



HB 1039

2003

1 A bill to be entitled

2 An act relating to a public records exemption for
3 investigative information held by the Division of Florida
4 Land Sales, Condominiums, and Mobile Homes of the
5 Department of Business and Professional Regulation;
6 amending s. 498.047, F.S.; making conforming and editorial
7 changes; removing the October 2, 2003, repeal thereof
8 scheduled under the Open Government Sunset Review Act of
9 1995; providing an effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Notwithstanding the October 2, 2003, repeal of
14 said subsection scheduled pursuant to the Open Government Sunset
15 Review Act of 1995, subsection (8) of section 498.047, Florida
16 Statutes, is amended to read:

17 498.047 Investigations.--

18 (8)(a) Information held by the Division of Florida Land
19 Sales, Condominiums, and Mobile Homes ~~Except as otherwise~~
20 ~~provided by this subsection, information~~ relative to an
21 investigation ~~by the division~~ pursuant to this chapter,
22 including any consumer complaint, is confidential and exempt
23 from s. 119.07(1) and s. 24(a), Art. I of the State
24 Constitution, until 10 days after a notice to show cause has
25 been filed by the division, or, in the case in which no notice
26 to show cause is filed, the investigation is completed or ceases
27 to be active. For purposes of this section, an investigation
28 shall be considered "active" so long as the division or any law
29 enforcement or administrative agency or regulatory organization
30 is proceeding with reasonable dispatch and has a reasonable good



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31 faith belief that the investigation may lead to the filing of an
 32 administrative, civil, or criminal proceeding or to the denial
 33 or conditional grant of a license or registration. However, in
 34 response to a specific inquiry about the registration status of
 35 a registered or unregistered subdivider, the division may
 36 disclose the existence and the status of an active
 37 investigation. This subsection shall not be construed to
 38 prohibit disclosure of information which is required by law to
 39 be filed with the division and which, but for the investigation,
 40 would be subject to s. 119.07(1).

41 ~~(b) Except as necessary for the division to enforce the~~
 42 ~~provisions of this chapter,~~ A consumer complaint and other
 43 information relative to an investigation shall remain
 44 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 45 of the State Constitution, after the filing of a notice to show
 46 cause or the investigation is completed or ceases to be active
 47 to the extent disclosure would:

48 1. Jeopardize the integrity of another active
 49 investigation.

50 2. Reveal the name, address, telephone number, social
 51 security number, or any other identifying number or information
 52 of any purchaser or account holder, or social security number or
 53 any account number of a complainant.

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

55 (c) ~~The Nothing in this subsection shall be construed to~~
 56 ~~prohibit the division~~ may provide confidential and exempt from
 57 ~~providing~~ information to any law enforcement or administrative
 58 agency or regulatory organization when such agency or
 59 organization makes the request in connection with its official
 60 duties. Any law enforcement or administrative agency or



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61 regulatory organization receiving confidential and exempt
62 information in connection with its official duties shall
63 maintain the confidential and exempt status ~~confidentiality~~ of
64 the information as provided for in this subsection.

65 (d) If information subject to this subsection is offered
66 in evidence in any administrative, civil, or criminal
67 proceeding, the presiding officer may, in his or her discretion,
68 prevent the disclosure of information which would be
69 confidential and exempt pursuant to paragraph (b).

70

71 ~~This subsection is subject to the Open Government Sunset Review~~
72 ~~Act of 1995 in accordance with s. 119.15, and shall stand~~
73 ~~repealed on October 2, 2003, unless reviewed and saved from~~
74 ~~repeal through reenactment by the Legislature.~~

75 Section 2. This act shall take effect October 1, 2003.