

FOR CONSIDERATION By the Committee on Commerce and Tourism

577-02962-19

20197084pb

1 A bill to be entitled
2 An act relating to public records and public meetings;
3 amending s. 570.233, F.S.; specifying that information
4 obtained by the Consumer Fraud, Identity Theft, and
5 Skimmer Working Group, which is exempt or confidential
6 and exempt from public records requirements, retains
7 its protected status; providing an exemption from
8 public records requirements for identifying
9 information concerning a victim of identity theft,
10 credit card fraud, or consumer financial fraud in
11 records created by the working group; providing an
12 exemption from public meetings requirements for
13 portions of working group meetings at which exempt or
14 confidential and exempt information or the identity of
15 a victim of identity theft, credit card fraud, or
16 consumer financial fraud is discussed; providing for
17 future legislative review and repeal; providing
18 statements of public necessity; providing a contingent
19 effective date.

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

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23 Section 1. Subsections (5), (6), and (7) are added to
24 section 570.233, Florida Statutes, as created by SB 1652, 2019
25 Regular Session, to read:

26 570.233 Consumer Fraud, Identity Theft, and Skimmer Working
27 Group.—

28 (5) (a) Any information that is exempt or confidential and
29 exempt from s. 119.07(1) and s. 24(a), Art. I of the State

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30 Constitution and that is obtained by the Consumer Fraud,
31 Identity Theft, and Skimmer Working Group in developing the plan
32 required under this section retains its exempt or confidential
33 and exempt status when held by the working group.

34 (b) Any information contained in a record created by the
35 working group which reveals the identity of a victim of identity
36 theft, credit card fraud, or consumer financial fraud is
37 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
38 of the State Constitution.

39 (6) Those portions of meetings of the working group at
40 which exempt or confidential and exempt information or the
41 identity of a victim of identity theft, credit card fraud, or
42 consumer financial fraud is discussed are exempt from s. 286.011
43 and s. 24(b), Art. I of the State Constitution.

44 (7) Subsections (5) and (6) are subject to the Open
45 Government Sunset Review Act in accordance with s. 119.15 and
46 shall stand repealed on October 2, 2024, unless reviewed and
47 saved from repeal through reenactment by the Legislature.

48 Section 2. (1) The Legislature finds that it is a public
49 necessity that information that is exempt or confidential and
50 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
51 Article I of the State Constitution remain exempt or
52 confidential and exempt when held by the Consumer Fraud,
53 Identity Theft, and Skimmer Working Group and that any
54 information contained in a record created by the working group
55 which reveals the identity of a victim of identity theft, credit
56 card fraud, or consumer financial fraud be confidential and
57 exempt from public records requirements. Otherwise, sensitive
58 personal information concerning victims of identity theft,

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59 credit card fraud, or consumer financial fraud would be
60 disclosed, and open communication and coordination among the
61 parties involved in the working group would be hampered. The
62 harm that would result from the release of such information
63 substantially outweighs any public benefit that would be
64 achieved by disclosure.

65 (2) The Legislature further finds that it is a public
66 necessity that portions of meetings of the Consumer Fraud,
67 Identity Theft, and Skimmer Working Group at which exempt or
68 confidential and exempt information or the identity of a victim
69 of identity theft, credit card fraud, or consumer financial
70 fraud is discussed be exempt from s. 286.011, Florida Statutes,
71 and s. 24(b), Article I of the State Constitution. The failure
72 to close portions of meetings at which exempt or confidential
73 and exempt information or the identity of a victim of identity
74 theft, credit card fraud, or consumer financial fraud is
75 discussed would defeat the purpose of the public records
76 exemption. Further, the Legislature finds that the exemption is
77 narrowly tailored to apply to only certain portions of meetings
78 of the working group to allow for public oversight.

79 Section 3. This act shall take effect on the same date that
80 SB 1652 or similar legislation takes effect, if such legislation
81 is adopted in the same legislative session or an extension
82 thereof and becomes law.