

1                                   A bill to be entitled  
 2           An act relating to public records; amending s.  
 3           655.057, F.S.; providing an exemption from public  
 4           records requirements for certain information received  
 5           by the Office of Financial Regulation pursuant to an  
 6           application for authority to organize a new state  
 7           bank; defining the term "personal identifying  
 8           information"; providing for future legislative review  
 9           and repeal of the exemption; providing a statement of  
 10          public necessity; providing an effective date.

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

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

19           655.057 Records; limited restrictions upon public access.—

20           (5) (a) Except as otherwise provided in this section and  
 21           except for those portions that are otherwise public record, the  
 22           following information received by the office pursuant to an  
 23           application for authority to organize a new state bank under  
 24           chapter 658 is confidential and exempt from s. 119.07(1) and s.  
 25           24(a), Art. I of the State Constitution:

26        1. Personal financial information.  
 27        2. A driver license number, a passport number, a military  
 28 identification number, or any other similar number issued on a  
 29 government document used to verify identity.  
 30        3. Books and records of a current or proposed financial  
 31 institution.  
 32        4. The personal identifying information of a shareholder,  
 33 subscriber, proposed officer, or proposed director of the  
 34 proposed state bank when such information has been marked by the  
 35 applicant as confidential when submitted to the office. As used  
 36 in this subparagraph, the term "personal identifying  
 37 information" means names, home addresses, e-mail addresses,  
 38 telephone numbers, names of relatives, work experience,  
 39 professional licensing and educational backgrounds, and  
 40 photographs.  
 41        5. The proposed state bank's business plan and any  
 42 attached supporting documentation when such information has been  
 43 marked by the applicant as confidential when submitted to the  
 44 office.  
 45        (b) This subsection is subject to the Open Government  
 46 Sunset Review Act in accordance with s. 119.15 and is repealed  
 47 on October 2, 2026, unless reviewed and saved from repeal  
 48 through reenactment by the Legislature.  
 49        ~~(15)-(14)~~ Subsections (1), (2), (6), and (10) ~~(5), and (9)~~  
 50 are subject to the Open Government Sunset Review Act in

51 accordance with s. 119.15 and are repealed on October 2, 2022,  
52 unless reviewed and saved from repeal through reenactment by the  
53 Legislature.

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

76 | directors of the proposed state bank or other financial  
77 | institutions in this state. The release of information that  
78 | could lead to the identification of an individual involved in  
79 | the potential establishment of a new state bank may subject such  
80 | individual to retribution and jeopardize his or her current  
81 | employment with, or participation in the affairs of, another  
82 | financial institution. Thus, the public availability of such  
83 | information has a chilling effect on the establishment of new  
84 | state banks. Further, the public availability of the books and  
85 | financial records of a current or proposed financial institution  
86 | in this state presents an unnecessary risk of harm to the  
87 | business operations of such institution. Finally, the public  
88 | availability of a proposed state bank's business plan may cause  
89 | competitive harm to such bank's future business operations and  
90 | presents an unfair competitive advantage for existing financial  
91 | institutions that are not required to release such information.

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