

Committee Substitute for Senate Bill No. 892

An act relating to public records; providing an exemption from public-records requirements for identifying information relating to a database for deferred presentment providers which is created and maintained by the Department of Banking and Finance under s. 560.404, F.S.; providing exceptions; providing for future review and repeal; providing findings of public necessity; providing an effective date.

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

Section 1. Database for deferred presentment providers; public-records exemption.—The identifying information contained in the database for deferred presentment providers, which is authorized under section 560.404, Florida Statutes, is confidential and exempt from section 119.07(1), Florida Statutes, and Section 24(a), Article I of the State Constitution, except that the identifying information in the database may be accessed by deferred presentment providers to verify whether any deferred presentment transactions are outstanding for a particular person and by the Department of Banking and Finance for the purpose of maintaining the database. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with section 119.15, Florida Statutes, and shall stand repealed October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that the exemption from public-records requirements which is provided in this act is a public necessity due to the need to prevent identity theft and related crimes and to prevent borrowers who may already be in financial difficulty from being put at further risk from the threat of fraud. The Legislature further finds that to make such identifying information available would be an unwarranted invasion of the privacy of the person who furnishes to a deferred presentment provider the information that the provider submits to the Department of Banking and Finance for incorporation into the database.

Section 3. This act shall take effect upon the effective date of the Committee Substitute for Committee Substitute for Senate Bills 1526 and 314, or substantially similar legislation, which is passed during the 2001 legislative session or an extension thereof.

Approved by the Governor June 19, 2001.

Filed in Office Secretary of State June 19, 2001.