

By Senator Hays

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.0712, F.S.; providing a public-records exemption
4 for certain information provided to the Office of
5 Financial Regulation on a confidential basis or
6 developed as part of a multiagency investigation;
7 providing for future repeal and legislative review of
8 the exemption under the Open Government Sunset Review
9 Act; providing a statement of public necessity;
10 providing an 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. Subsection (3) is added to section 119.0712,
15 Florida Statutes, to read:

16 119.0712 Executive branch agency-specific exemptions from
17 inspection or copying of public records.—

18 (3) OFFICE OF FINANCIAL REGULATION.—

19 (a) Information that is held by any state or federal
20 regulatory, administrative, or criminal justice agency and that
21 is made available to the Office of Financial Regulation on a
22 confidential or similarly restricted basis, or that is developed
23 as part of a joint or multiagency investigation or examination,
24 is exempt from s. 119.07(1) and s. 24(a), Art. I of the State
25 Constitution. The office may obtain and use such information in
26 accordance with the conditions imposed by the providing agency
27 or imposed as a condition of participating in an investigation
28 or examination. This exemption applies to information held by
29 the office on or after July 1, 2011.

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(b) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15, and shall stand repealed on October 2, 2016, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that certain information that is held by any state or federal regulatory, administrative, or criminal justice agency and that is made available to the Office of Financial Regulation on a confidential or similarly restricted basis, or that is developed as part of a joint or multiagency investigation or examination, be exempt from public-records requirements.

(1) The exemption is necessary to facilitate the office's access to information that could assist it in pursuing violations of the laws and regulations under its jurisdiction. Without this exemption, the office's ability to access information held by the Financial Crimes Enforcement Network and other governmental agencies could be compromised.

(2) The exemption is necessary to enable the office to participate in joint or multiagency investigations and examinations. Without the exemption, the office will be unable to participate in these activities, which impairs the ability of the office to leverage its limited resources. The ability to share information and coordinate examinations and investigations with other governmental agencies also benefit the regulated persons and entities. Without the sharing and coordination of information, governmental agencies may be required to conduct duplicative independent investigations or examinations in order to meet their regulatory responsibilities. With the exemption, that burden can be reduced or eliminated through joint,

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59 concurrent, or alternating examinations, or by off-site reviews
60 of other governmental agency investigation or examination
61 results.

62 (3) Thus, the public-records exemption provided under this
63 act is necessary to ensure the effective and efficient
64 administration of the regulatory programs administered by the
65 office, which would be significantly impaired by the absence of
66 the exemption.

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