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HB 7061, Engrossed 1

2015 Legislature

1
2 An act relating to public records; amending s. 895.06,
3 F.S.; providing an exemption from public records
4 requirements for certain documents and information
5 held by an investigative agency pursuant to an
6 investigation relating to an activity prohibited under
7 the Florida RICO Act; authorizing disclosure of such
8 documents and information under certain conditions;
9 providing for future legislative review and repeal of
10 the exemption; providing a statement of public
11 necessity; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Subsection (7) is added to section 895.06,
16 Florida Statutes, to read:

17 895.06 Civil investigative subpoenas; public records
18 exemption.—

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

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

25 1. A government entity in the performance of its official
26 duties.



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27 | 2. A court or tribunal.

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

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

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37 | repealed on October 2, 2020, unless reviewed and saved from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

39 | Section 2. The Legislature finds that it is a public
40 | necessity that the information held by an investigative agency
41 | pursuant to an investigation of a violation of s. 895.03,
42 | Florida Statutes, relating to an activity prohibited under the
43 | Florida RICO Act, be made confidential and exempt from s.
44 | 119.07(1), Florida Statutes, and s. 24(a), Article I of the
45 | State Constitution. Because a Florida RICO Act investigation
46 | conducted by an investigative agency may lead to the filing of a
47 | civil action, the premature release of the information held by
48 | such investigative agency could frustrate or thwart the
49 | investigation and impair the ability of the investigative agency
50 | to effectively and efficiently administer its duties under the
51 | Florida RICO Act, ss. 895.01-895.09, Florida Statutes. This
52 | exemption also protects the reputation of the potential



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53 defendant in the event that the investigation is closed without
54 the filing of a civil action. Further, without this exemption, a
55 potential defendant under the Florida RICO Act may learn of the
56 investigation and dissipate his or her assets and thwart any
57 future enforcement action under the act. Therefore, the
58 Legislature finds that it is a public necessity that the
59 documents and information held by the investigative agency
60 pursuant to an investigation of a violation of s. 895.03,
61 Florida Statutes, relating to an activity prohibited under the
62 Florida RICO Act, be made confidential and exempt from public
63 records requirements.

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