

By the Committee on Criminal Justice

591-01151-26

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A bill to be entitled
An act relating to a review under the Open Government
Sunset Review Act; amending s. 119.071, F.S., which
provides an exemption from public records requirements
for certain conviction integrity unit reinvestigation
information; abrogating the scheduled repeal of the
exemption; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

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

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

(2) AGENCY INVESTIGATIONS.—

(q)1. 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:

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

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30 (II) Petitions by applicants to the conviction integrity
31 unit.

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

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43 ~~shall stand repealed on October 2, 2026, unless reviewed and~~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

45 Section 2. This act shall take effect upon becoming a law.