

1                                   A bill to be entitled  
 2           An act relating to public records; amending s.  
 3           655.057, F.S.; providing an exemption from public  
 4           records requirements for certain information received  
 5           by the Office of Financial Regulation pursuant to an  
 6           application for a de novo banking charter; providing  
 7           for future legislative review and repeal of the  
 8           exemption; providing a statement of public necessity;  
 9           providing an effective date.

10  
 11   Be It Enacted by the Legislature of the State of Florida:

12  
 13           Section 1. Present subsections (5) through (14) of section  
 14           655.057, Florida Statutes, are redesignated as subsections (6)  
 15           through (15), respectively, a new subsection (5) is added to  
 16           that section, and present subsection (14) of that section is  
 17           amended, to read:

18           655.057 Records; limited restrictions upon public access.—

19           (5) (a) Except as otherwise provided in this section and  
 20           except for such portions thereof which are public records,  
 21           information received by the office pursuant to an application  
 22           for a de novo banking charter is confidential and exempt from s.  
 23           119.07(1) and s. 24(a), Art. I of the State Constitution to the  
 24           extent that disclosure would:

25           1. Reveal personal financial information.

26        2. Reveal a driver license or identification card number,  
27 a passport number, a military identification number, or any  
28 other similar number issued on a government document used to  
29 verify identity.

30        3. Reveal the home address of any individual.

31        4. Reveal the identity of a minority shareholder or  
32 subscriber.

33        5. Reveal the name of a proposed officer or director, to  
34 the extent that doing so would jeopardize the proposed officer's  
35 or director's current employment with or participation in the  
36 affairs of another financial institution.

37        6. Defame or cause unwarranted damage to the good name or  
38 reputation of an individual or jeopardize the safety of an  
39 individual.

40        7. Reveal books and records of a financial institution or  
41 registrant.

42        8. Reveal an applicant's business plan and any attached  
43 supporting documentation.

44        (b) This subsection is subject to the Open Government  
45 Sunset Review Act in accordance with s. 119.15 and is repealed  
46 on October 2, 2026, unless reviewed and saved from repeal  
47 through reenactment by the Legislature.

48        ~~(15)-(14)~~ Subsections (1), (2), (6), and (10) ~~(5)~~, and ~~(9)~~  
49 are subject to the Open Government Sunset Review Act in  
50 accordance with s. 119.15 and are repealed on October 2, 2022,

51 unless reviewed and saved from repeal through reenactment by the  
52 Legislature.

53       Section 2. The Legislature finds that it is a public  
54 necessity that information received by the Office of Financial  
55 Regulation pursuant to an application for a de novo banking  
56 charter be made confidential and exempt from s. 119.07(1),  
57 Florida Statutes, and s. 24(a), Article I of the State  
58 Constitution to the extent that disclosure would reveal personal  
59 financial information; reveal a driver license or identification  
60 card number, passport number, military identification number, or  
61 other similar number issued on a government document used to  
62 verify identity; reveal the home address of any individual;  
63 reveal the identity of a minority shareholder or subscriber;  
64 reveal the name of a proposed officer or director, to the extent  
65 that doing so would jeopardize the proposed officer's or  
66 director's current employment with or participation in the  
67 affairs of another financial institution; defame or cause  
68 unwarranted damage to the good name or reputation of an  
69 individual or jeopardize the safety of an individual; reveal  
70 books and records of a financial institution or registrant; or  
71 reveal an applicant's business plan and any attached supporting  
72 documentation. The office may receive sensitive personal,  
73 financial, and business information in conjunction with its  
74 duties related to the review of applications for the  
75 organization or establishment of state financial institutions.

HB 619

2021

76 | An exemption from public records is necessary to ensure the  
77 | office's ability to administer its regulatory duties while  
78 | preventing unwarranted damage to an applicant's good name or  
79 | impairment of its safety and soundness, as well as the safety  
80 | and soundness of the financial system of this state. Release of  
81 | any portion of an application that reveals an individual's  
82 | personal financial information, government identity verification  
83 | documents, or home address could cause unwarranted damage to the  
84 | good names or reputation of those individuals or jeopardize  
85 | their safety.

86 |       Section 3. This act shall take effect July 1, 2021.