

Public Records, county housing authority

Number: INFORMAL

Date: January 31, 2003

Subject:
Public Records, county housing authority

Ms. Julie Lovelace
Senior Assistant County Attorney
301 South Monroe Street
Leon County Courthouse, Fifth Floor
Tallahassee, Florida 32301

Dear Ms. Lovelace:

This is in response to your request for advice as to whether documents relating to mortgages funded by the Leon County Housing Finance Authority (Authority) are public records.

This office has been advised that the Authority was created pursuant to Part IV, Ch. 159, F.S., the Florida Housing Finance Authority Act. Section 159.608, F.S., authorizes the finance authorities created under the act to either directly make loans to qualified persons or to make loans to lending institutions to carry out such purposes.

A question has been raised as to whether records identifying mortgage recipients held by the bank under this program are public records subject to disclosure. Florida's Public Records Law, Ch. 119, F.S., is clearly applicable to these records. The bank is "acting on behalf of" a public agency, *i.e.*, the Authority, and, therefore, constitutes an agency as that term is defined in s. 119.011(2), F.S. See *News and Sun-Sentinel Company v. Schwab, Twitty & Hanser Architectural Group, Inc.*, 17 F.L.W. S156 (Fla., filed March 5, 1992).

You have pointed out several possible exemptions to disclosure. While such exemptions afford certain records of private financial institutions protection from disclosure during the state's regulatory process, this office is not aware of any exemption which would remove these records from disclosure when the bank is acting as the Authority's agent in granting mortgages under this program.

Sincerely,

Peter Antonacci
Deputy Attorney General

PA/tjw