

By the Committee on Real Property & Probate and  
Representative Crow

1                                   A bill to be entitled  
2           An act relating to records of the Division of  
3           Florida Land Sales, Condominiums, and Mobile  
4           Homes; amending s. 498.047, F.S.; providing an  
5           exemption from public records requirements for  
6           information relative to an investigation by the  
7           division under the Florida Uniform Land Sales  
8           Practices Law for a specified period; providing  
9           for continued exemption for certain information  
10          relative to such investigation under certain  
11          conditions; authorizing certain disclosure of  
12          such information; providing for future review  
13          and repeal; removing provisions relating to  
14          access by the division to records maintained  
15          outside the state; providing a finding of  
16          public necessity; providing an effective date.

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

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20           Section 1. Subsection (5) of section 498.047, Florida  
21 Statutes, is amended to read:

22           498.047 Investigations.--

23           (5)(a) Except as otherwise provided by this  
24 subsection, information relative to an investigation by the  
25 division pursuant to this chapter, including any consumer  
26 complaint, is confidential and exempt from s. 119.07(1) and s.  
27 24(a), Art. I of the State Constitution, until 10 days after a  
28 notice to show cause has been filed by the division, or, in  
29 the case in which no notice to show cause is filed, the  
30 investigation is completed or ceases to be active. For  
31 purposes of this section, an investigation shall be considered

1 "active" so long as the division or any law enforcement or  
2 administrative agency or regulatory organization is proceeding  
3 with reasonable dispatch and has a reasonable good faith  
4 belief that the investigation may lead to the filing of an  
5 administrative, civil, or criminal proceeding or to the denial  
6 or conditional grant of a license or registration. However,  
7 in response to a specific inquiry about the registration  
8 status of a registered or unregistered subdivider, the  
9 division may disclose the existence and the status of an  
10 active investigation. This subsection shall not be construed  
11 to prohibit disclosure of information which is required by law  
12 to be filed with the division and which, but for the  
13 investigation, would be subject to s. 119.07(1).

14 (b) Except as necessary for the division to enforce  
15 the provisions of this chapter, a consumer complaint and other  
16 information relative to an investigation shall remain  
17 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
18 of the State Constitution, after the filing of a notice to  
19 show cause or the investigation is completed or ceases to be  
20 active to the extent disclosure would:

21 1. Jeopardize the integrity of another active  
22 investigation.

23 2. Reveal the name, address, telephone number, social  
24 security number, or any other identifying number or  
25 information of any purchaser or account holder, or social  
26 security number or any account number of a complainant.

27 3. Reveal a trade secret as defined in s. 688.002.

28 (c) Nothing in this subsection shall be construed to  
29 prohibit the division from providing information to any law  
30 enforcement or administrative agency or regulatory  
31 organization. Any law enforcement or administrative agency or

1 regulatory organization receiving confidential information in  
2 connection with its official duties shall maintain the  
3 confidentiality of the information as provided for in this  
4 subsection.

5 (d) If information subject to this subsection is  
6 offered in evidence in any administrative, civil, or criminal  
7 proceeding, the presiding officer may, in his or her  
8 discretion, prevent the disclosure of information which would  
9 be confidential pursuant to paragraph (b).

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11 This subsection is subject to the Open Government Sunset  
12 Review Act of 1995 in accordance with s. 119.15, and shall  
13 stand repealed on October 2, 2002, unless reviewed and saved  
14 from repeal through reenactment by the Legislature.~~For the~~  
15 ~~purpose of any investigation or proceeding under this chapter~~  
16 ~~involving a person whose books or records are maintained~~  
17 ~~outside of the state, that person shall either:~~

18 ~~(a) Deliver the original books or records, together~~  
19 ~~with any other documents requested by the division, to the~~  
20 ~~designated office of the division in this state; or~~

21 ~~(b) Pay all documented expenses incurred by the~~  
22 ~~division in conducting the investigation or proceeding at the~~  
23 ~~location of the books or records.~~

24 Section 2. The Legislature finds that the exemptions  
25 provided for in this act are a public necessity. The untimely  
26 disclosure of information relative to an investigation by the  
27 Division of Florida Land Sales, Condominiums, and Mobile Homes  
28 could jeopardize the investigation. The untimely disclosure  
29 of certain identifying and location information relating to  
30 purchasers or account holders or complainants could jeopardize

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1 the integrity of investigations, or reveal trade secrets.  
2 These public records exemptions are for a limited time period.

3 Section 3. This act shall take effect October 1, 1997.  
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6 HOUSE SUMMARY

7 Provides an exemption from public records requirements  
8 for information relative to an investigation by the  
9 Division of Florida Land Sales, Condominiums, and Mobile  
10 Homes under the Florida Uniform Land Sales Practices Law  
11 for a specified period. Provides for continued exemption  
12 after that period expires for certain information if  
13 disclosure would jeopardize another investigation or  
14 reveal certain identifying information or a trade secret.  
15 Authorizes certain disclosure of such information.  
16 Provides for future review and repeal.

17 Removes provisions relating to access by the division to  
18 records maintained outside the state.  
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