed to review claims of innocence based on DNA evidence. The office has expanded its scope to review all plausible claims of innocence. *See* Office of the State Attorney for the Eleventh Judicial Circuit, [Justice Project](#) (last visited Nov. 13, 2025).

¹³ Office of the State Attorney for the Thirteenth Circuit, [Conviction Review Unit](#) (last visited Nov. 13, 2025).

¹⁴ Office of the State Attorney for the Fifteenth Circuit, [Conviction Review Unit](#) (last visited Nov. 13, 2025).

¹⁵ Office of the State Attorney for the Seventeenth Circuit, [Conviction Review Unit](#) (last visited Nov. 13, 2025).

reconstructing crime scenes, conducting DNA tests and other forensic tests, or consulting experts. If the CIU determines a plausible claim of actual innocence exists, the CIU will take steps to seek exoneration.

Public Record Exemption under Review

In 2021, the Legislature created a public record exemption for information or materials generated during an investigation by a CIU following the unit's formal written acceptance of an applicant's case. The investigation information is exempt during an active investigation of a claim of actual innocence and remains exempt until the claim is no longer capable of further investigation.¹⁶ Examples of exempted investigation information may include investigator reports, forensic reports, witness statements, or inventories of evidence. The exempted information does not include:

- Materials or records generated by a state attorney's office for the purpose of responding to Rule 3.800,¹⁷ Rule 3.850,¹⁸ or Rule 3.853¹⁹ motions;
- Petitions by applicants to CIUs; or
- Investigative information generated before a CIU's investigation, which is not otherwise exempt.²⁰

The 2021 public necessity statement²¹ provided that the release of the protected information "could result in the disclosure of sensitive information, such as the identity or location of an alternate suspect, a witness, or other evidence needed to exonerate a wrongfully convicted person, which could compromise the investigation of a wrongfully convicted person's case."²²

During the 2025 interim, House and Senate committee staff surveyed State Attorneys' offices concerning the public record exemption under review. Five state attorneys' offices responded that they had established CIUs. Among those five, none claimed to have had any issue interpreting the public record exemption, nor were any aware of any pending litigation stemming from the exemption. The five respondents collectively had, at the time of the survey, 259 pending applications from previously convicted persons requesting review by their CIUs. The respondents with CIUs unanimously recommended that the exemption be reenacted as is.

¹⁶ [S. 119.071\(2\)\(q\)2., F.S.](#)

¹⁷ A Rule 3.800 Motion is a request to the court to correct, reduce, or modify a sentence based upon a claim the original sentence was illegal or in error. See [Fla. R. Crim. P. 3.800](#).

¹⁸ A Rule 3.850 Motion is a request to the court to vacate, set aside, or correct a conviction or sentence based upon a claim of an illegal sentence, involuntary plea, ineffective assistance of counsel, newly discovered exculpatory evidence, or a violation of the defendant's constitutional rights. See [Fla. R. Crim. P. 3.850](#).

¹⁹ A Rule 3.853 Motion is a request to the court to allow postconviction DNA testing for the purpose of either proving the defendant's innocence or mitigating their sentence. See [Fla. R. Crim. P. 3.853](#).

²⁰ [S. 119.071\(2\)\(q\)1.b.\(I\)-\(III\), F.S.](#)

²¹ [Article I, s. 24\(c\), FLA. CONST.](#), requires each public record exemption to "state with specificity the public necessity justifying exemption."

²² [Ch. 2021-182, L.O.F.](#)