

By Representative Argenziano

1                                   A bill to be entitled  
2           An act relating to public records exemptions;  
3           creating s. 559.751, F.S.; providing for  
4           confidentiality of certain information relating  
5           to investigations and examinations of consumer  
6           collection agencies under certain  
7           circumstances; providing application; providing  
8           construction; providing certain immunity from  
9           civil liability in certain actions; providing a  
10          statement of public necessity; providing an  
11          effective date.

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

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15           Section 1. Section 559.751, Florida Statutes, is  
16          created to read:

17                   559.751 Confidentiality of information relating to  
18                   investigations and examinations.--

19                   (1)(a) Except as otherwise provided by this section,  
20                   information relative to an investigation or examination by the  
21                   department pursuant to this chapter, including any consumer  
22                   complaint, is confidential and exempt from s. 119.07(1) until  
23                   the investigation or examination is completed or ceases to be  
24                   active. The information compiled by the department in such an  
25                   investigation or examination shall remain confidential and  
26                   exempt from s. 119.07(1) after the department's investigation  
27                   or examination is completed or ceases to be active if the  
28                   department submits the information to any law enforcement or  
29                   administrative agency for further investigation. Such  
30                   information shall remain confidential and exempt from s.  
31                   119.07(1) until such agency's investigation is completed or

1 ceases to be active. For purposes of this section, an  
2 investigation or examination shall be considered active so  
3 long as the department or any law enforcement or  
4 administrative agency is proceeding with reasonable dispatch  
5 and has a reasonable good faith belief that the investigation  
6 or examination may lead to the filing of an administrative,  
7 civil, or criminal proceeding or to the denial or conditional  
8 grant of registration. This section shall not be construed to  
9 prohibit disclosure of information which is required by law to  
10 be filed with the department and which, but for the  
11 investigation or examination, would be subject to s.  
12 119.07(1).

13 (b) Except as necessary for the department to enforce  
14 the provisions of this chapter, a consumer complaint and other  
15 information relative to an investigation or examination shall  
16 remain confidential and exempt from s. 119.07(1) after the  
17 investigation or examination is completed or ceases to be  
18 active to the extent disclosure would:

- 19 1. Jeopardize the integrity of another active  
20 investigation or examination;
- 21 2. Reveal the name, address, telephone number, social  
22 security number, or any other identifying number or  
23 information of any complainant, customer, or account holder;
- 24 3. Disclose the identity of a confidential source;
- 25 4. Disclose investigative techniques or procedures; or
- 26 5. Reveal a trade secret as defined in s. 688.002.

27 (c) In the event department personnel are, or have  
28 been, involved in an investigation or examination of a nature  
29 endangering their lives or physical safety or that of their  
30 families, the home addresses, telephone numbers, places of  
31 employment, and photographs of such personnel, together with

1 the home addresses, telephone numbers, photographs, and places  
2 of employment of spouses and children of such personnel and  
3 the names and locations of schools and day care facilities  
4 attended by the children of such personnel, are confidential  
5 and exempt from s. 119.07(1).

6 (d) Nothing in this section shall be construed to  
7 prohibit the department from providing information to any law  
8 enforcement or administrative agency. Any law enforcement or  
9 administrative agency receiving confidential information in  
10 connection with official duties of such agency shall maintain  
11 the confidentiality of the information for the same period  
12 such information would otherwise be confidential.

13 (e) All information obtained by the department from  
14 any person which information is made available to the  
15 department only on a confidential or similarly restricted  
16 basis is confidential and exempt from s. 119.07(1). This  
17 exemption shall not be construed to prohibit disclosure of  
18 information which is required by law to be filed with the  
19 department or which is otherwise subject to s. 119.07(1).

20 (2) If information subject to subsection (1) is  
21 offered in evidence in any administrative, civil, or criminal  
22 proceeding, the presiding officer may, in his discretion,  
23 prevent the disclosure of information which would be  
24 confidential pursuant to paragraph (1)(b).

25 (3) Any person who furnishes information or evidence  
26 to the department is immune from civil liability in any action  
27 relating to such information or evidence, unless such person  
28 acts in bad faith or with malice in providing the information  
29 or evidence.

30 Section 2. The exemption provided in this act is  
31 necessary to protect the integrity of a complete

1 investigation, which may involve criminal violations, and to  
2 protect any complainants or victims in any case under  
3 investigation from any harassment by any individual being  
4 investigated.

5 Section 3. This act shall take effect October 1 of the  
6 year in which enacted.

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9 HOUSE SUMMARY

10 Provides for confidentiality of information relating to  
11 investigations and examinations of consumer collection  
12 agencies. Provides immunity from civil liability. See  
13 bill for details.

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