

By Senator Flores

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1 A bill to be entitled
2 An act relating to public records; creating s. 516.48,
3 F.S.; providing an exemption from public records
4 requirements for certain personal identifying
5 information and certain sensitive business information
6 disclosed to the Office of Financial Regulation for
7 the office's use in preparing a specified report under
8 the Increased Access to Responsible Small Dollar Loans
9 Pilot Program; providing for future legislative review
10 and repeal of the exemption; providing a statement of
11 public necessity; providing a contingent effective
12 date.

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

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16 Section 1. Section 516.48, Florida Statutes, is created to
17 read:

18 516.48 Public records exemption.—Personal identifying
19 information of a program loan applicant or borrower and
20 sensitive business information of a program licensee disclosed
21 to the office for its use in preparing the report required under
22 s. 516.47 is confidential and exempt from s. 119.07(1) and s.
23 24(a), Art. I of the State Constitution. This section is subject
24 to the Open Government Sunset Review Act in accordance with s.
25 119.15 and shall stand repealed on October 2, 2021, unless
26 reviewed and saved from repeal through reenactment by the
27 Legislature.

28 Section 2. The Legislature finds that it is a public
29 necessity to exempt from public records requirements personal
30 identifying information of a program loan applicant or borrower
31 and sensitive business information of a program licensee
32 disclosed to the Office of Financial Regulation for the office's

37-01824-16

20161628__

33 use in preparing the report required under s. 516.47, Florida
34 Statutes. Such information includes, but is not limited to, the
35 credit history information, credit scores, and other personal
36 financial information of program loan applicants and borrowers
37 under the Increased Access to Responsible Small Dollar Loans
38 Pilot Program and sensitive business information of program
39 licensees, including the number of program loans made, the total
40 amount loaned, and the distribution of loan lengths, interest
41 rates, and principal amounts upon origination. The Legislature
42 finds that credit history information, credit scores, and other
43 personal financial information of applicants and borrowers are
44 sensitive and personal in nature. Disclosure of such information
45 and scores could cause harm to the person to whom the
46 information applies, and such information could be defamatory
47 and could cause unwarranted damage to the name or reputation of
48 this person, especially if such information is inaccurate.
49 Furthermore, public access to such information could jeopardize
50 the financial safety of the person to whom the information
51 applies by placing him or her at risk of becoming the object of
52 identity theft. The Legislature further finds that the public
53 release of a program licensee's sensitive business information
54 will discourage a program licensee from providing full and
55 accurate disclosure of such information due to the potential for
56 competitive disadvantage. The Legislature finds that such
57 accurate information is necessary to evaluate the efficacy of
58 the pilot program.

59 Section 3. This act shall take effect on the same date that
60 SB ____ or similar legislation takes effect, if such legislation
61 is adopted in the same legislative session or an extension

37-01824-16

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62 | thereof and becomes a law.