

597-1099A-06

1 A bill to be entitled  
2 An act relating to public records; amending s.  
3 560.4041, F.S.; providing a public-records  
4 exemption for information contained in the  
5 database maintained by the Office of Financial  
6 Regulation for deferred presentment providers  
7 which identifies or is specific to a particular  
8 drawer or deferred presentment provider;  
9 authorizing a court to order access to such  
10 information upon a showing of good cause;  
11 providing for future review and repeal of the  
12 exemption under the Open Government Sunset  
13 Review Act; providing a statement of public  
14 necessity; providing an effective date.

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16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Section 560.4041, Florida Statutes, is  
19 amended to read:  
20 560.4041 Database for deferred presentment providers;  
21 public records exemption.--The ~~identifying~~ information  
22 contained in the database for deferred presentment providers,  
23 which is authorized under s. 560.404, and which identifies, or  
24 is specific to, a drawer or deferred presentment provider is  
25 confidential and exempt from s. 119.07(1), and s. 24(a), Art.  
26 I of the State Constitution. However, a deferred presentment  
27 provider may access information that it has entered into the  
28 database and may obtain an eligibility determination for a  
29 particular person based on information in the database. A  
30 court, upon a showing of good cause, may issue an order  
31 authorizing any person to view or copy information contained

1 ~~in the database., except that the identifying information in~~  
2 ~~the database may be accessed by deferred presentment providers~~  
3 ~~to verify whether any deferred presentment transactions are~~  
4 ~~outstanding for a particular person and by the office for the~~  
5 ~~purpose of maintaining the database.~~ This section is subject  
6 to the Open Government Sunset Review Act ~~of 1995~~ in accordance  
7 with s. 119.15, and shall stand repealed on October 2, 2011  
8 ~~2006~~, unless reviewed and saved from repeal through  
9 reenactment by the Legislature.

10 Section 2. The Legislature finds that it is a public  
11 necessity that information that identifies, or is specific to,  
12 a particular "drawer," or person who enters into a deferred  
13 presentment transaction, be confidential and exempt from the  
14 public-records requirements due to the need to prevent  
15 identity theft and related crimes of fraud, and that making  
16 such identifying information available would be an unwarranted  
17 invasion of the privacy of the individual. The Legislature  
18 further finds that information that identifies, or is specific  
19 to, a particular deferred presentment provider be confidential  
20 and exempt from the public-records requirements because such  
21 information constitutes proprietary business information that  
22 is of value to a deferred presentment provider and would  
23 provide a competitive disadvantage if disclosed to another  
24 provider.

25 Section 3. This act shall take effect October 1, 2006.  
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SENATE SUMMARY

Provides an exemption from public-records requirements for information contained in the database maintained by the Office of Financial Regulation for deferred presentment providers which identifies particular drawers or deferred presentment providers. Provides for a court to authorize access. Provides for future review and repeal of the exemption under the Open Government Sunset Review Act.