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LEGISLATIVE ACTION

Senate

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House

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The Committee on Governmental Oversight and Accountability  
(Ring) recommended the following:

**Senate Substitute for Amendment (246344)**

Delete lines 27 - 143  
and insert:

complaint received by the office or the ~~Department of~~  
~~Financial Services~~, is confidential and exempt from s. 119.07(1)  
until the investigation or examination is completed or ceases to  
be active. However, the information compiled by the office in  
such an investigation or examination shall remain confidential  
and exempt from s. 119.07(1) after the office's investigation or  
examination is completed or ceases to be active if the office



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13 submits the information to any law enforcement or administrative  
14 agency for further investigation. Such information shall remain  
15 confidential and exempt from s. 119.07(1) until that agency's  
16 investigation is completed or ceases to be active. For purposes  
17 of this subsection section, an investigation or examination is  
18 shall be considered "active" if so long as the office or any law  
19 enforcement or administrative agency is proceeding with  
20 reasonable dispatch and has a reasonable good faith belief that  
21 the investigation or examination may lead to the filing of an  
22 administrative, civil, or criminal proceeding or to the denial  
23 or conditional grant of a license. This subsection does section  
24 shall not be construed to prohibit the disclosure of information  
25 that ~~which~~ is required by law to be filed with the office and  
26 which, but for the investigation or examination, would be  
27 subject to s. 119.07(1).

28 (b) Except as necessary for the office to enforce the  
29 provisions of this chapter, a consumer complaint and other  
30 information relative to an investigation or examination remains  
31 shall remain confidential and exempt from s. 119.07(1) after the  
32 investigation or examination is completed or ceases to be active  
33 to the extent disclosure would:

34 1. Jeopardize the integrity of another active investigation  
35 or examination.

36 2. Reveal the name, address, telephone number, social  
37 security number, or any other identifying number or information  
38 of any complainant, customer, or account holder.

39 3. Disclose the identity of a confidential source.

40 4. Disclose investigative techniques or procedures.

41 5. Reveal a trade secret as defined in s. 688.002.



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42 (c) If In the event that office personnel are or have been  
43 involved in an investigation or examination of such nature as to  
44 endanger their lives or physical safety or that of their  
45 families, then the home addresses, telephone numbers, places of  
46 employment, and photographs of such personnel, together with the  
47 home addresses, telephone numbers, photographs, and places of  
48 employment of spouses and children of such personnel and the  
49 names and locations of schools and day care facilities attended  
50 by the children of such personnel are confidential and exempt  
51 from s. 119.07(1).

52 (d) Nothing in This subsection does not section shall be  
53 construed to prohibit the office from providing information to  
54 any law enforcement or administrative agency. Any law  
55 enforcement or administrative agency receiving confidential  
56 information in connection with its official duties shall  
57 maintain the confidentiality of the information if so long as it  
58 would otherwise be confidential.

59 (e) All information obtained by the office from any person  
60 which is only made available to the office on a confidential or  
61 similarly restricted basis shall be confidential and exempt from  
62 s. 119.07(1). This exemption does not shall not be construed to  
63 prohibit disclosure of information which is required by law to  
64 be filed with the office or which is otherwise subject to s.  
65 119.07(1).

66 (f) (2) If information subject to this subsection (1) is  
67 offered in evidence in any administrative, civil, or criminal  
68 proceeding, the presiding officer may, in her or his discretion,  
69 prevent the disclosure of information that which would be  
70 confidential pursuant to paragraph (1)(b).



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71 (g) (3) A privilege against civil liability is granted to a  
72 person who furnishes information or evidence to the office,  
73 unless such person acts in bad faith or with malice in providing  
74 such information or evidence.

75 (2) FINANCIAL STATEMENTS.—All financial audit reports  
76 submitted pursuant to ss. 494.001-494.0077 are confidential and  
77 exempt from the requirements of s. 119.07(1), except that office  
78 employees may have access to information in the administration  
79 and enforcement of ss. 494.001-494.0077 which may be used by the  
80 office for the prosecution of violations under ss. 494.001-  
81 494.0077.

82 (3) REGISTRY.—

83 (a) The following materials are confidential and exempt  
84 from s. 119.07(1) and s. 24(a), Art. I of the State  
85 Constitution:

86 1. Information and material that have been placed in the  
87 registry pursuant to the requirements of other state or federal  
88 laws and not the requirements of this chapter.

89 a. The information and material may, however, be shared by  
90 the office with any state or federal entity having oversight,  
91 regulatory, or law enforcement authority without the loss of  
92 privilege or confidentiality protections provided by federal and  
93 state laws.

94 b. This subparagraph does not apply to information or  
95 material relating to the employment history of, and publicly  
96 adjudicated disciplinary and enforcement actions against, loan  
97 originators which is included in the registry for access by the  
98 public.

99 2. Credit reports obtained by the office for licensing



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100 purposes.

101 (b) This subsection is subject to the Open Government  
102 Sunset Review Act in accordance with s. 119.15 and shall stand  
103 repealed on October 2, 2014, unless reviewed and saved from  
104 repeal through reenactment by the Legislature.

105 Section 2. Section 494.0021, Florida Statutes, is repealed.

106 Section 3. (1) The Legislature finds that it is a public  
107 necessity that information contained in the registry which has  
108 been submitted pursuant to other state or federal laws be made  
109 confidential and exempt from public records requirements. This  
110 exemption is necessary to ensure compliance with the  
111 confidentiality requirements of the S.A.F.E. Mortgage Licensing  
112 Act of 2008 and to ensure that other state or federal laws  
113 governing confidentiality are not compromised.

114 (2) The Legislature finds that it is a public necessity  
115 that credit reports obtained pursuant to the licensing  
116 provisions of this chapter be made confidential and exempt from  
117 public records requirements. Credit reports contain personal,  
118 financial, and identifying information. Disclosure of these  
119 reports could cause harm to the persons who are the subjects of  
120 the credit reports by facilitating identity theft and other  
121 crimes.