

1 A bill to be entitled
 2 An act relating to public records; amending s. 119.0712,
 3 F.S.; providing an exemption from public records
 4 requirements for information held by a state or federal
 5 regulatory, administrative, or criminal justice agency
 6 that is made available to the Office of Financial
 7 Regulation only on a confidential or similarly restricted
 8 basis or that is developed as part of a joint or
 9 multiagency investigation or examination; specifying
 10 conditions under which the Office of Financial Regulation
 11 may obtain and use such information; providing for
 12 retroactive effect of the exemption; providing for future
 13 review and repeal of the exemption; providing a statement
 14 of public necessity; providing an effective date.

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 16 Be It Enacted by the Legislature of the State of Florida:

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

20 119.0712 Executive branch agency-specific exemptions from
 21 inspection or copying of public records.—

22 (3) OFFICE OF FINANCIAL REGULATION.—

23 (a)1. Information held by a state or federal regulatory,
 24 administrative, or criminal justice agency that is made
 25 available to the Office of Financial Regulation only on a
 26 confidential or similarly restricted basis or that is developed
 27 as part of a joint or multiagency investigation or examination

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28 is confidential and exempt from s. 119.07(1) and s. 24(a), Art.
29 I of the State Constitution.

30 2. The Office of Financial Regulation may obtain and use
31 the information in accordance with the conditions imposed by the
32 agency providing the information or in accordance with the
33 requirements imposed as a condition of participating in a joint
34 or multiagency examination or investigation.

35 3. This exemption applies to information held by the
36 office before, on, or after the effective date of this
37 exemption.

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40 repealed on October 2, 2016, unless reviewed and saved from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

42 Section 2. It is the finding of the Legislature that it is
43 a public necessity that information held by any state or federal
44 regulatory, administrative, or criminal justice agency that is
45 made available to the Office of Financial Regulation only on a
46 confidential or similarly restricted basis or is developed as
47 part of a joint or multiagency investigation or examination be
48 held confidential and exempt from public records requirements.
49 This exemption is necessary to ensure the effective and
50 efficient administration of the regulatory programs administered
51 by the Office of Financial Regulation, which programs would be
52 significantly impaired by the absence of the exemption. The
53 exemption is necessary to facilitate the Office of Financial
54 Regulation's access to information that could assist it in
55 pursuing violations of the laws and regulations under its

56 jurisdiction. Without this exemption, the Office of Financial
57 Regulation's ability to access information held by the Financial
58 Crimes Enforcement Network and other governmental agencies could
59 be compromised. The exemption is necessary to enable the Office
60 of Financial Regulation to participate in joint or multiagency
61 investigations and examinations. Without the exemption, the
62 office would be unable to participate in these activities, which
63 would impair the office's ability to leverage its limited
64 resources. Because the exemption stipulates that the use of
65 information obtained by the office will be in accordance with
66 the conditions imposed by the agency providing the information
67 or in accordance with the requirements imposed as a condition of
68 participating in a joint or multiagency examination or
69 investigation, an agency providing information to the office or
70 participating in a joint or multiagency investigation can do so
71 with the knowledge that such information, examination, or
72 investigation will not be compromised. The ability to share
73 information and coordinate examinations and investigations with
74 other governmental agencies also benefits the regulated persons
75 and entities. Without information sharing and coordination,
76 governmental agencies may be required to conduct duplicative
77 independent investigations or examinations to meet their
78 regulatory responsibilities. With this exemption, that burden
79 can be reduced or eliminated through joint, concurrent, or
80 alternating examinations, or with offsite reviews of the other
81 governmental agency's investigation or examination results. For
82 these reasons, the Legislature finds that it is a public

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83 | necessity that such information be held confidential and exempt
84 | from public records requirements.

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