

# FLORIDA HOUSE OF REPRESENTATIVES FINAL BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

<b>BILL #:</b> <a href="#">HB 7007</a> <a href="#">PCB GOS 26-04</a>	<b>COMPANION BILL:</b> <a href="#">SB 7016</a>
<b>TITLE:</b> OGSR/Small Business Loan Program Information	<b>LINKED BILLS:</b> None
<b>SPONSOR(S):</b> Government Operations Subcommittee, Sapp	<b>RELATED BILLS:</b> None

**FINAL HOUSE FLOOR ACTION:** 106 Y's 0 N's      **GOVERNOR'S ACTION:** Pending

## SUMMARY

### Effect of the Bill:

The bill saves from repeal the public record exemption for certain financial information held by an economic development agency pursuant to the administration of a state or federally funded small business loan program. The public record exemption will repeal on October 2, 2026, if the bill does not become law.

### Fiscal or Economic Impact:

None.

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## ANALYSIS

### EFFECT OF THE BILL:

HB 7007 passed as [SB 7016](#). (Please note that bill section parentheticals do not contain hyperlinks to bill sections for Senate bills.)

The bill removes the scheduled repeal date, created pursuant to the [Open Government Sunset Review Act](#), for the public record exemption for certain financial information—such as tax returns and credit reports— held by an economic development agency pursuant to the administration of a state or federally funded [small business loan program](#). The public record exemption will repeal on October 2, 2026, if the bill does not become a law. (Section 1)

Subject to the Governor's veto powers, the effective date of the bill is upon becoming a law. (Section 2)

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### [Open Government Sunset Review Act](#)

The Open Government Sunset Review Act (OGSR Act)<sup>1</sup> sets forth a legislative review process for newly created or substantially amended public record or public meeting exemptions. It requires an automatic repeal of the exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.<sup>2</sup>

The OGSR Act provides that a public record or public meeting exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than is necessary to meet one of the following purposes:

- Allow the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;
- Protect sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision; or

<sup>1</sup> [S. 119.15, F.S.](#)

<sup>2</sup> [S. 119.15\(3\), F.S.](#)

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- Protect trade or business secrets.<sup>3</sup>

If, and only if, in reenacting an exemption that will repeal, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required. If the exemption is reenacted with grammatical or stylistic changes that do not expand the exemption, if the exemption is narrowed, or if an exception to the exemption is created, then a public necessity statement and a two-thirds vote are not required.<sup>4</sup>

### Small Business Loan Programs

The Department of Commerce (Florida Commerce) administers a number of state and federally funded small business loan programs, including:

- Small Business Emergency Bridge Loan Program.<sup>5</sup>
- Rebuild Florida Business Loan Fund.<sup>6</sup>
- Rural Community Development Revolving Loan Fund Program.<sup>7</sup>
- State Small Business Credit Initiative.<sup>8</sup>
- Black Business Loan Program.<sup>9</sup>
- Microfinance Guarantee Program.<sup>10</sup>

### Public Record Exemption under Review

In 2021, the Legislature created a public record exemption for certain information held by an economic development agency pursuant to the administration of a state or federally funded small business loan program. Specifically, the law exempts tax returns, financial information, credit history information, credit reports, and credit scores from public record requirements.<sup>11</sup>

The 2021 public necessity statement<sup>12</sup> provided that the release of the protected information “could be used by fraudulent contractors, predatory lenders, thieves, or individuals seeking to impose on the applicant or borrower.”<sup>13</sup> Therefore, the exemption exists to “ensure that applicants and borrowers are not harassed, intimidated, or potentially defrauded.”<sup>14</sup>

Pursuant to the OGSR Act, the public record exemption will repeal on October 2, 2026, unless reviewed and saved from repeal by the Legislature.<sup>15</sup>

During the 2025 interim, House and Senate staff met jointly with staff from Florida Commerce to discuss the public record exemption under review. Florida Commerce staff indicated that they have had no issue interpreting or applying the exemption and were unaware of any litigation concerning the exemption. Florida Commerce staff explained that prior to the exemption, borrowers participating in state and federally funded small business loan programs were exposed to fraud. For that reason, Florida Commerce staff recommended reenacting the exemption as is. House and Senate committee staff also surveyed counties and cities concerning the public record exemption under review. All of the responding counties and cities stated they did not participate in any state or federally funded small business loan programs.

<sup>3</sup> [S. 119.15\(6\)\(b\), F.S.](#)

<sup>4</sup> [Art. I, s. 24\(c\), FLA. CONST.](#)

<sup>5</sup> Florida Department of Commerce, [Small Business Emergency Bridge Loan Program](#) (last visited Jan. 5, 2026).

<sup>6</sup> Florida Department of Commerce, [Rebuild Florida Business Loan Fund](#) (last visited Jan. 5, 2026).

<sup>7</sup> [S. 288.065, F.S.](#)

<sup>8</sup> Florida Department of Commerce, [State Small Business Credit Initiative](#) (last visited Jan. 5, 2026).

<sup>9</sup> Ss. [288.7102–288.714](#), F.S.

<sup>10</sup> See [Microfinance Programs, ch. 288, part XI, F.S.](#)

<sup>11</sup> [S. 288.075\(7\)\(a\)1.-3., F.S.](#)

<sup>12</sup> [Article I, s. 24\(c\), FLA. CONST.](#), requires each public record exemption to “state with specificity the public necessity justifying exemption.”

<sup>13</sup> [Ch. 2021-23, L.O.F.](#)

<sup>14</sup> *Id.*

<sup>15</sup> [S. 288.075\(7\), F.S.](#)

