

By the Committee on Governmental Oversight and Productivity;
and Senator Garcia

302-1893-01

1 A bill to be entitled
2 An act relating to public records; providing an
3 exemption from public-records requirements for
4 identifying information relating to a database
5 for deferred presentment providers which is
6 created and maintained by the Department of
7 Banking and Finance under s. 560.404, F.S.;
8 providing exceptions; providing for future
9 review and repeal; providing findings of public
10 necessity; 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. Database for deferred presentment
15 providers; public-records exemption.--The identifying
16 information contained in the database for deferred presentment
17 providers, which is authorized under section 560.404, Florida
18 Statutes, is confidential and exempt from section 119.07(1),
19 Florida Statutes, and Section 24(a), Article I of the State
20 Constitution, except that the identifying information in the
21 database may be accessed by deferred presentment providers to
22 verify whether any deferred presentment transactions are
23 outstanding for a particular person and by the Department of
24 Banking and Finance for the purpose of maintaining the
25 database. This section is subject to the Open Government
26 Sunset Review Act of 1995 in accordance with section 119.15,
27 Florida Statutes, and shall stand repealed October 2, 2006,
28 unless reviewed and saved from repeal through reenactment by
29 the Legislature.

30 Section 2. The Legislature finds that the exemption
31 from public-records requirements which is provided in this act

1 is a public necessity due to the need to prevent identity
2 theft and related crimes and to prevent borrowers who may
3 already be in financial difficulty from being put at further
4 risk from the threat of fraud. The Legislature further finds
5 that to make such identifying information available would be
6 an unwarranted invasion of the privacy of the person who
7 furnishes to a deferred presentment provider the information
8 that the provider submits to the Department of Banking and
9 Finance for incorporation into the database.

10 Section 3. This act shall take effect upon the
11 effective date of the Committee Substitute for Committee
12 Substitute for Senate Bills 1526 and 314, or substantially
13 similar legislation, which is passed during the 2001
14 legislative session or an extension thereof.

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16 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
17 COMMITTEE SUBSTITUTE FOR
18 SB 892

19 Makes identifying information contained in a deferred
20 presentment provider database confidential and exempt.
21 Provides exceptions to the exemption.
22 Provides for review and repeal.
23 Provides a statement of public necessity.
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