

By Senator Gainer

2-00919-21

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1                                   A bill to be entitled  
2       An act relating to public records; amending s.  
3       288.075, F.S.; providing an exemption from public  
4       records requirements for certain information held by  
5       an economic development agency; providing that such  
6       information may be released in an aggregated and  
7       anonymized format; providing for future legislative  
8       review and repeal of the exemption; providing a  
9       statement of public necessity; providing an effective  
10      date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

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14       Section 1. Present subsection (7) of section 288.075,  
15       Florida Statutes, is redesignated as subsection (8), and a new  
16       subsection (7) is added to that section, to read:

17       288.075 Confidentiality of records.—

18       (7) LOAN PROGRAMS.—

19       (a) The following information held by an economic  
20       development agency pursuant to its administration of a state or  
21       federally funded small business loan program is exempt from s.  
22       119.07(1) and s. 24(a), Art. I of the State Constitution:

23       1. The home address, telephone number, and e-mail address  
24       of a person who submits an application for a loan on behalf of a  
25       business.

26       2. Tax returns.

27       3. Bank and financial statements.

28       4. Credit history information, credit reports, and credit  
29       scores.

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30 (b) This section does not prohibit the disclosure of  
31 information held by an economic development agency pursuant to  
32 its administration of a small business loan program in an  
33 aggregated and anonymized format.

34 (c) This subsection is subject to the Open Government  
35 Sunset Review Act in accordance with s. 119.15 and shall stand  
36 repealed on October 2, 2026, unless reviewed and saved from  
37 repeal through reenactment by the Legislature.

38 Section 2. The Legislature finds that it is a public  
39 necessity that the home address, telephone number, and e-mail  
40 address of a person who submits an application for a loan on  
41 behalf of a business; tax returns; bank and financial  
42 statements; and credit history information, credit reports, and  
43 credit scores held by an economic development agency pursuant to  
44 its administration of any state or federally funded small  
45 business loan program be made exempt from s. 119.07(1), Florida  
46 Statutes, and s. 24(a), Article I of the State Constitution. In  
47 order to process and disburse loan funds, an economic  
48 development agency may obtain sensitive information needed to  
49 assess viability of loans. This information may be used to  
50 locate and identify and contact the borrower. If released,  
51 locating and identifying information could be used by fraudulent  
52 contractors, predatory lenders, thieves, or individuals seeking  
53 to impose on the borrower. Therefore, it is necessary that  
54 certain information held by an economic development agency  
55 pursuant to its administration of any state or federally funded  
56 small business loan program be protected to ensure that  
57 borrowers are not harassed, intimidated, or potentially  
58 defrauded.

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Section 3. This act shall take effect July 1, 2021.