

CS/HB 677

2011

1 A bill to be entitled
2 An act relating to public records; amending s. 119.0712,
3 F.S.; providing an exemption from public records
4 requirements for information held by the Office of
5 Financial Regulation that is received from another state
6 or federal regulatory, administrative, or criminal justice
7 agency and that is otherwise confidential or exempt
8 pursuant to the laws of that state or pursuant to federal
9 law; providing an exemption from public records
10 requirements for information held by the office that is
11 received or developed by the office as part of a joint or
12 multiagency examination or investigation with another
13 state or federal regulatory, administrative, or criminal
14 justice agency; specifying conditions under which the
15 Office of Financial Regulation may obtain and use such
16 information; providing for retroactive application;
17 providing for future review and repeal of the exemptions;
18 providing a statement of public necessity; providing an
19 effective date.

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

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23 Section 1. Subsection (3) is added to section 119.0712,
24 Florida Statutes, to read:

25 119.0712 Executive branch agency-specific exemptions from
26 inspection or copying of public records.—

27 (3) OFFICE OF FINANCIAL REGULATION.—

28 (a) The following information held by the Office of

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29 Financial Regulation before, on, or after July 1, 2011, is
30 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
31 of the State Constitution:

32 1. Any information received from another state or federal
33 regulatory, administrative, or criminal justice agency that is
34 otherwise confidential or exempt pursuant to the laws of that
35 state or pursuant to federal law.

36 2. Any information that is received or developed by the
37 office as part of a joint or multiagency examination or
38 investigation with another state or federal regulatory,
39 administrative, or criminal justice agency. The office may
40 obtain and use the information in accordance with the conditions
41 imposed by the joint or multiagency agreement. This exemption
42 does not apply to information obtained or developed by the
43 office that would otherwise be available for public inspection
44 if the office had conducted an independent examination or
45 investigation under Florida law.

46 (b) This subsection is subject to the Open Government
47 Sunset Review Act in accordance with s. 119.15 and shall stand
48 repealed on October 2, 2016, unless reviewed and saved from
49 repeal through reenactment by the Legislature.

50 Section 2. (1) The Legislature finds that it is a public
51 necessity that information held by the Office of Financial
52 Regulation before, on, or after July 1, 2011, that is received
53 from another state or federal regulatory, administrative, or
54 criminal justice agency that is confidential or exempt pursuant
55 to the laws of that state or pursuant to federal law be made
56 confidential and exempt from public records requirements.

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57 Without the exemption, the office will be unable to obtain
58 information that could assist it in pursuing violations of law
59 under its jurisdiction. Without this exemption, the effective
60 and efficient administration of the regulatory programs
61 administered by the Office of Financial Regulation would be
62 significantly impaired.

63 (2) The Legislature finds that it is a public necessity
64 that information held by the Office of Financial Regulation that
65 is received or developed by the office as part of a joint or
66 multiagency examination or investigation with another state or
67 federal regulatory, administrative, or criminal justice agency
68 be made confidential and exempt from public records
69 requirements. The exemption is necessary to enable the office to
70 participate in joint or multiagency investigations and
71 examinations. Without the exemption, the office will be unable
72 to participate in these activities, which impairs its ability to
73 leverage its limited resources. Without the sharing and
74 coordination of information, governmental agencies may be
75 required to conduct duplicative independent investigations or
76 examinations in order to meet their regulatory responsibilities.
77 With the exemption, that burden can be reduced or eliminated
78 through joint or alternating investigations or examinations, or
79 by off-site reviews of other governmental agency investigations
80 or examinations.

81 Section 3. This act shall take effect July 1, 2011.