

ENROLLED

CS/HB 379, Engrossed 1

2021 Legislature

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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

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26 | scores.

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

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 33 | repealed on October 2, 2026, unless reviewed and saved from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

35 | Section 2. The Legislature finds that it is a public
 36 | necessity that tax returns; financial information; and credit
 37 | history information, credit reports, and credit scores held by
 38 | an economic development agency pursuant to its administration of
 39 | any state or federally funded small business loan program be
 40 | made exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
 41 | Article I of the State Constitution. In order to assess the
 42 | viability of loans, an economic development agency may obtain
 43 | sensitive information of an applicant or borrower, including
 44 | certain contact and financial information. If released, the
 45 | sensitive information could be used by fraudulent contractors,
 46 | predatory lenders, thieves, or individuals seeking to impose on
 47 | the applicant or borrower. Therefore, it is necessary that
 48 | sensitive information held by an economic development agency
 49 | pursuant to its administration of any state or federally funded
 50 | small business loan program be protected to ensure that

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51 applicants and borrowers are not harassed, intimidated, or
52 potentially defrauded. The Legislature finds the harm that may
53 result from the release of such sensitive information outweighs
54 the public benefit that may be derived from the disclosure of
55 the information.

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