Florida House of Representatives - 2001 HB 1985

By the Council for Smarter Government and Representative $\ensuremath{\mathsf{Brummer}}$

1	A bill to be entitled
2	An act relating to public records; creating s.
3	560.4045, F.S.; providing an exemption from
4	public records requirements for personal
5	identifying information contained in the
6	database for deferred presentment providers
7	maintained by the Department of Banking and
8	Finance under s. 560.404, F.S.; providing
9	exceptions; providing for future review and
10	repeal; providing findings of public necessity;
11	providing an 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 560.4045, Florida Statutes, is
16	created to read:
17	560.4045 Database for deferred presentment providers;
18	public records exemption Personal identifying information of
19	a drawer, as defined in s. 560.402(7), contained within the
20	deferred presentment provider database created pursuant to s.
21	560.404 is confidential and exempt from s. 119.07(1) and s.
22	24(a), Art. I of the State Constitution, except that the
23	deferred presentment providers and the Department of Banking
24	and Finance may access such information in the proper use and
25	maintenance of such database; however, the providers and the
26	department shall maintain the confidential and exempt status
27	of such information. This section is subject to the Open
28	Government Sunset Review Act of 1995 in accordance with s.
29	119.15, and shall stand repealed on October 2, 2006, unless
30	reviewed and saved from repeal through reenactment by the
31	Legislature.

CODING:Words stricken are deletions; words <u>underlined</u> are additions.

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1	Section 2. The Legislature finds that the exemption
2	from public records requirements provided by this act is a
3	public necessity because of the need to prevent identity theft
4	and related crimes. Such exemption is essential in preventing
5	drawers who may already be in financial difficulty from being
6	put at further risk from the threat of fraud. The Legislature
7	further finds that to make such personal identifying
8	information available would be an unwarranted invasion of the
9	privacy of such drawer. Therefore, the release of such
10	information would result in harm that far outweighs any
11	possible public benefit of such release.
12	Section 3. This act shall take effect upon the
13	effective date of House Bill 213, or substantially similar
14	legislation, which is passed during the 2001 legislative
15	session or an extension thereof and becomes law.
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18	HOUSE SUMMARY
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20	Exempts from public records requirements personal identifying information contained in the database for
deferred presentment providers maintained by the 21 Department of Banking and Finance. Authorizes the	Department of Banking and Finance. Authorizes the
22	department and deferred presentment providers to access such information but requires them to maintain the
23	confidential and exempt status of such information.
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