



822530

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

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

Senate Amendment

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



822530

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.



822530

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).



822530

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



822530

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.