

CHAPTER 2021-23

Committee Substitute for House Bill No. 379

An act relating to public records; amending s. 288.075, F.S.; providing an exemption from public records requirements for certain information held by an economic development agency; providing that such information may be released in an aggregated and anonymized format; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

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

Section 1. Subsection (7) of section 288.075, Florida Statutes, is renumbered as subsection (8), and a new subsection (7) is added to that section, to read:

288.075 Confidentiality of records.—

(7) LOAN PROGRAMS.—

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

1. Tax returns.
2. Financial information.
3. Credit history information, credit reports, and credit scores.

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

(c) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2026, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that tax returns; financial information; and credit history information, credit reports, and credit scores held by an economic development agency pursuant to its administration of any state or federally funded small business loan program be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. In order to assess the viability of loans, an economic development agency may obtain sensitive information of an applicant or borrower, including certain contact and financial information. If released, the sensitive information could be used by fraudulent

contractors, predatory lenders, thieves, or individuals seeking to impose on the applicant or borrower. Therefore, it is necessary that sensitive information held by an economic development agency pursuant to its administration of any state or federally funded small business loan program be protected to ensure that applicants and borrowers are not harassed, intimidated, or potentially defrauded. The Legislature finds the harm that may result from the release of such sensitive information outweighs the public benefit that may be derived from the disclosure of the information.

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

Approved by the Governor May 7, 2021.

Filed in Office Secretary of State May 7, 2021.