

1                                   A bill to be entitled  
 2           An act relating to relating to public records;  
 3           amending s. 895.06, F.S.; providing that certain  
 4           documents and information held by an investigative  
 5           agency pursuant to an investigation relating to an  
 6           activity prohibited under the Florida RICO Act are  
 7           confidential and exempt; providing for legislative  
 8           review and repeal of the exemption under the Open  
 9           Government Sunset Review Act; providing exceptions to  
 10          the exemption; providing a statement of public  
 11          necessity; providing a contingent 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. Subsection (7) is added to section 895.06,  
 16   Florida Statutes, to read:

17           895.06 Civil investigative subpoenas.—

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

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

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

26           2. A court or tribunal.

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

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

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 36 repealed on October 2, 2020, unless reviewed and saved from  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

38 Section 2. The Legislature finds that it is a public  
 39 necessity that the information held by an investigative agency  
 40 pursuant to an investigation of a violation of s. 895.03,  
 41 Florida Statutes, relating to an activity prohibited under the  
 42 Florida RICO Act, be made confidential and exempt from public  
 43 records requirements. Because a Florida RICO Act investigation  
 44 conducted by an investigative agency may lead to the filing of a  
 45 civil action, the premature release of the information held by  
 46 such investigative agency could frustrate or thwart the  
 47 investigation and impair the ability of the investigative agency  
 48 to effectively and efficiently administer its duties under the  
 49 Florida RICO Act, ss. 895.01-895.09, Florida Statutes. This  
 50 exemption also protects the reputation of the potential  
 51 defendant in the event the investigation is closed without the  
 52 filing of a civil action. Further, without this exemption, a

53 potential defendant under the Florida RICO Act may learn of the  
54 investigation and dissipate his or her assets and thwart any  
55 future enforcement action under the act. Therefore, the  
56 Legislature finds that it is a public necessity that the  
57 documents and information held by the investigative agency  
58 pursuant to an investigation of a violation of s. 895.03,  
59 Florida Statutes, relating to an activity prohibited under the  
60 Florida RICO Act, be made confidential and exempt from public  
61 records requirements.

62       Section 3. This act shall take effect on the same date  
63 that HB \_\_\_\_ or similar legislation takes effect, if such  
64 legislation is enacted in the same legislative session or an  
65 extension thereof and becomes law.