



1 organization must maintain the exempt and confidential status  
2 of the information so long as it would otherwise be  
3 confidential and exempt from public disclosure.

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

10 (a) Jeopardize the integrity of another active  
11 investigation.

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

15 (c) Reveal the identity of a confidential source.

16 (d) Reveal investigative techniques or procedures.

17 (e) Reveal a trade secret as defined in s. 688.002.

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19 For purposes of this section, an investigation or examination  
20 is active so long as the office or any law enforcement or  
21 administrative agency or regulatory organization is proceeding  
22 with reasonable dispatch and has a reasonable good faith  
23 belief that the investigation or examination may lead to the  
24 filing of an administrative, civil, or criminal proceeding or  
25 to the denial or conditional grant of a license, registration,  
26 or permit.

27 (4) If the office receives a request for information  
28 that is exempt and confidential under subsection (3), the  
29 office shall communicate to the person or entity requesting  
30 the information the reason disclosure is prohibited under  
31 subsection (3).

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3 shall stand repealed on October 2, 2010, unless reviewed and  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

5           Section 2. (1) The Legislature finds that it is a  
6 public necessity that information received or created during  
7 an investigation or examination conducted by the Office of  
8 Financial Regulation of the Financial Services Commission  
9 pursuant to chapter 516, Florida Statutes, including any  
10 consumer complaint, be confidential and exempt from section  
11 119.07(1), Florida Statutes, and Section 24(a) of Article I of  
12 the State Constitution until the investigation or examination  
13 is completed or ceases to be active or, if the office submits  
14 the information to any law enforcement or administrative  
15 agency or regulatory organization for further investigation,  
16 that agency's or organization's investigation is completed or  
17 ceases to be active, in order to protect the integrity of such  
18 investigations or examinations. An investigation or  
19 examination may lead to filing an administrative, civil, or  
20 criminal proceeding or to denying or conditionally granting a  
21 license, registration, or permit. The public necessity exists  
22 to the extent that disclosure might jeopardize the integrity  
23 of another active investigation or examination; reveal the  
24 name, address, telephone number, social security number, or  
25 any other identifying information of any complainant,  
26 customer, or account holder; disclose the identity of a  
27 confidential source; disclose investigative techniques or  
28 procedures; reveal a trade secret as defined in section  
29 688.002, Florida Statutes; or reveal proprietary business  
30 information.

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

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

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

28           Section 3. This act shall take effect July 1, 2005.  
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SENATE SUMMARY

Creates an exemption from public records requirements for information obtained by the Office of Financial Regulation of the Financial Services Commission in connection with active investigations and examinations under the Florida Consumer Finance Act. Provides for future legislative review and repeal of the exemption.