

By the Committee on Governmental Oversight and Accountability;
and Senator Gainer

585-03621-21

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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.

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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. Tax returns.

24 2. Credit history information, credit reports, and credit
25 scores.

26 (b) This subsection does not prohibit the disclosure of
27 information held by an economic development agency pursuant to
28 its administration of a small business loan program in an
29 aggregated and anonymized format.

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32 repealed on October 2, 2026, unless reviewed and saved from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

34 Section 2. The Legislature finds that it is a public
35 necessity that the tax returns and credit history information,
36 credit reports, and credit scores held by an economic
37 development agency pursuant to its administration of any state
38 or federally funded small business loan program be made exempt
39 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
40 the State Constitution. In order to assess the viability of
41 loans, an economic development agency may obtain sensitive
42 information of a borrower, including certain financial
43 information. If released, the sensitive information could be
44 used by fraudulent contractors, predatory lenders, thieves, or
45 individuals seeking to impose on the borrower. Therefore, it is
46 necessary that sensitive information held by an economic
47 development agency pursuant to its administration of any state
48 or federally funded small business loan program be protected to
49 ensure that borrowers are not harassed, intimidated, or
50 potentially defrauded. The Legislature finds the harm that may
51 result from the release of such sensitive information outweighs
52 the public benefit that may be derived from the disclosure of
53 the information.

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