

By the Committee on Criminal Justice; and Senator Hays

591-03797-11

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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 an exemption from public-
4 records requirements for information held by the
5 Office of Financial Regulation which is received from
6 another state or federal agency and which is otherwise
7 confidential or exempt pursuant to the laws of that
8 state or federal law; providing an exemption from
9 public-records requirements for information held by
10 the office which is received or developed by the
11 office as part of a joint or multiagency examination
12 or investigation with another state or federal agency;
13 specifying conditions under which the Office of
14 Financial Regulation may obtain and use such
15 information; providing for retroactive application;
16 providing for future review and repeal; providing a
17 statement of public necessity; providing an effective
18 date.

19
20 Be It Enacted by the Legislature of the State of Florida:

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

24 119.0712 Executive branch agency-specific exemptions from
25 inspection or copying of public records.—

26 (3) OFFICE OF FINANCIAL REGULATION.—

27 (a) The following information held by the Office of
28 Financial Regulation before, on, or after July 1, 2011, is
29 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I

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30 of the State Constitution:

31 1. Information received from another state or federal
32 regulatory, administrative, or criminal justice agency which is
33 otherwise confidential or exempt pursuant to the laws of that
34 state or federal law.

35 2. Information that is received or developed by the office
36 as part of a joint or multiagency examination or investigation
37 with another state or federal regulatory, administrative, or
38 criminal justice agency. The office may obtain and use the
39 information in accordance with the conditions imposed by the
40 joint or multiagency agreement. This exemption does not apply to
41 information obtained or developed by the office which would
42 otherwise be available for public inspection if the office had
43 conducted an independent examination or investigation under
44 Florida law.

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

49 Section 2. (1) The Legislature finds that it is a public
50 necessity that information held by the Office of Financial
51 Regulation before, on, or after July 1, 2011, which is received
52 from another state or federal regulatory, administrative, or
53 criminal justice agency and which is confidential or exempt
54 pursuant to the laws of that state or pursuant to federal law be
55 made confidential and exempt from public-records requirements.
56 Without the exemption, the office will be unable to obtain
57 information that could assist it in pursuing violations of law
58 under its jurisdiction. Without this exemption, the effective

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59 and efficient administration of the regulatory programs
60 administered by the Office of Financial Regulation would be
61 significantly impaired.

62 (2) The Legislature finds that it is a public necessity
63 that information held by the Office of Financial Regulation
64 which is received or developed by the office as part of a joint
65 or multiagency examination or investigation with another state
66 or federal regulatory, administrative, or criminal justice
67 agency be made confidential and exempt from public-records
68 requirements. The exemption is necessary to enable the office to
69 participate in joint or multiagency investigations and
70 examinations. Without the exemption, the office will be unable
71 to participate in these activities, which impairs its ability to
72 leverage its limited resources. Without the sharing and
73 coordination of information, governmental agencies may be
74 required to conduct duplicative independent investigations or
75 examinations in order to meet their regulatory responsibilities.
76 With this exemption, that burden can be reduced or eliminated
77 through joint or alternating investigations or examinations, or
78 by off-site reviews of other governmental agency investigations
79 or examinations.

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