

By Senator Thrasher

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1                   A bill to be entitled  
2       An act relating to public records; creating s.  
3       560.312, F.S.; providing an exemption from public  
4       records requirements for information contained in the  
5       database of payment instrument transactions within the  
6       Office of Financial Regulation into which payment  
7       instrument transaction information submitted by money  
8       services business licensees is maintained; providing  
9       for specified access to such information; authorizing  
10      the office to enter into information-sharing  
11      agreements and provide access to information contained  
12      in the database to certain governmental agencies;  
13      requiring any department or agency that receives  
14      confidential information to maintain the  
15      confidentiality of the information, except as  
16      otherwise required by court order; providing a penalty  
17      for willful disclosure of confidential information;  
18      providing for future review and repeal of the  
19      exemption; providing a statement of public necessity;  
20      providing a contingent effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

23  
24       Section 1. Section 560.312, Florida Statutes, is created to  
25 read:

26       560.312 Database of payment instrument transactions;  
27 confidentiality.-

28       (1) Information contained in the database of payment  
29 instrument transactions administered by the office pursuant to

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30 s. 560.311 is confidential and exempt from s. 119.07(1) and s.  
31 24(a), Art. I of the State Constitution.

32 (2) (a) A licensee may access information that it submits to  
33 the office for inclusion in the database.

34 (b) The office, to the extent permitted by state and  
35 federal law, may enter into information-sharing agreements with  
36 the department, law enforcement agencies, and other governmental  
37 agencies and, in accordance with such agreements, may provide  
38 the department, law enforcement agencies, and other governmental  
39 agencies with access to information contained in the database  
40 for use in detecting and deterring financial crimes. Any  
41 department or agency that receives confidential information from  
42 the office under this paragraph must maintain the  
43 confidentiality of the information, unless, and only to the  
44 extent that, a court order compels production of this  
45 information to a specific party or parties.

46 (3) Subsection (1) is subject to the Open Government Sunset  
47 Review Act in accordance with s. 119.15 and shall stand repealed  
48 on October 2, 2017, unless reviewed and saved from repeal  
49 through reenactment by the Legislature.

50 Section 2. The Legislature finds that it is a public  
51 necessity that information contained in the database of payment  
52 instrument transactions administered by the Office of Financial  
53 Regulation pursuant to s. 560.311, Florida Statutes, be held  
54 confidential and exempt from s. 119.07(1), Florida Statutes, and  
55 s. 24(a), Article I of the State Constitution. The electronic  
56 database provides for the maintenance of payment instrument  
57 transaction information that, pursuant to s. 560.311, Florida  
58 Statutes, money services business licensees are required to

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59 submit to the office and is intended to assist the office, the  
60 Department of Financial Services, law enforcement agencies, and  
61 other governmental agencies in detecting and deterring financial  
62 crimes. Licensees that cash a payment instrument exceeding a  
63 specified amount, a corporate payment instrument, or a third-  
64 party payment instrument must submit information about the  
65 transaction to the office for inclusion in the database.  
66 Information submitted includes personal identifying information  
67 of licensees, sensitive financial information, and other  
68 sensitive information such as insurance policy numbers and  
69 workers' compensation information that, if not held exempt from  
70 public disclosure, could be used to the detriment or  
71 disadvantage of a licensee.

72 Section 3. This act shall take effect on the same date that  
73 SB \_\_\_ or similar legislation takes effect, if such legislation  
74 is adopted in the same legislative session or an extension  
75 thereof and becomes a law.