

CHAPTER 2011-88

Committee Substitute for House Bill No. 677

An act relating to public records; amending s. 119.0712, F.S.; providing an exemption from public records requirements for information held by the Office of Financial Regulation that is received from another state or federal regulatory, administrative, or criminal justice agency and that is otherwise confidential or exempt pursuant to the laws of that state or pursuant to federal law; providing an exemption from public records requirements for information held by the office that is received or developed by the office as part of a joint or multiagency examination or investigation with another state or federal regulatory, administrative, or criminal justice agency; specifying conditions under which the Office of Financial Regulation may obtain and use such information; providing for retroactive application; providing for future review and repeal of the exemptions; providing a statement of public necessity; providing an effective date.

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

Section 1. Subsection (3) is added to section 119.0712, Florida Statutes, to read:

119.0712 Executive branch agency-specific exemptions from inspection or copying of public records.—

(3) OFFICE OF FINANCIAL REGULATION.—

(a) The following information held by the Office of Financial Regulation before, on, or after July 1, 2011, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

1. Any information received from another state or federal regulatory, administrative, or criminal justice agency that is otherwise confidential or exempt pursuant to the laws of that state or pursuant to federal law.

2. Any information that is received or developed by the office as part of a joint or multiagency examination or investigation with another state or federal regulatory, administrative, or criminal justice agency. The office may obtain and use the information in accordance with the conditions imposed by the joint or multiagency agreement. This exemption does not apply to information obtained or developed by the office that would otherwise be available for public inspection if the office had conducted an independent examination or investigation under Florida law.

(b) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2016, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. (1) The Legislature finds that it is a public necessity that information held by the Office of Financial Regulation before, on, or after July 1, 2011, that is received from another state or federal regulatory, administrative, or criminal justice agency that is confidential or exempt pursuant to the laws of that state or pursuant to federal law be made confidential and exempt from public records requirements. Without the exemption, the office will be unable to obtain information that could assist it in pursuing violations of law under its jurisdiction. Without this exemption, the effective and efficient administration of the regulatory programs administered by the Office of Financial Regulation would be significantly impaired.

(2) The Legislature finds that it is a public necessity that information held by the Office of Financial Regulation that is received or developed by the office as part of a joint or multiagency examination or investigation with another state or federal regulatory, administrative, or criminal justice agency be made confidential and exempt from public records requirements. The exemption is necessary to enable the office to participate in joint or multiagency investigations and examinations. Without the exemption, the office will be unable to participate in these activities, which impairs its ability to leverage its limited resources. Without the sharing and coordination of information, governmental agencies may be required to conduct duplicative independent investigations or examinations in order to meet their regulatory responsibilities. With the exemption, that burden can be reduced or eliminated through joint or alternating investigations or examinations, or by off-site reviews of other governmental agency investigations or examinations.

Section 3. This act shall take effect July 1, 2011.

Approved by the Governor May 31, 2011.

Filed in Office Secretary of State May 31, 2011.