

1 duties and responsibilities. The law enforcement agency,
2 administrative agency, or regulatory organization shall
3 maintain the exempt and confidential status of the information
4 so long as such information would otherwise be confidential
5 and exempt from provisions requiring public disclosure.

6 (3) Such information shall remain confidential and
7 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
8 Constitution after the office completes its investigation or
9 examination or the investigation or examination ceases to be
10 active if disclosure of the document would:

11 (a) Jeopardize the integrity of another active
12 investigation;

13 (b) Reveal the name, address, telephone number, social
14 security number, or any other identifying information of a
15 complainant, customer, or account holder;

16 (c) Reveal the identity of a confidential source;

17 (d) Reveal investigative techniques or procedures;

18 (e) Reveal a trade secret as defined in s. 688.002; or

19 (f) Reveal proprietary business information.

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21 For purposes of this section, an investigation or examination
22 shall be considered active so long as the office or any law
23 enforcement or administrative agency or regulatory
24 organization is proceeding with reasonable dispatch and has a
25 reasonable good faith belief that the investigation or
26 examination may lead to the filing of an administrative,
27 civil, or criminal proceeding or to the denial or conditional
28 grant of a license, registration, or permit. If the office
29 receives a request for information that is confidential and
30 exempt under this section, the office shall communicate to the
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1 person or entity requesting the information which paragraph of
2 this subsection prohibits disclosure.

3 (4) This section is subject to the Open Government
4 Sunset Review Act of 1995 in accordance with s. 119.15 and
5 shall stand repealed on October 2, 2010, unless reviewed and
6 saved from repeal through reenactment by the Legislature.

7 Section 2. The Legislature finds that:

8 (1) It is a public necessity that information received
9 or created during an investigation or examination conducted by
10 the Office of Financial Regulation of the Financial Services
11 Commission pursuant to part V or part VI of chapter 559,
12 Florida Statutes, including any consumer complaint, be
13 confidential and exempt from section 119.07(1), Florida
14 Statutes, and Section 24(a), Article I of the State
15 Constitution until the investigation or examination is
16 completed or ceases to be active or if the office submits the
17 information to any law enforcement or administrative agency or
18 regulatory organization for further investigation and that
19 agency's or organization's investigation is completed or
20 ceases to be active, in order to protect the integrity of such
21 investigations or examinations. An investigation or
22 examination may lead to filing an administrative, civil, or
23 criminal proceeding or to denying or conditionally granting a
24 license, registration, or permit. The public necessity exists
25 to the extent disclosure might jeopardize the integrity of
26 another active investigation or examination; reveal the name,
27 address, telephone number, social security number, or any
28 other identifying information of any complainant, customer, or
29 account holder; disclose the identity of a confidential
30 source; disclose investigative techniques or procedures;

1 reveal a trade secret as defined in section 688.002, Florida
2 Statutes; or reveal proprietary business information.

3 (2) Examinations and investigations by the office
4 frequently involve the gathering of personal, sensitive
5 information concerning individuals, such as complainants,
6 customers, account holders, or other confidential sources. The
7 office may not otherwise have this information in its
8 possession but for the examination or investigation. Because
9 of the sensitive nature of the information gathered, the
10 information should not be made available to the public. If
11 disclosed, this information may cause unwarranted damage to
12 such persons by facilitating identity theft or jeopardizing
13 the safety of such individuals.

14 (3) Revealing investigative techniques or procedures
15 may inhibit the effective and efficient administration of the
16 office to conduct investigations. Revealing such techniques or
17 procedures could allow a person to hide or conceal violations
18 of law that would have otherwise been discovered during an
19 examination or investigation. As such, the office's ability to
20 perform an effective investigation or examination may be
21 hindered.

22 (4) Proprietary business information or trade secrets
23 are sometimes necessary for the office to review as part of an
24 ongoing examination or investigation. Disclosure of such
25 information to the public may cause injury to the affected
26 entity in the marketplace if revealed. Providing the
27 confidentiality will provide the office with the necessary
28 tool to perform its function while maintaining adequate
29 protection for the affected business.

30 Section 2. This act shall take effect July 1, 2005,
31 only if HB 1133 or similar legislation is enacted during the

1 | 2005 Regular Session or an extension thereof and becomes a
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