

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

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BILL #: [HB 777](#)

TITLE: Pub. Rec./Office of Financial Regulation

SPONSOR(S): Barnaby

Committee References

[Insurance & Banking](#)

14 Y, 0 N

[Government Operations](#)

[Commerce](#)

SUMMARY

Effect of the Bill:

The bill, which is linked to the passage of HB 381, makes confidential certain information related to mortgage businesses, money services businesses, and financial institutions such as information relating to the cybersecurity requirements proposed in HB 381, investigations conducted by OFR, and information contained in a financial institution's application for formation.

Fiscal or Economic Impact:

The bill may have an indeterminate impact on the private sector.

Extraordinary Vote Required for Passage:

The bill requires a two-thirds vote of the membership of both houses of the Legislature for final passage.

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ANALYSIS

EFFECT OF THE BILL:

Mortgage businesses and money services businesses:

The bill makes the following information confidential and exempt from [Florida's public records laws](#):

- Information received by the [Office of Financial Regulation \("OFR"\)](#) relating to the cybersecurity requirements for [mortgage businesses](#) and [money services businesses](#) proposed in [HB 381](#), including information received relating to the written response plan, investigation and notice of a security breach. (Section [1](#)).
- Information received by OFR as a result of an investigation of a mortgage business or money services business by OFR or a law enforcement agency, until said investigation is complete. (Section [3](#)).

The bill includes the constitutionally required public necessity statement, in which the bill notes that premature or unrestricted release of information on cybersecurity events could compromise ongoing investigations, expose system vulnerabilities, and hinder OFR's ability to protect consumers and regulate mortgage and money services businesses effectively. The bill states that disclosure of such information could place affected individuals at risk of identity theft and financial fraud, and could also reveal trade secrets, proprietary data, and technical safeguards. The bill also finds that protecting information on cybersecurity events ensures that entities cooperate fully with

regulators, encourages accurate reporting of security incidents, and maintains the overall integrity of the financial and cybersecurity infrastructure of Florida. (Sections [2](#) and [4](#)).

Financial Institutions:

The bill makes the following information confidential and exempt from Florida's public records laws:

- Information received by the OFR relating to notices of data security breaches by [financial institutions](#), as proposed in [HB 381](#). (Section [5](#)).
- Information received by the OFR relating to investigations of financial institutions conducted by OFR or law enforcement agencies, until said investigation is complete. (Section [5](#)).
 - The bill allows OFR to publish information that would otherwise be confidential during an active investigation if publishing such information is in the furtherance of OFR's official duties and responsibilities or could help locate victims of a data breach or improper disposal of customer records. The bill would also allow OFR to disclose otherwise confidential information to another government entity in furtherance of its official duties. (Section [5](#)).

The bill also makes certain information related to the investigation of a financial institution confidential even after an investigation is complete, including:

- information to which another public records exemption applies;
- personal information;
- computer forensic reports;
- information that would reveal weaknesses in a financial institution's data security; and
- information that would disclose a financial institution's proprietary information such as trade secrets or competitive interests. (Section [5](#)).

The bill also provides that OFR may not publish this type of information in order to locate victims of a data breach or improper disposal of customer records. (Section [5](#)).

The bill includes the constitutionally required public necessity statement, in which the bill finds that notifications of security breaches involving financial institutions are likely to result in an investigation and that premature release of such information could frustrate, thwart or jeopardize the investigation and impair the ability of OFR to effectively and efficiently administer the required notices. (Section [6](#)).

The bill finds that it is a public necessity to continue to protect from public disclosure all information to which another public record exemption applies once an investigation is completed, as release of such information would undo the specific statutory exemption protecting that information. (Section [6](#)).

The bill finds that an investigation of a data breach or improper disposal of records is likely to result in the gathering of sensitive personal information of customers of financial institutions that could be used for identity theft, and that release of such information could subject possible victims to further financial harm. (Section [6](#)).

The bill finds that the release of a computer forensic report or other information that would reveal a financial institution's data security weaknesses could compromise the institution's future security, could compromise the security of other financial institutions, and could result in the identification of vulnerabilities and further breaches of that system. (Section [6](#)).

The bill further finds that notices received by OFR and information received during an investigation are likely to contain proprietary information, including trade secrets, and the release of such information could result in the identification of vulnerabilities and further breaches of that system. The bill finds that a trade secret derives independent, economic value from being unknown to other persons and allowing public access could destroy their value and could cause financial harm to the financial institution and give competitors an unfair advantage. (Section [6](#)).

Applications for Financial Institutions:

The bill makes information received by OFR relating to an application to form a financial institution confidential, including:

- personal financial information;¹
- driver license number, passport number, military identification number, or any other number or code issued on a government document used to verify identity;
- books and records of a current or proposed financial institution; and
- the proposed financial institution's proposed business plan. (Section [7](#)).

The bill contains the constitutionally required public necessity statement, and finds that OFR may receive sensitive information when reviewing applications for new financial institutions and that exemptions from public records requirements are necessary to ensure OFR's ability to administer its regulatory duties while preventing unwarranted damage to the proposed financial institution or proposed officers or directors. (Section [8](#)).

The bill finds that the release of such information could lead to identification of an individual involved in a new financial institution and may subject the individual to retribution. The bill finds that public availability of the books and records of a current or proposed financial institution presents an unnecessary risk of harm to the business operations of such institution. The bill further finds that the public availability of a proposed financial institution's business plan may cause competitive harm to its future business operations and present an unfair competitive advantage for existing financial institutions. (Section [8](#)).

Sunset Provision

The bill's exemptions for mortgage businesses, money services businesses, and financial institutions automatically sunset on October 2, 2031, unless reviewed and saved from repeal.

Effective date:

The bill provides that it shall take effect on the same date that HB 381 or similar legislation takes effect. HB 381 has an effective date of July 1, 2026.

FISCAL OR ECONOMIC IMPACT:**PRIVATE SECTOR:**

The bill may have an indeterminate impact on the private sector, to the extent that the bill prevents the release of information that if released, could have a financial impact on businesses or individuals.

RELEVANT INFORMATION**SUBJECT OVERVIEW:****Florida's public records laws:**

The Florida Constitution sets forth the state's public policy regarding access to government records, guaranteeing every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government.² The Legislature, however, may provide by general law for exemption³ from public record requirements provided the exemption passes by two-thirds vote of each chamber, states with

¹ "Personal financial information" is defined as: information relating to the existence, nature, source, or amount of a person's personal income, expenses, or debt; information relating to a person's financial transactions of any kind; or information relating to the existence, identification, nature, or value of a person's assets, liabilities, or net worth. [S. 655.057\(13\), F.S.](#)

² Art. I, s. 24(a), FLA. CONST.

³ A public record exemption means a provision of general law which provides that a specified record, or portion thereof, is not subject to the access requirements of [s. 119.07\(1\), F.S.](#), or s. 24, Art. I of the State Constitution. See [s. 119.011\(8\), F.S.](#)

specificity the public necessity justifying the exemption, and is no broader than necessary to meet its public purpose.⁴

The Florida Statutes also address the public policy regarding access to government records, guaranteeing every person a right to inspect and copy any state, county, or municipal record, unless the record is exempt.⁵ Furthermore, the Open Government Sunset Review Act⁶ provides that a public record exemption may be created, revised, or maintained only if it serves an identifiable public purpose and the "Legislature finds that the purpose is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exemption."⁷

An identifiable public purpose is served if the exemption meets one of the following purposes:⁸

- Allow the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;
- Protect sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision; or
- Protect trade or business secrets.

Pursuant to the Open Government Sunset Review Act, a new public record exemption or substantial amendment of an existing public record exemption is repealed on October 2nd of the fifth year following enactment, unless the Legislature reenacts the exemption.⁹

Current public record exemptions related to financial institutions include:¹⁰

- records and information relating to active investigations.
 - The records remain confidential and exempt after the investigation is completed or ceases to be active to the extent disclosure would jeopardize the integrity of another active investigation, impair the safety and soundness of the financial institution, reveal personal financial information, reveal the identity of a confidential source, defame or cause unwarranted damage to the good name or reputation of an individual or jeopardize the safety of an individual, or reveal investigative techniques or procedures.
- reports of examinations, operations, or condition, including working papers, or portions thereof, prepared by, or for the use of, OFR or any other state agency or federal agency responsible for the regulation or supervision of financial institutions. However, this exemption provides for the following release of such reports:
 - The reports may be released to specified persons such as the financial institution under examination (or its holding company) and certain proposed acquirers of a financial institution.
 - The reports must be released within one year after the appointment of a liquidator, receiver, or conservator to the financial institution, except that portions of the reports which identify specified individuals such as depositors and stockholders remain confidential and exempt.
- OFR's informal enforcement actions to the extent that disclosure would jeopardize the integrity of another active investigation, impair the safety and soundness of the financial institution, reveal personal financial information, reveal the identity of a confidential source, defame or cause unwarranted damage to the good name or reputation of an individual or jeopardize the safety of an individual, or reveal investigative techniques or procedures.
- trade secrets held by OFR in accordance with its statutory duties.

⁴ Art. I, s. 24(c), FLA. CONST.

⁵ See [S. 119.01, F.S.](#)

⁶ [S. 119.15, F.S.](#)

⁷ [S. 119.15\(6\)\(b\), F.S.](#)

⁸ *Id.*

⁹ [S. 119.15\(3\), F.S.](#)

¹⁰ [S. 655.057, F.S.](#)

- information received by OFR pursuant to an application for authority to organize a new state bank or new state trust company such as personal financial information, a driver license or other forms of identification, books and records of the proposed institution, and the proposed institution's business plan.
- lists of the members of a credit union or mutual association.
- lists of shareholders of banks, trust companies, and stock associations.

Office of Financial Regulation:

OFR is responsible for all activities of the Financial Services Commission relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.¹¹ The Division of Consumer Finance within OFR licenses and regulates various aspects of the non-depository financial services industries, including mortgage and money services businesses.¹² The Division of Financial Institutions within OFR regulates commercial banks, credit unions, family trust companies, international bank and trust company offices, and non-deposit trust companies.¹³

Mortgage businesses:

Chapter 494, F.S. authorizes OFR to regulate the following mortgage businesses: loan originators, mortgage brokers and branches, and mortgage lenders and branches.¹⁴

Money services businesses:

A "money service business" is defined as any person located in or doing business in this state, from this state, or into this state from locations outside this state or country who acts as a payment instrument seller, foreign currency exchanger, check casher, or money transmitter.¹⁵

Financial institutions:

"Financial institution" means a state or federal savings or thrift association, bank, savings bank, trust company, international bank agency, international banking corporation, international branch, international representative office, international administrative office, international trust entity, international trust company representative office, qualified limited service affiliate, credit union, or corporations authorized by the Federal Reserve to conduct international banking or finance.¹⁶

House Bill 381 requirements for mortgage and money services businesses:

House Bill 381 requires mortgage and money services businesses to develop and maintain comprehensive cybersecurity programs designed to protect the nonpublic customer information.

The specific requirements for the cybersecurity program include:

- Developing and maintaining an information security program with administrative, technical, and physical safeguards to protect the business's information system and nonpublic personal information of a customer.
- Regularly testing and monitoring the program.
- Establishing a written incident response plan designed to promptly respond to and recover from cybersecurity events.
- Investigating any actual or potential cybersecurity event.
- Notifying OFR of any security breach affecting 500 or more individuals in Florida at a time.

¹¹ [S. 20.121\(3\)\(a\)\(2\), F.S.](#)

¹² Office of Financial Regulation, Division of Consumer Finance, <https://flofr.gov/divisions-offices/division-of-consumerfinance> (last visited Jan. 15, 2026).

¹³ Office of Financial Regulation, Division of Financial Institutions, <https://flofr.gov/divisions-offices/division-of-financial-institutions> (last visited Jan. 15, 2026).

¹⁴ Office of Financial Regulation, Division of Financial Institutions, <https://flofr.gov/divisions-offices/division-of-financial-institutions> (last visited Jan. 15, 2026).

¹⁵ [S. 560.103\(23\), F.S.](#)

¹⁶ [S. 655.005\(1\)\(i\), F.S.](#)

HB 381 provides that “nonpublic personal information” means

- personally identifiable financial information¹⁷ and
- Any list, description, or other grouping of customers which is derived using any personally identifiable financial information that is not publicly available, such as account numbers, including any list of individuals’ names and street addresses which is derived, in whole or in part, using personally identifiable financial information that is not publicly available.

[House Bill 381 requirements for financial institutions:](#)

HB 381 requires financial institutions to take reasonable measures to protect and secure electronic data containing personal information.

HB 381 also requires financial institutions to notify the Division of Financial Institutions upon the occurrence or detection of a data breach in which personal information may have been compromised, gathered, or distributed if 500 or more people are affected.

HB 381 provides that “personal information” means:

- an individual’s first name, or first initial, and last name, in combination with any of the following data for that individual:
 - A social security number;
 - A driver license or identification card number, passport number, military identification number, or other similar number issued on a government document;
 - A financial account number or credit or debit card number, in combination with any required security code, access code, or password that is necessary to permit access to the individual’s financial account;
 - The individual’s biometric data; or
- Any information regarding the individual’s geolocation; or
- A username or e-mail address, in combination with a password or security question and answer that would permit access to an online account.

HB 381 also requires financial institutions to notify individuals whose personal information was accessed as a result of the breach.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Insurance & Banking Subcommittee	14 Y, 0 N	1/21/2026	Brackett	Highsmith
Government Operations Subcommittee				
Commerce Committee				

¹⁷ HB 381 defines “personally identifiable financial information” as information a business obtains about a customer, prospective customer, or former customer relating to the obtainment of a financial product or service.