



188548

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/16/2021	.	
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	.	

The Committee on Banking and Insurance (Burgess) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present subsections (5) through (14) of section 655.057, Florida Statutes, are redesignated as subsections (6) through (15), respectively, a new subsection (5) is added to that section, and present subsection (14) of that section is amended, to read:

655.057 Records; limited restrictions upon public access.-



11 (5) (a) Except as otherwise provided in this section and
12 except for those portions that are otherwise public record, the
13 following information received by the office pursuant to an
14 application for authority to organize a new state bank under
15 chapter 658 is confidential and exempt from s. 119.07(1) and s.
16 24(a), Art. I of the State Constitution:

17 1. Personal financial information.

18 2. A driver license number, a passport number, a military
19 identification number, or any other similar number issued on a
20 government document used to verify identity.

21 3. Books and records of a current or proposed financial
22 institution.

23 4. The personal identifying information of a shareholder,
24 subscriber, proposed officer, or proposed director of the
25 proposed bank when such information has been marked by the
26 applicant as confidential when submitted to the office. As used
27 in this subparagraph, the term "personal identifying
28 information" means names, home addresses, e-mail addresses,
29 telephone numbers, names of relatives, work experience,
30 professional licensing and educational background, and
31 photographs.

32 5. The proposed bank's business plan and any attached
33 supporting documentation when such information has been marked
34 by the applicant as confidential when submitted to the office.

35 (b) This subsection is subject to the Open Government
36 Sunset Review Act in accordance with s. 119.15 and is repealed
37 on October 2, 2026, unless reviewed and saved from repeal
38 through reenactment by the Legislature.

39 (15)-(14) Subsections (1), (2), (6), and (10) (5), and (9)



188548

40 are subject to the Open Government Sunset Review Act in
41 accordance with s. 119.15 and are repealed on October 2, 2022,
42 unless reviewed and saved from repeal through reenactment by the
43 Legislature.

44 Section 2. The Legislature finds that it is a public
45 necessity that certain information received by the Office of
46 Financial Regulation pursuant to an application for authority to
47 organize a new state bank under chapter 658 be made confidential
48 and exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
49 Article I of the State Constitution to the extent that
50 disclosure would reveal personal financial information; reveal a
51 driver license number, a passport number, a military
52 identification number, or any other similar number issued on a
53 government document used to verify identity; reveal books and
54 records of a current or proposed financial institution; reveal
55 the personal identifying information of a shareholder,
56 subscriber, proposed officer, or proposed director; or reveal a
57 proposed bank's business plan and any attached supporting
58 documentation. The office may receive sensitive personal,
59 financial, and business information in conjunction with its
60 duties related to the review of applications for the
61 organization or establishment of new state banks. An exemption
62 from public records is necessary to ensure the office's ability
63 to administer its regulatory duties while preventing unwarranted
64 damage to the proposed bank or the shareholders, subscribers,
65 proposed officers, or proposed directors of the proposed bank or
66 other financial institutions in this state. The release of
67 information that could lead to the identification of an
68 individual involved in the potential establishment of a new bank



188548

69 in this state may subject such individuals to retribution and
70 jeopardize their current employment with, or participation in
71 the affairs of, another financial institution. Thus, the public
72 availability of such information has a chilling effect on the
73 establishment of new banks in this state. Further, the public
74 availability of the books and financial records of a current or
75 proposed financial institution in this state presents an
76 unnecessary risk of harm to the business operations of such
77 institutions. Finally, the public availability of a proposed
78 bank's business plan may cause competitive harm to such bank's
79 future business operations and presents an unfair competitive
80 advantage for existing financial institutions that are not
81 required to release such information.

82 Section 3. This act shall take effect July 1, 2021.

83

84 ===== T I T L E A M E N D M E N T =====

85 And the title is amended as follows:

86 Delete everything before the enacting clause
87 and insert:

88 A bill to be entitled
89 An act relating to public records; amending s.
90 655.057, F.S.; providing an exemption from public
91 records requirements for certain information received
92 by the Office of Financial Regulation pursuant to an
93 application for a de novo banking charter; defining
94 the term "personal identifying information"; providing
95 for future legislative review and repeal of the
96 exemption; providing a statement of public necessity;
97 providing an effective date.