



947852

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2011	.	
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The Committee on Criminal Justice (Smith) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Subsection (3) is added to section 119.0712, Florida Statutes, to read:

119.0712 Executive branch agency-specific exemptions from inspection or copying of public records.—

(3) OFFICE OF FINANCIAL REGULATION.—

(a) The following information held by the Office of Financial Regulation before, on, or after July 1, 2011, is



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13 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
14 of the State Constitution:

15 1. Information received from another state or federal  
16 regulatory, administrative, or criminal justice agency which is  
17 otherwise confidential or exempt pursuant to the laws of that  
18 state or federal law.

19 2. Information that is received or developed by the office  
20 as part of a joint or multiagency examination or investigation  
21 with another state or federal regulatory, administrative, or  
22 criminal justice agency. The office may obtain and use the  
23 information in accordance with the conditions imposed by the  
24 joint or multiagency agreement. This exemption does not apply to  
25 information obtained or developed by the office which would  
26 otherwise be available for public inspection if the office had  
27 conducted an independent examination or investigation under  
28 Florida law.

29 (b) This subsection is subject to the Open Government  
30 Sunset Review Act in accordance with s. 119.15 and shall stand  
31 repealed on October 2, 2016, unless reviewed and saved from  
32 repeal through reenactment by the Legislature.

33 Section 2. (1) The Legislature finds that it is a public  
34 necessity that information held by the Office of Financial  
35 Regulation before, on, or after July 1, 2011, which is received  
36 from another state or federal regulatory, administrative, or  
37 criminal justice agency and which is confidential or exempt  
38 pursuant to the laws of that state or pursuant to federal law be  
39 made confidential and exempt from public-records requirements.  
40 Without the exemption, the office will be unable to obtain  
41 information that could assist it in pursuing violations of law



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42 under its jurisdiction. Without this exemption, the effective  
43 and efficient administration of the regulatory programs  
44 administered by the Office of Financial Regulation would be  
45 significantly impaired.

46 (2) The Legislature finds that it is a public necessity  
47 that information held by the Office of Financial Regulation  
48 which is received or developed by the office as part of a joint  
49 or multiagency examination or investigation with another state  
50 or federal regulatory, administrative, or criminal justice  
51 agency be made confidential and exempt from public-records  
52 requirements. The exemption is necessary to enable the office to  
53 participate in joint or multiagency investigations and  
54 examinations. Without the exemption, the office will be unable  
55 to participate in these activities, which impairs its ability to  
56 leverage its limited resources. Without the sharing and  
57 coordination of information, governmental agencies may be  
58 required to conduct duplicative independent investigations or  
59 examinations in order to meet their regulatory responsibilities.  
60 With this exemption, that burden can be reduced or eliminated  
61 through joint or alternating investigations or examinations, or  
62 by off-site reviews of other governmental agency investigations  
63 or examinations.

64 Section 3. This act shall take effect July 1, 2011.

65  
66 ===== T I T L E A M E N D M E N T =====

67 And the title is amended as follows:

68 Delete everything before the enacting clause  
69 and insert:

70 A bill to be entitled



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71 An act relating to public records; amending s.  
72 119.0712, F.S.; providing an exemption from public-  
73 records requirements for information held by the  
74 Office of Financial Regulation which is received from  
75 another state or federal agency and which is otherwise  
76 confidential or exempt pursuant to the laws of that  
77 state or federal law; providing an exemption from  
78 public-records requirements for information held by  
79 the office which is received or developed by the  
80 office as part of a joint or multiagency examination  
81 or investigation with another state or federal agency;  
82 specifying conditions under which the Office of  
83 Financial Regulation may obtain and use such  
84 information; providing for retroactive application;  
85 providing for future review and repeal; providing a  
86 statement of public necessity; providing an effective  
87 date.