

CHAPTER 2015-99

House Bill No. 7061

An act relating to public records; amending s. 895.06, F.S.; providing an exemption from public records requirements for certain documents and information held by an investigative agency pursuant to an investigation relating to an activity prohibited under the Florida RICO Act; authorizing disclosure of such documents and information under certain conditions; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

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

Section 1. Subsection (7) is added to section 895.06, Florida Statutes, to read:

895.06 Civil investigative subpoenas; public records exemption.—

(7)(a) Information held by an investigative agency pursuant to an investigation of a violation of s. 895.03 is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(b) Information made confidential and exempt under paragraph (a) may be disclosed by the investigative agency to:

1. A government entity in the performance of its official duties.
2. A court or tribunal.

(c) Information made confidential and exempt under paragraph (a) is no longer confidential and exempt once all investigations to which the information pertains are completed, unless the information is otherwise protected by law.

(d) For purposes of this subsection, an investigation is considered complete once the investigative agency either files an action or closes its investigation without filing an action.

(e) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2020, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that the information held by an investigative agency pursuant to an investigation of a violation of s. 895.03, Florida Statutes, relating to an activity prohibited under the Florida RICO Act, be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. Because a Florida RICO Act investigation conducted by an investigative

agency may lead to the filing of a civil action, the premature release of the information held by such investigative agency could frustrate or thwart the investigation and impair the ability of the investigative agency to effectively and efficiently administer its duties under the Florida RICO Act, ss. 895.01-895.09, Florida Statutes. This exemption also protects the reputation of the potential defendant in the event that the investigation is closed without the filing of a civil action. Further, without this exemption, a potential defendant under the Florida RICO Act may learn of the investigation and dissipate his or her assets and thwart any future enforcement action under the act. Therefore, the Legislature finds that it is a public necessity that the documents and information held by the investigative agency pursuant to an investigation of a violation of s. 895.03, Florida Statutes, relating to an activity prohibited under the Florida RICO Act, be made confidential and exempt from public records requirements.

Section 3. This act shall take effect on July 1, 2015.

Approved by the Governor June 2, 2015.

Filed in Office Secretary of State June 2, 2015.