

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.011, F.S.; expanding an existing public records
 4 exemption by redefining the term "active" to include
 5 an ongoing, good faith investigation of a case that
 6 previously resulted in the conviction of the accused
 7 person; providing for future review and repeal of the
 8 expanded exemption; providing for reversion of
 9 specified language if the exemption is not saved from
 10 repeal; providing a statement of public necessity;
 11 providing an effective date.

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 13 Be It Enacted by the Legislature of the State of Florida:
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15 Section 1. Paragraph (d) of subsection (3) of section
 16 119.011, Florida Statutes, is amended to read:

17 119.011 Definitions.—As used in this chapter, the term:
 18 (3)

19 (d) 1. ~~The word~~ "Active" shall have the following meaning:

20 a.1. Criminal intelligence information shall be considered
 21 "active" as long as it is related to intelligence gathering
 22 conducted with a reasonable, good faith belief that it will lead
 23 to detection of ongoing or reasonably anticipated criminal
 24 activities.

25 b.2. Criminal investigative information shall be

26 considered "active" as long as it is related to an ongoing
27 investigation that ~~which~~ is continuing with a reasonable, good
28 faith anticipation of securing an arrest or prosecution in the
29 foreseeable future, or as long as it is related to an ongoing,
30 good faith investigation of a claim of actual innocence in a
31 case that previously resulted in the conviction of the accused
32 person, and remains "active" until such time as the claim is no
33 longer capable of further reasonable investigation or the relief
34 sought is granted.

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36 In addition, criminal intelligence and criminal investigative
37 information shall be considered "active" while such information
38 is directly related to pending prosecutions, ~~or~~ appeals, or
39 investigations by a criminal justice agency of a criminal matter
40 that previously resulted in the conviction of the accused
41 person. The word "active" shall not apply to information in
42 cases that ~~which~~ are barred from prosecution under ~~the~~
43 ~~provisions of~~ s. 775.15 or other statute of limitation.

44 2. The expansion of the public records exemption under
45 this paragraph to include an ongoing, good faith investigation
46 of a case that previously resulted in the conviction of the
47 accused person is subject to the Open Government Sunset Review
48 Act in accordance with s. 119.15 and shall stand repealed on
49 October 2, 2025, unless reviewed and saved from repeal through
50 reenactment by the Legislature. If the expansion of the

51 exemption is not saved from repeal, this paragraph shall revert
52 to that in existence on June 30, 2020, except that any
53 amendments to this paragraph other than by this act must be
54 preserved and continue to operate to the extent that such
55 amendments are not dependent upon the portions of this paragraph
56 which expire pursuant to this subparagraph.

57 Section 2. The Legislature finds that it is a public
58 necessity to expand the definition of the term "active" in s.
59 119.011, Florida Statutes, to include criminal intelligence
60 information and criminal investigative information that is
61 related to an ongoing, good faith investigation of a matter that
62 previously resulted in the conviction of an accused person. This
63 change is necessary in the interest of safeguarding, preserving,
64 and protecting personal information relating to a claim of
65 actual innocence by a convicted person. This expansion is
66 critical to furthering criminal justice agency investigations
67 and the pursuit of justice.

68 Section 3. This act shall take effect July 1, 2020.