

By Senator Hays

20-01223-11

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1                   A bill to be entitled  
2           An act relating to public records; amending s.  
3           119.0712, F.S.; providing a public-records exemption  
4           for certain information provided to the Office of  
5           Financial Regulation on a confidential basis or  
6           developed as part of a multiagency investigation;  
7           providing for future repeal and legislative review of  
8           the exemption under the Open Government Sunset Review  
9           Act; providing a statement of public necessity;  
10          providing an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

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

16           119.0712 Executive branch agency-specific exemptions from  
17 inspection or copying of public records.—

18           (3) OFFICE OF FINANCIAL REGULATION.—

19           (a) Information that is held by any state or federal  
20 regulatory, administrative, or criminal justice agency and that  
21 is made available to the Office of Financial Regulation on a  
22 confidential or similarly restricted basis, or that is developed  
23 as part of a joint or multiagency investigation or examination,  
24 is exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
25 Constitution. The office may obtain and use such information in  
26 accordance with the conditions imposed by the providing agency  
27 or imposed as a condition of participating in an investigation  
28 or examination. This exemption applies to information held by  
29 the office on or after July 1, 2011.

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32 repealed on October 2, 2016, unless reviewed and saved from  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

34        Section 2. The Legislature finds that it is a public  
35 necessity that certain information that is held by any state or  
36 federal regulatory, administrative, or criminal justice agency  
37 and that is made available to the Office of Financial Regulation  
38 on a confidential or similarly restricted basis, or that is  
39 developed as part of a joint or multiagency investigation or  
40 examination, be exempt from public-records requirements.

41        (1) The exemption is necessary to facilitate the office's  
42 access to information that could assist it in pursuing  
43 violations of the laws and regulations under its jurisdiction.  
44 Without this exemption, the office's ability to access  
45 information held by the Financial Crimes Enforcement Network and  
46 other governmental agencies could be compromised.

47        (2) The exemption is necessary to enable the office to  
48 participate in joint or multiagency investigations and  
49 examinations. Without the exemption, the office will be unable  
50 to participate in these activities, which impairs the ability of  
51 the office to leverage its limited resources. The ability to  
52 share information and coordinate examinations and investigations  
53 with other governmental agencies also benefit the regulated  
54 persons and entities. Without the sharing and coordination of  
55 information, governmental agencies may be required to conduct  
56 duplicative independent investigations or examinations in order  
57 to meet their regulatory responsibilities. With the exemption,  
58 that burden can be reduced or eliminated through joint,

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59 concurrent, or alternating examinations, or by off-site reviews  
60 of other governmental agency investigation or examination  
61 results.

62 (3) Thus, the public-records exemption provided under this  
63 act is necessary to ensure the effective and efficient  
64 administration of the regulatory programs administered by the  
65 office, which would be significantly impaired by the absence of  
66 the exemption.

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