



601734

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/30/2015	.	
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The Committee on Criminal Justice (Bradley) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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



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11 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
12 Constitution.

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

15 1. A government entity in the performance of its official  
16 duties.

17 2. A court or tribunal.

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

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

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27 repealed on October 2, 2020, unless reviewed and saved from  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

29 Section 2. The Legislature finds that it is a public  
30 necessity that the information held by an investigative agency  
31 pursuant to an investigation of a violation of s. 895.03,  
32 Florida Statutes, relating to an activity prohibited under the  
33 Florida RICO Act, be made confidential and exempt from s.  
34 119.07(1), Florida Statutes, and s. 24(a), Article I of the  
35 State Constitution. Because a Florida RICO Act investigation  
36 conducted by an investigative agency may lead to the filing of a  
37 civil action, the premature release of the information held by  
38 such investigative agency could frustrate or thwart the  
39 investigation and impair the ability of the investigative agency



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40 to effectively and efficiently administer its duties under the  
41 Florida RICO Act, ss. 895.01-895.09, Florida Statutes. This  
42 exemption also protects the reputation of the potential  
43 defendant in the event that the investigation is closed without  
44 the filing of a civil action. Further, without this exemption, a  
45 potential defendant under the Florida RICO Act may learn of the  
46 investigation and dissipate his or her assets and thwart any  
47 future enforcement action under the act. Therefore, the  
48 Legislature finds that it is a public necessity that the  
49 documents and information held by the investigative agency  
50 pursuant to an investigation of a violation of s. 895.03,  
51 Florida Statutes, relating to an activity prohibited under the  
52 Florida RICO Act, be made confidential and exempt from public  
53 records requirements.

54 Section 3. This act shall take effect on the same date that  
55 SB 1514 or similar legislation relating to offenses concerning  
56 racketeering and illegal debts takes effect, if such legislation  
57 is enacted in the same legislative session or an extension  
58 thereof and becomes law.

59 ===== T I T L E A M E N D M E N T =====

60 And the title is amended as follows:

61 Delete everything before the enacting clause  
62 and insert:

63 A bill to be entitled  
64 An act relating to public records; amending s. 895.06,  
65 F.S.; providing an exemption from public records  
66 requirements for certain documents and information  
67 held by an investigative agency pursuant to an  
68 investigation relating to an activity prohibited under



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69 the Florida RICO Act; authorizing disclosure of such  
70 documents and information under certain conditions;  
71 providing for future legislative review and repeal of  
72 the exemption; providing a statement of public  
73 necessity; providing a contingent effective date.