Florida Senate - 2006

SB 1584

By the Committee on Banking and Insurance

597-1099A-06

1	A bill to be entitled
2	An act relating to public records; amending s.
3	560.4041, F.S.; providing a public-records
4	exemption for information contained in the
5	database maintained by the Office of Financial
6	Regulation for deferred presentment providers
7	which identifies or is specific to a particular
8	drawer or deferred presentment provider;
9	authorizing a court to order access to such
10	information upon a showing of good cause;
11	providing for future review and repeal of the
12	exemption under the Open Government Sunset
13	Review Act; providing a statement of public
14	necessity; providing an effective date.
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16	Be It Enacted by the Legislature of the State of Florida:
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18	Section 1. Section 560.4041, Florida Statutes, is
19	amended to read:
20	560.4041 Database for deferred presentment providers;
21	public records exemptionThe identifying information
22	contained in the database for deferred presentment providers,
23	which is authorized under s. 560.404, <u>and which identifies, or</u>
24	is specific to, a drawer or deferred presentment provider is
25	confidential and exempt from s. 119.07(1), and s. 24(a), Art.
26	I of the State Constitution <u>. However, a deferred presentment</u>
27	provider may access information that it has entered into the
28	database and may obtain an eligibility determination for a
29	particular person based on information in the database. A
30	court, upon a showing of good cause, may issue an order
31	authorizing any person to view or copy information contained

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1 in the database., except that the identifying information in 2 the database may be accessed by deferred presentment providers 3 to verify whether any deferred presentment transactions are 4 outstanding for a particular person and by the office for the 5 purpose of maintaining the database. This section is subject 6 to the Open Government Sunset Review Act of 1995 in accordance 7 with s. 119.15, and shall stand repealed on October 2, 2011 8 2006, unless reviewed and saved from repeal through reenactment by the Legislature. 9 10 Section 2. The Legislature finds that it is a public necessity that information that identifies, or is specific to, 11 12 a particular "drawer," or person who enters into a deferred 13 presentment transaction, be confidential and exempt from the public-records requirements due to the need to prevent 14 identity theft and related crimes of fraud, and that making 15 such identifying information available would be an unwarranted 16 17 invasion of the privacy of the individual. The Legislature further finds that information that identifies, or is specific 18 to, a particular deferred presentment provider be confidential 19 and exempt from the public-records requirements because such 2.0 21 information constitutes proprietary business information that is of value to a deferred presentment provider and would 2.2 23 provide a competitive disadvantage if disclosed to another 2.4 provider. Section 3. This act shall take effect October 1, 2006. 25 2.6 27 2.8 29 30 31

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2	SENATE SUMMARY
3	Provides an exemption from public-records requirements for information contained in the database maintained by
4	the Office of Financial Regulation for deferred presentment providers which identifies particular drawers
5	or deferred presentment providers. Provides for a court to authorize access. Provides for future review and
6	repeal of the exemption under the Open Government Sunset Review Act.
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