

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Government Operations
2 Subcommittee

3 Representative McBurney offered the following:
4

5 **Amendment (with title amendment)**

6 Remove lines 23-140 and insert:

7 Section 1. Section 662.148, Florida Statutes, is created
8 and assigned to part IV of chapter 662, Florida Statutes, as
9 created by HB 1267, 2014 Regular Session, to read:

10 662.148 Public records exemption; records relating to
11 family trust companies, licensed family trust companies, and
12 foreign licensed family trust companies.-

13 (1) DEFINITIONS.-As used in this section, the term:

14 (a) "Reports of examinations, operations, or conditions"
15 means records submitted to or prepared by the office as part of
16 the office's duties performed pursuant to s. 655.012 or s.
17 655.045(1).

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18 (b) "Working papers" means the records of the procedure
19 followed, the tests performed, the information obtained, and the
20 conclusions reached in an examination under s. 655.032 or s.
21 655.045. The term also includes books and records.

22 (2) PUBLIC RECORDS EXEMPTION.—The following information
23 held by the office is confidential and exempt from s. 119.07(1)
24 and s. 24(a), Art. I of the State Constitution:

25 (a) Records relating to a registration, an application, or
26 an annual certification of a family trust company, licensed
27 family trust company, or foreign licensed family trust company.

28 (b) Records relating to an examination of a family trust
29 company, licensed family trust company, or foreign licensed
30 family trust company.

31 (c) Reports of examinations, operations, or conditions of
32 a family trust company, licensed family trust company, or
33 foreign licensed family trust company, including working papers.

34 (d) Any portion of a list of names of the shareholders or
35 members of a family trust company, licensed family trust
36 company, or foreign licensed family trust company.

37 (e) Information received by the office from a person from
38 another state or nation or the Federal Government which is
39 otherwise confidential or exempt pursuant to the laws of that
40 state or nation or pursuant to federal law.

41 (f) An emergency cease and desist order under s. 662.143
42 until the emergency order is made permanent unless the office

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43 finds that such confidentiality will result in substantial risk
44 of financial loss to the public.

45 (3) AUTHORIZED RELEASE OF CONFIDENTIAL AND EXEMPT
46 INFORMATION.—Information made confidential and exempt under
47 subsection (1) may be disclosed by the office:

48 (a) To the authorized representative or representatives of
49 the family trust company, licensed family trust company, or
50 foreign licensed family trust company under examination. The
51 authorized representative or representatives shall be identified
52 in a resolution or by written consent of the board of directors,
53 if the trust company is a corporation, or of the managers, if
54 the trust company is a limited liability company.

55 (b) To a fidelity insurance company, upon written consent
56 of the trust company's board of directors, if a corporation, or
57 its managers, if a limited liability company.

58 (c) To an independent auditor, upon written consent of the
59 trust company's board of directors, if a corporation, or its
60 managers, if a limited liability company.

61 (d) To a liquidator, receiver, or conservator for a family
62 trust company, licensed family trust company, or foreign
63 licensed family trust company in the event of the appointment of
64 the liquidator, receiver, or conservator. However, any portion
65 of the information which discloses the identity of a bondholder,
66 customer, family member, member, or stockholder must be redacted
67 by the office before the release of such portion to the
68 liquidator, receiver, or conservator.

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69 (e) To any other state, federal, or foreign agency
70 responsible for the regulation or supervision of family trust
71 companies, licensed family trust companies, or foreign licensed
72 family trust companies.

73 (f) To a law enforcement agency in the furtherance of the
74 agency's official duties and responsibilities.

75 (g) To the appropriate law enforcement or prosecutorial
76 agency for the purpose of reporting any suspected criminal
77 activity.

78 (h) Pursuant to a legislative subpoena. The legislative
79 body or committee that receives the records or information must
80 maintain the confidential status of such records or information,
81 except in a case involving the investigation of charges against
82 a public official subject to impeachment or removal, in which
83 case disclosure of the records or information shall be only to
84 the extent necessary as determined by the legislative body or
85 committee.

86 (4) PUBLICATION OF INFORMATION.—This section does not
87 prevent or restrict the publication of:

88 (a) A report required by federal law.

89 (b) The name of the family trust company, licensed family
90 trust company, or foreign licensed family trust company and the
91 name and address of the registered agent of that company.

92 (5) PENALTY.—A person who willfully discloses information
93 made confidential and exempt by this section commits a felony of

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94 the third degree, punishable as provided in s. 775.082, s.
95 775.083, or s. 775.084.

96 (6) OPEN GOVERNMENT SUNSET REVIEW.—This section is subject
97 to the Open Government Sunset Review Act in accordance with s.
98 119.15 and shall stand repealed on October 2, 2019, unless
99 reviewed and saved from repeal through reenactment by the
100 Legislature.

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105 **T I T L E A M E N D M E N T**

106 Remove lines 12-18 and insert:

107 Repeal of the exemption; providing a statement of public
108 necessity