

1 A bill to be entitled

2 An act relating to public records; reenacting and
3 amending s. 560.129, F.S.; expanding a public records
4 exemption for certain information obtained by the
5 Office of Financial Regulation concerning or during
6 the course of an investigation or examination
7 conducted by the office, including customer and
8 consumer complaints, to incorporate the inclusion of
9 documents relating to virtual currency businesses and
10 qualified payment stablecoin issuers; providing for
11 future legislative review and repeal of the
12 exemptions; providing a statement of public necessity;
13 reenacting and amending s. 655.057, F.S.; expanding a
14 public records exemption for certain information
15 obtained by the office concerning an investigation or
16 examination conducted by the office, including reports
17 or papers of examinations, operations, or condition,
18 and trade secrets to incorporate the inclusion of
19 trust companies that are qualified payment stablecoin
20 issuers; providing for future legislative review and
21 repeal of the exemption; providing a statement of
22 public necessity; reenacting and amending s. 655.50,
23 F.S.; expanding a public records exemption for reports
24 and records filed with the office to incorporate the
25 inclusion of financial institutions that are trust

26 | companies that are qualified payment stablecoin
 27 | issuers; providing for future legislative review and
 28 | repeal of the exemption; providing a statement of
 29 | public necessity; providing a contingent effective
 30 | date.

31 |
 32 | Be It Enacted by the Legislature of the State of Florida:

33 |
 34 | **Section 1. Subsection (7) of section 560.129, Florida**
 35 | **Statutes, is renumbered as subsection (8), a new subsection (7)**
 36 | **is added to that section, and subsections (1), (2), and (4) of**
 37 | **that section are reenacted, to read:**

38 | 560.129 Confidentiality.—

39 | (1) Except as otherwise provided in this section, all
 40 | information concerning an investigation or examination conducted
 41 | by the office pursuant to this chapter, including any customer
 42 | complaint received by the office or the Department of Financial
 43 | Services, is confidential and exempt from s. 119.07(1) and s.
 44 | 24(a), Art. I of the State Constitution until the investigation
 45 | or examination ceases to be active. For purposes of this
 46 | section, an investigation or examination is considered "active"
 47 | so long as the office or any other administrative, regulatory,
 48 | or law enforcement agency of any jurisdiction is proceeding with
 49 | reasonable dispatch and has a reasonable good faith belief that
 50 | action may be initiated by the office or other administrative,

51 regulatory, or law enforcement agency.

52 (2) All information obtained by the office in the course
53 of its investigation or examination which is a trade secret, as
54 defined in s. 688.002, or which is personal financial
55 information shall remain confidential and exempt from s.
56 119.07(1) and s. 24(a), Art. I of the State Constitution. If any
57 administrative, civil, or criminal proceeding against a money
58 services business, its authorized vendor, or an affiliated party
59 is initiated and the office seeks to use matter that a licensee
60 believes to be a trade secret or personal financial information,
61 such records shall be subject to an in camera review by the
62 administrative law judge, if the matter is before the Division
63 of Administrative Hearings, or a judge of any court of this
64 state, any other state, or the United States, as appropriate,
65 for the purpose of determining if the matter is a trade secret
66 or is personal financial information. If it is determined that
67 the matter is a trade secret, the matter shall remain
68 confidential. If it is determined that the matter is personal
69 financial information, the matter shall remain confidential
70 unless the administrative law judge or judge determines that, in
71 the interests of justice, the matter should become public.

72 (4) Except as necessary for the office or any other
73 administrative, regulatory, or law enforcement agency of any
74 jurisdiction to enforce the provisions of this chapter or the
75 law of any other state or the United States, a consumer

76 | complaint and other information concerning an investigation or
 77 | examination shall remain confidential and exempt from s.
 78 | 119.07(1) and s. 24(a), Art. I of the State Constitution after
 79 | the investigation or examination ceases to be active to the
 80 | extent that disclosure would:

81 | (a) Jeopardize the integrity of another active
 82 | investigation;

83 | (b) Reveal personal financial information;

84 | (c) Reveal the identity of a confidential source; or

85 | (d) Reveal investigative techniques or procedures.

86 | (7) Subsections (1), (2), and (4) are subject to the Open
 87 | Government Sunset Review Act in accordance with s. 119.15 and
 88 | are repealed on October 2, 2031, unless reviewed and saved from
 89 | repeal through reenactment by the Legislature.

90 | **Section 2.** (1) The Legislature finds all of the
 91 | following:

92 | (a) It is a public necessity that all information
 93 | concerning an investigation or examination of a money services
 94 | business conducted by the Office of Financial Regulation
 95 | pursuant to chapter 560, Florida Statutes, including a consumer
 96 | complaint, be made confidential and exempt from s. 119.07(1),
 97 | Florida Statutes, and s. 24(a), Article I of the State
 98 | Constitution until the investigation or examination ceases to be
 99 | active. The Legislature further finds that such information
 100 | should remain confidential and exempt from s. 119.07(1), Florida

101 Statutes, and s. 24(a), Article I of the State Constitution
102 after the investigation or examination ceases to be active if
103 its disclosure would jeopardize the office's investigations or
104 examinations by revealing techniques or procedures or otherwise
105 reveal information that is being used in another investigation
106 or examinations, or if disclosure would reveal personal
107 financial information or a confidential source.

108 (b) It is a public necessity that trade secrets or
109 personal financial information obtained by the office in the
110 course of an investigation or examination pursuant to chapter
111 560, Florida Statutes, be made confidential and exempt from s.
112 119.07(1), Florida Statutes, and s. 24(a), Article I of the
113 State Constitution, unless an administrative law judge or
114 circuit judge determines that the release of personal financial
115 information to the public is in the interest of justice.

116 (2) Information specified in paragraphs (1)(a) and (b) is
117 held by the office in conjunction with its investigations and
118 examinations of money services businesses, which include
119 qualified payment stablecoin issuers, as defined in s. 560.103,
120 Florida Statutes, as amended by chapter 2025-100, Laws of
121 Florida. Qualified payment stablecoin issuers are thus subject
122 to investigation or examination by the office. As a result, the
123 office may receive sensitive personal and financial information
124 relating to such entities in conjunction with its duties under
125 chapter 560, Florida Statutes. An exemption from public records

126 requirements provides the same protections to qualified payment
127 stablecoin issuers as are afforded to other money services
128 businesses, thereby preventing any disadvantage to these
129 similarly regulated entities in comparison to other entities
130 currently classified as money services businesses. An exemption
131 from public records requirements for reports of examinations,
132 operations, or condition, including working papers, is necessary
133 to ensure the office's ability to effectively and efficiently
134 administer its examination and investigation duties. Examination
135 and investigation are essential components of financial
136 institutions regulation; they deter fraud and ensure the safety
137 and soundness of the financial system. Examinations and
138 investigations also provide a means of early detection of
139 violations, allowing for corrective action to be taken before
140 any harm can be done. Release of such information could
141 compromise the office's examinations or investigations, reveal
142 investigative techniques, or result in the disclosure of an
143 individual's personal financial information. Such disclosure
144 could also result in the release of inaccurate information,
145 which could harm the subject of the examination or
146 investigation, or otherwise impair commerce relating to money
147 services businesses. The Legislature finds that there is little
148 public benefit derived from access to such information during
149 the office's examinations or investigations, and that the
150 exemption is narrowly tailored to allow for release except where

151 the public benefit is outweighed by harm to either the office's
152 investigations or examinations or to individuals whose personal
153 financial information may be disclosed.

154 **Section 3. Subsection (15) is added to section 655.057,**
155 **Florida Statutes, and subsections (1) through (4), (6), and (10)**
156 **of that section are reenacted, to read:**

157 655.057 Records; limited restrictions upon public access.—

158 (1) Except as otherwise provided in this section and
159 except for such portions thereof which are otherwise public
160 record, all records and information relating to an investigation
161 by the office are confidential and exempt from s. 119.07(1) and
162 s. 24(a), Art. I of the State Constitution until such
163 investigation is completed or ceases to be active. For purposes
164 of this subsection, an investigation is considered "active"
165 while such investigation is being conducted by the office with a
166 reasonable, good faith belief that it may lead to the filing of
167 administrative, civil, or criminal proceedings. An investigation
168 does not cease to be active if the office is proceeding with
169 reasonable dispatch, and there is a good faith belief that
170 action may be initiated by the office or other administrative or
171 law enforcement agency. After an investigation is completed or
172 ceases to be active, portions of the records relating to the
173 investigation are confidential and exempt from s. 119.07(1) and
174 s. 24(a), Art. I of the State Constitution to the extent that
175 disclosure would:

176 (a) Jeopardize the integrity of another active
 177 investigation;
 178 (b) Impair the safety and soundness of the financial
 179 institution;
 180 (c) Reveal personal financial information;
 181 (d) Reveal the identity of a confidential source;
 182 (e) Defame or cause unwarranted damage to the good name or
 183 reputation of an individual or jeopardize the safety of an
 184 individual; or
 185 (f) Reveal investigative techniques or procedures.
 186 (2) Except as otherwise provided in this section and
 187 except for such portions thereof which are public record,
 188 reports of examinations, operations, or condition, including
 189 working papers, or portions thereof, prepared by, or for the use
 190 of, the office or any state or federal agency responsible for
 191 the regulation or supervision of financial institutions in this
 192 state are confidential and exempt from s. 119.07(1) and s.
 193 24(a), Art. I of the State Constitution. However, such reports
 194 or papers or portions thereof may be released to:
 195 (a) The financial institution under examination;
 196 (b) Any holding company of which the financial institution
 197 is a subsidiary;
 198 (c) Proposed purchasers if necessary to protect the
 199 continued financial viability of the financial institution, upon
 200 prior approval by the board of directors of such institution;

201 (d) Persons proposing in good faith to acquire a
202 controlling interest in or to merge with the financial
203 institution, upon prior approval by the board of directors of
204 such financial institution;

205 (e) Any officer, director, committee member, employee,
206 attorney, auditor, or independent auditor officially connected
207 with the financial institution, holding company, proposed
208 purchaser, or person seeking to acquire a controlling interest
209 in or merge with the financial institution; or

210 (f) A fidelity insurance company, upon approval of the
211 financial institution's board of directors. However, a fidelity
212 insurance company may receive only that portion of an
213 examination report relating to a claim or investigation being
214 conducted by such fidelity insurance company.

215 (g) Examination, operation, or condition reports of a
216 financial institution shall be released by the office within 1
217 year after the appointment of a liquidator, receiver, or
218 conservator to the financial institution. However, any portion
219 of such reports which discloses the identities of depositors,
220 bondholders, members, borrowers, or stockholders, other than
221 directors, officers, or controlling stockholders of the
222 institution, shall remain confidential and exempt from s.
223 119.07(1) and s. 24(a), Art. I of the State Constitution.

224
225 Any confidential information or records obtained from the office

226 pursuant to this subsection shall be maintained as confidential
227 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
228 Constitution.

229 (3) Except as otherwise provided in this section and
230 except for those portions that are otherwise public record,
231 after an investigation relating to an informal enforcement
232 action is completed or ceases to be active, informal enforcement
233 actions are confidential and exempt from s. 119.07(1) and s.
234 24(a), Art. I of the State Constitution to the extent that
235 disclosure would:

236 (a) Jeopardize the integrity of another active
237 investigation.

238 (b) Impair the safety and soundness of the financial
239 institution.

240 (c) Reveal personal financial information.

241 (d) Reveal the identity of a confidential source.

242 (e) Defame or cause unwarranted damage to the good name or
243 reputation of an individual or jeopardize the safety of an
244 individual.

245 (f) Reveal investigative techniques or procedures.

246 (4) Except as otherwise provided in this section and
247 except for those portions that are otherwise public record,
248 trade secrets as defined in s. 688.002 which comply with s.
249 655.0591 and which are held by the office in accordance with its
250 statutory duties with respect to the financial institutions

251 codes are confidential and exempt from s. 119.07(1) and s.
252 24(a), Art. I of the State Constitution.

253 (6) This section does not prevent or restrict:

254 (a) Publishing reports that are required to be submitted
255 to the office pursuant to s. 655.045(2) or required by
256 applicable federal statutes or regulations to be published.

257 (b) Furnishing records or information to any other state,
258 federal, or foreign agency responsible for the regulation or
259 supervision of financial institutions.

260 (c) Disclosing or publishing summaries of the condition of
261 financial institutions and general economic and similar
262 statistics and data, provided that the identity of a particular
263 financial institution is not disclosed.

264 (d) Reporting any suspected criminal activity, with
265 supporting documents and information, to appropriate law
266 enforcement and prosecutorial agencies.

267 (e) Furnishing information upon request to the Chief
268 Financial Officer or the Division of Treasury of the Department
269 of Financial Services regarding the financial condition of any
270 financial institution that is, or has applied to be, designated
271 as a qualified public depository pursuant to chapter 280.

272 (f) Furnishing information to Federal Home Loan Banks
273 regarding its member institutions pursuant to an information
274 sharing agreement between the Federal Home Loan Banks and the
275 office.

276
277 Any confidential information or records obtained from the office
278 pursuant to this subsection shall be maintained as confidential
279 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
280 Constitution.

281 (10) Materials supplied to the office or to employees of
282 any financial institution by other state or federal governmental
283 agencies remain the property of the submitting agency or the
284 corporation, and any document request must be made to the
285 appropriate agency. Any confidential documents supplied to the
286 office or to employees of any financial institution by other
287 state or federal governmental agencies are confidential and
288 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
289 Constitution. Such information shall be made public only with
290 the consent of such agency or the corporation.

291 (15) Subsections (1)-(4), (6), and (10) are subject to the
292 Open Government Sunset Review Act in accordance with s. 119.15
293 and are repealed October 2, 2031, unless reviewed and saved from
294 repeal through reenactment by the Legislature.

295 **Section 4.** (1) The Legislature finds that it is a public
296 necessity that all records and information relating to an
297 investigation by the Office of Financial Regulation undertaken
298 pursuant to chapter 655, Florida Statutes, be made confidential
299 and exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
300 Article I of the State Constitution until the investigation

301 ceases to be active. The Legislature further finds that such
302 information should remain confidential and exempt from s.
303 119.07(1), Florida Statutes, and s. 24(a), Article I of the
304 State Constitution after the investigation ceases to be active
305 if its disclosure would jeopardize the office's investigations
306 by revealing techniques or procedures, or otherwise reveal
307 information that is being used in another investigation; reveal
308 personal financial information or a confidential source; or
309 defame or cause unwarranted damage to an individual's reputation
310 or jeopardize his or her safety.

311 (2) Information specified in s. 655.057(1)-(4), (6), and
312 (10), Florida Statutes, is held by the office in conjunction
313 with examinations and investigations of trust companies which
314 may include records concerning payment stablecoin issuer
315 products or services offered by such trust companies, as
316 authorized in s. 658.997, Florida Statutes. As a result, the
317 office may receive sensitive personal and financial information
318 relating to such trust companies in conjunction with its duties
319 under chapter 655, Florida Statutes. An exemption from public
320 records requirements provides the same protections to trust
321 companies that are qualified payment stablecoin issuers as are
322 afforded to other financial institutions, thereby preventing any
323 disadvantage to these similarly regulated entities in comparison
324 to other entities currently classified as financial
325 institutions. An exemption from public records requirements for

326 reports of examinations, operations, or condition, including
327 working papers, is necessary to ensure the office's ability to
328 effectively and efficiently administer its examination and
329 investigation duties. Examination and investigation are
330 essential components of financial institutions regulation; they
331 deter fraud and ensure the safety and soundness of the financial
332 system. Examinations and investigations also provide a means of
333 early detection of violations, allowing for corrective action to
334 be taken before any harm can be done.

335 (3) The Legislature finds that it is a public necessity to
336 make confidential and exempt from s. 119.07(1), Florida
337 Statutes, and s. 24(a), Article I of the State Constitution
338 records and information relating to an examination or
339 investigation by the Office of Financial Regulation; portions of
340 records relating to a completed or inactive examination or
341 investigation by the office which would jeopardize the integrity
342 of another active examination or investigation, impair the
343 safety and soundness of the financial institution, reveal
344 personal financial information, reveal the identity of a
345 confidential source, defame or cause unwarranted damage to the
346 good name or reputation of an individual or jeopardize the
347 safety of an individual, or reveal investigative techniques or
348 procedures; reports of examinations, operations, or conditions,
349 including working papers, or portions thereof, prepared by, or
350 for the use of, the office or any state or federal agency

351 responsible for the regulation or supervision of financial
352 institutions in this state, until 1 year after the appointment
353 of a liquidator; any portion of such reports which discloses the
354 identities of depositors, bondholders, members, borrowers, or
355 stockholders, other than directors, officers, or controlling
356 stockholders of the institution; trade secrets held by the
357 office in accordance with its statutory duties under chapter
358 655, Florida Statutes, unless an administrative law judge or
359 circuit judge determines that the release of personal financial
360 information to the public is in the interest of justice; and
361 materials supplied to the office or to employees of any
362 financial institution by other state or federal governmental
363 agencies.

364 (4) Release of information specified in s. 655.057(1)-(4),
365 (6), and (10), Florida Statutes, could compromise the office's
366 examinations and investigations, reveal investigative
367 techniques, result in the disclosure of an individual's personal
368 financial information, or defame or cause unwarranted damage to
369 the good name or reputation of an individual or entity or
370 jeopardize his or her safety. Such disclosure could also result
371 in the spread of inaccurate information, which could harm the
372 subject of the examination or investigation, or otherwise impair
373 commerce conducted by financial institutions in this state. Any
374 portion of a record or information relating to an examination or
375 investigation which reveals personal financial information or

376 the identity of a confidential source may defame, or cause
377 unwarranted damage to the good name or reputation of, those
378 individuals, or jeopardize their safety.

379 (5) A trade secret derives independent economic value,
380 actual or potential, from not being generally known to, and not
381 readily ascertainable by, other persons who can obtain economic
382 value from the disclosure or use of the trade secret. Without an
383 exemption for a trade secret held by the office in accordance
384 with its duties prescribed by chapter 655, Florida Statutes,
385 that trade secret becomes a public record when received and must
386 be divulged upon request. Divulging a trade secret under the
387 public records law would give business competitors an unfair
388 advantage and destroy the value of that property, causing a
389 financial loss to the person or entity submitting the trade
390 secret and weakening the position of that person or entity in
391 the marketplace.

392 (6) The Legislature finds that there is little public
393 benefit derived from access to such information during the
394 office's examinations or investigations, and that the exemption
395 is narrowly tailored to allow for release except where the
396 public benefit is outweighed by harm to individuals or
397 institutions, when the disclosure would jeopardize other
398 examinations or investigations, reveal the office's
399 investigative techniques or procedures, or expose personal
400 financial information or a confidential source.

401 **Section 5. Subsection (7) of section 655.50, Florida**
402 **Statutes, is amended, and paragraph (d) of subsection (5) of**
403 **this section is reenacted, to read:**

404 655.50 Florida Control of Money Laundering and Terrorist
405 Financing in Financial Institutions Act.—

406 (5) A financial institution shall keep a record of each
407 financial transaction occurring in this state known to it which
408 involves currency or other monetary instrument, as the
409 commission prescribes by rule, has a value greater than \$10,000,
410 and involves the proceeds of specified unlawful activity, or is
411 designed to evade the reporting requirements of this section,
412 chapter 896, or similar state or federal law, or which the
413 financial institution reasonably believes is suspicious
414 activity. Each financial institution shall maintain appropriate
415 procedures to ensure compliance with this section, chapter 896,
416 and other similar state or federal law. Any report of suspicious
417 activity made pursuant to this subsection is entitled to the
418 same confidentiality provided under 31 C.F.R. s. 1020.320,
419 whether the report or information pertaining to or identifying
420 the report is in the possession or control of the office or the
421 reporting institution.

422 (d) Each financial institution shall file a report of the
423 records required under this subsection with the office. Each
424 report shall be filed at such time and must contain such
425 information as the commission requires by rule.

426 (7) (a) All reports and records filed with the office
427 pursuant to this section are confidential and exempt from s.
428 119.07(1) and s. 24(a), Art. I of the State Constitution.
429 However, the office shall provide any report filed pursuant to
430 this section, or information contained therein, to federal,
431 state, and local law enforcement and prosecutorial agencies, and
432 any federal or state agency responsible for the regulation or
433 supervision of financial institutions.

434 (b) This subsection is subject to the Open Government
435 Sunset Review Act in accordance with s. 119.15 and is repealed
436 October 2, 2031, unless reviewed and saved from repeal through
437 reenactment by the Legislature.

438 **Section 6.** (1) The Legislature finds that it is a public
439 necessity that all reports and records filed with the Office of
440 Financial Regulation be made confidential and exempt from s.
441 119.07(1), Florida Statutes, and s. 24(a), Article I of the
442 State Constitution unless disclosure is requested by a federal,
443 state, or local law enforcement or prosecutorial agency or any
444 federal or state agency responsible for the regulation or
445 supervision of financial institutions. Information regarding
446 potential money laundering or terrorism must be safeguarded to
447 prevent the potential offender from being tipped off or
448 circumventing an investigation conducted by the office, and
449 disclosure of such information could harm the office's
450 investigations.

451 (2) These reports and records are held by the office in
452 conjunction with its duties pursuant to 31 U.S.C. s. 5313 and 31
453 C.F.R. part 1020 and its examinations or investigations of trust
454 companies' transactions involving monetary instruments
455 concerning payment stablecoin products or services offered by
456 such companies, as authorized in s. 658.997, Florida Statutes,
457 to include any transactions involving payment stablecoin
458 products or services offered by such financial institutions. As
459 a result, the office may receive sensitive personal and
460 financial information relating to such entities in conjunction
461 with its duties under chapter 655, Florida Statutes. An
462 exemption from public records requirements provides the same
463 protections to trust companies that hold a certificate of
464 authority as a qualified payment stablecoin issuer as are
465 afforded to other financial institutions, thereby preventing any
466 disadvantage to these similarly regulated entities in comparison
467 to other entities currently classified as financial
468 institutions. An exemption from public records requirements for
469 reports and records submitted to the office is necessary to
470 ensure the office's ability to effectively and efficiently
471 administer its investigation duties. Examination and
472 investigation are essential components of financial institutions
473 regulation; they deter fraud and ensure the safety and soundness
474 of the financial system. Examinations and investigations also
475 provide a means of early detection of violations, allowing for

476 corrective action to be taken before any harm can be done.

477 **Section 7.** This act shall take effect on the same date
478 that HB 175 or similar legislation takes effect, if such
479 legislation is adopted in the same legislative session or an
480 extension thereof and becomes a law.