

1 A bill to be entitled
 2 An act relating to public records; creating s.
 3 559.7251, F.S.; providing an exemption from public
 4 records requirements for information collected in
 5 connection with investigations and examinations by the
 6 Office of Financial Regulation of the Department of
 7 Financial Services; providing for future legislative
 8 review and repeal of the exemption; providing a
 9 statement of public necessity; providing a contingent
 10 effective date.

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

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 14 Section 1. Section 559.7251, Florida Statutes, is created
 15 to read:

16 559.7251 Confidentiality of information relating to
 17 investigations and examinations.-

18 (1) (a) Except as otherwise provided by this section,
 19 information relative to an investigation or examination
 20 performed by the office pursuant to this chapter, including any
 21 consumer complaint received by the office, is confidential and
 22 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 23 Constitution until the investigation or examination is closed
 24 and no longer active. For purposes of this subsection, an
 25 investigation or examination is considered active if the office
 26 or a law enforcement or administrative agency is proceeding with

27 reasonable dispatch and has a reasonable good faith belief that
28 the investigation or examination may lead to the filing of an
29 administrative, civil, or criminal proceeding or to the denial
30 or conditional grant of a registration.

31 (b) This subsection does not prohibit the disclosure of
32 information that is filed with the office as a normal condition
33 of registration and which, but for the investigation or
34 examination, would be subject to s. 119.07(1) and s. 24(a), Art.
35 I of the State Constitution.

36 (c) Except as necessary for the office to enforce the
37 provisions of this chapter, a consumer complaint and other
38 information relative to an investigation or examination shall
39 remain confidential and exempt from s. 119.07(1) and s. 24(a),
40 Art. I of the State Constitution after the investigation or
41 examination is closed and no longer active to the extent that
42 disclosure would:

43 1. Jeopardize the integrity of another active
44 investigation or examination.

45 2. Reveal the name, address, telephone number, or personal
46 identification information of a complainant, customer, or
47 account holder.

48 3. Disclose the identity of a confidential source.

49 4. Disclose the investigative techniques or procedures.

50 5. Reveal a trade secret as defined in s. 688.002.

51 (d) This section does not prohibit the office from
52 providing confidential and exempt information to a law

53 enforcement agency, administrative agency, or regulatory
54 organization. A law enforcement agency, administrative agency,
55 or regulatory organization receiving confidential and exempt
56 information in connection with its official duties shall
57 maintain the confidentiality of the information that would
58 otherwise be confidential.

59 (g) If information subject to this subsection is offered
60 in evidence in any administrative, civil, or criminal
61 proceeding, the presiding officer may prevent the disclosure of
62 information that would be confidential pursuant to paragraph
63 (c).

64 (2) This section is subject to the Open Government Sunset
65 Review Act in accordance with s. 119.15 and shall stand repealed
66 on October 2, 2019, unless reviewed and saved from repeal
67 through reenactment by the Legislature.

68 Section 2. (1) The Legislature finds that it is a public
69 necessity to exempt from s. 119.07(1), Florida Statutes, and s.
70 24(a), Article I of the State Constitution all information
71 relative to active investigations and examinations conducted
72 pursuant to chapter 559, Florida Statutes, by the Office of
73 Financial Regulation of the Financial Services Commission,
74 including consumer complaints. Disclosure of such information
75 could be defamatory to the individual or entity under
76 investigation or examination and could cause unwarranted damage
77 to the name or reputation of the person or individual entity
78 that is the subject of the information, especially if the

79 information is inaccurate. Such information may include personal
80 financial information, which if available for public access,
81 could jeopardize the financial safety of the individual who is
82 the subject of the information. Furthermore, public access to
83 such information could significantly impair or compromise an
84 active investigation or examination by impeding the effective
85 and efficient operation of active investigatory and examination
86 functions.

87 (2) The Legislature finds that it is a public necessity
88 that consumer complaints and other information relative to
89 certain closed and inactive investigations and examinations
90 conducted pursuant to chapter 559, Florida Statutes, by the
91 Office of Financial Regulation of the Financial Services
92 Commission be held confidential and exempt from s. 119.07(1),
93 Florida Statutes, and s. 24(a), Article I of the State
94 Constitution to the extent that disclosure would jeopardize
95 other investigations or reveal information that should remain
96 confidential. Disclosure of certain consumer complaints could
97 significantly impair or compromise active investigations or
98 examinations by impeding the effective and efficient operation
99 of active investigatory and examination functions. Disclosure of
100 such information may reveal the identity of a confidential
101 source, which could pose a threat to the source's safety as well
102 as impair pending and future investigations and examinations. In
103 addition, certain consumer complaints may include personal
104 financial information or other personal identification

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105 information that may jeopardize the financial safety or violate
106 the privacy of the individual who is the subject of the
107 information. Finally, disclosure of certain consumer complaints
108 may reveal information regarding trade secrets. Public access to
109 such information would allow others to take the benefit of a
110 trade secret without providing compensation or reimbursement to
111 the owner of the trade secret.

112 Section 3. This act shall take effect on the same date
113 that HB 413 or similar legislation takes effect, if such
114 legislation is adopted in the same legislative session or an
115 extension thereof and becomes law.