

By the Committees on Banking and Insurance; and Governmental Oversight and Accountability; and Senator Hutson

597-03962-20

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 559.952, F.S.; providing exemptions from public
4 records requirements for certain information submitted
5 to the Office of Financial Regulation in Financial
6 Technology Sandbox applications and information
7 relating to certain consultations; authorizing the
8 office to disclose the information to state and
9 federal agencies for investigative purposes; providing
10 for future legislative review and repeal of the
11 exemptions; providing a statement of public necessity;
12 providing a contingent effective date.

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

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16 Section 1. Paragraph (g) is added to subsection (5) and
17 paragraph (f) is added to subsection (6) of section 559.952,
18 Florida Statutes, as created by SB 1870, 2020 Regular Session,
19 to read:

20 559.952 Financial Technology Sandbox.—

21 (5) FINANCIAL TECHNOLOGY SANDBOX APPLICATION; STANDARDS FOR
22 APPROVAL.—

23 (g)1. The following information submitted to the office in
24 a Financial Technology Sandbox application under this subsection
25 is confidential and exempt from s. 119.07(1) and s. 24(a), Art.
26 I of the State Constitution:

27 a. The reasons why the general law or rule requirements for
28 which an exception or waiver is sought prevent the innovative
29 financial product or service from being made available to

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30 consumers.

31 b. The information specified in subparagraphs (d)1.-4. and
32 (d)7.

33
34 However, such information may be released to appropriate state
35 and federal agencies for purposes of investigation.

36 2. This paragraph is subject to the Open Government Sunset
37 Review Act in accordance with s. 119.15 and shall stand repealed
38 on October 2, 2025, unless reviewed and saved from repeal
39 through reenactment by the Legislature.

40 (6) OPERATION OF THE FINANCIAL TECHNOLOGY SANDBOX.—

41 (f)1. Any information relating to the consultation
42 described in paragraph (b) is confidential and exempt from s.
43 119.07(1) and s. 24(a), Art. I of the State Constitution.
44 However, such information may be released to appropriate state
45 and federal agencies for the purposes of investigation.

46 2. This paragraph is subject to the Open Government Sunset
47 Review Act in accordance with s. 119.15 and shall stand repealed
48 on October 2, 2025, 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 proprietary business information in the
52 innovative Financial Technology Sandbox be expressly made
53 confidential and exempt from public records requirements. The
54 disclosure of the proprietary business information relating to
55 the innovative financial technology products and services could
56 adversely affect the business interests of the Financial
57 Technology Sandbox applicants. Those entities and individuals
58 who would otherwise disclose proprietary business information in

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59 their applications to the Office of Financial Regulation to
60 start a business in this state would hesitate to cooperate with
61 the office, and this lack of cooperation would impair the
62 effective and efficient administration of governmental
63 functions. Further, disclosure of such information would impair
64 competition in the financial technology industry because
65 competitors could use the information to impede full and fair
66 competition in the financial technology industry to the
67 disadvantage of consumers. Without the exemption from public
68 records requirements which would protect their proprietary
69 business information, financial technology innovators might
70 elect to establish their business in another state with a more
71 secure business environment. Therefore, the Legislature finds
72 that any proprietary business information in Financial
73 Technology Sandbox applications and information relating to
74 specified consultations between Financial Technology Sandbox
75 applicants and the office on the applicants' financial products
76 or services must be held confidential and exempt from disclosure
77 under s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
78 the State Constitution.

79 Section 3. This act shall take effect on the same date that
80 SB 1870 or similar legislation takes effect, if such legislation
81 is adopted in the same legislative session or an extension
82 thereof and becomes a law.