

FOR CONSIDERATION By the Committee on Banking and Insurance

597-00886-19

20197050pb

1 A bill to be entitled
2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 559.5558, F.S., which
4 provides an exemption from public records requirements
5 for information collected in connection with
6 investigations and examinations by the Office of
7 Financial Regulation of the Financial Services
8 Commission; removing the scheduled repeal of the
9 exemption; providing an effective date.

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

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13 Section 1. Section 559.5558, Florida Statutes, is amended
14 to read:

15 559.5558 Public records exemption; investigations and
16 examinations.—

17 (1) As used in this section, the term "personal financial
18 and health information" means:

19 (a) Information relating to the existence, nature, source,
20 or amount of a consumer's personal income, expenses, and debt;

21 (b) Information relating to a consumer's financial
22 transactions of any kind;

23 (c) Information relating to the existence, identification,
24 nature, or value of a consumer's assets, liabilities, or net
25 worth;

26 (d) A consumer's personal health condition, disease, or
27 injury; or

28 (e) A history of a consumer's personal medical diagnosis or
29 treatment.

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30 (2) (a) Except as otherwise provided by this section,
31 information held by the office pursuant to an investigation or
32 examination of a violation of this part is confidential and
33 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
34 Constitution. However, information made confidential and exempt
35 pursuant to this section may be disclosed by the office to a law
36 enforcement agency or another administrative agency in the
37 performance of its official duties and responsibilities.

38 (b) Information made confidential and exempt pursuant to
39 this section is no longer confidential and exempt once the
40 investigation or examination is completed or ceases to be active
41 unless disclosure of the information would:

42 1. Jeopardize the integrity of another active investigation
43 or examination.

44 2. Reveal the personal identifying information of a
45 consumer, unless the consumer is also the complainant. A
46 complainant's personal identifying information is subject to
47 disclosure after the investigation or examination is completed
48 or ceases to be active. However, a complainant's personal
49 financial and health information remains confidential and
50 exempt.

51 3. Reveal the identity of a confidential source.

52 4. Reveal investigative or examination techniques or
53 procedures.

54 5. Reveal trade secrets, as defined in s. 688.002.

55 (c) For purposes of this subsection, an investigation or
56 examination is considered active if the investigation or
57 examination is proceeding with reasonable dispatch and the
58 office has a reasonable good faith belief that the investigation

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59 or examination may lead to the filing of an administrative,
60 civil, or criminal proceeding or to the denial or conditional
61 grant of an application for registration or other approval
62 required under this part.

63 ~~(3) This section is subject to the Open Government Sunset~~
64 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~
65 ~~on October 2, 2019, unless reviewed and saved from repeal~~
66 ~~through reenactment by the Legislature.~~

67 Section 2. This act shall take effect October 1, 2019.