

1 A bill to be entitled
 2 An act relating to public records; creating s.
 3 560.312, F.S.; providing an exemption from public
 4 records requirements for information contained in the
 5 database of payment instrument transactions within the
 6 Office of Financial Regulation into which payment
 7 instrument transaction information submitted by money
 8 services business licensees is maintained; providing
 9 for specified access to such information; authorizing
 10 the office to enter into information-sharing
 11 agreements and provide access to information contained
 12 in the database to certain governmental agencies;
 13 requiring any department or agency that receives
 14 confidential information to maintain the
 15 confidentiality of the information except under
 16 certain circumstances; providing a penalty for willful
 17 disclosure of confidential information; providing for
 18 future review and repeal of the exemption; providing a
 19 statement of public necessity; providing a contingent
 20 effective date.

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

23
 24 Section 1. Section 560.312, Florida Statutes, is created
 25 to read:

26 560.312 Database of payment instrument transactions;
 27 confidentiality.-

28 (1) Information contained in the database of payment

HB 1279

2012

29 instrument transactions administered by the office pursuant to
30 s. 560.311 is confidential and exempt from s. 119.07(1) and s.
31 24(a), Art. I of the State Constitution.

32 (2) (a) A licensee may access information that it submits
33 to the office for inclusion in the database.

34 (b) The office, to the extent permitted by state and
35 federal law, may enter into information-sharing agreements with
36 the department, law enforcement agencies, and other governmental
37 agencies and, in accordance with such agreements, may provide
38 the department, law enforcement agencies, and other governmental
39 agencies with access to information contained in the database
40 for use in detecting and deterring financial crimes. Any
41 department or agency that receives confidential information from
42 the office under this paragraph must maintain the
43 confidentiality of the information, except to the extent that a
44 court order compels disclosure of the information to a specific
45 party.

46 (3) Subsection (1) is subject to the Open Government
47 Sunset Review Act in accordance with s. 119.15 and shall stand
48 repealed on October 2, 2017, unless reviewed and saved from
49 repeal through reenactment by the Legislature.

50 Section 2. The Legislature finds that it is a public
51 necessity that information contained in the database of payment
52 instrument transactions administered by the Office of Financial
53 Regulation pursuant to s. 560.311, Florida Statutes, be held
54 confidential and exempt from s. 119.07(1), Florida Statutes, and
55 s. 24(a), Art. I of the State Constitution. The electronic
56 database provides for the maintenance of payment instrument

HB 1279

2012

57 transaction information that, pursuant to s. 560.311, Florida
58 Statutes, money services business licensees are required to
59 submit to the office and is intended to assist the office, the
60 Department of Financial Services, law enforcement agencies, and
61 other governmental agencies in detecting and deterring financial
62 crimes. Licensees that cash a payment instrument exceeding a
63 specified amount, a corporate payment instrument, or a third-
64 party payment instrument must submit information about the
65 transaction to the office for inclusion in the database.
66 Information submitted includes personal identifying information
67 of licensees, sensitive financial information, and other
68 sensitive information such as insurance policy numbers and
69 workers' compensation information that, if not held exempt from
70 public disclosure, could be used to the detriment or
71 disadvantage of a licensee.

72 Section 3. This act shall take effect on the same date
73 that HB 1277 or similar legislation takes effect, if such
74 legislation is adopted in the same legislative session or an
75 extension thereof and becomes a law.