

By the Committee on Agriculture

575-02003-24

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 570.822, F.S.; providing an exemption from public
4 records requirements for certain information held by
5 the Department of Agriculture and Consumer Services;
6 providing that such information may be released in an
7 aggregated and anonymized format; providing for future
8 legislative review and repeal of the exemption;
9 providing a statement of public necessity; providing
10 an effective date.

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

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14 Section 1. Present subsections (8), (9), and (10) of
15 section 570.822, Florida Statutes, are redesignated as
16 subsections (9), (10), and (11), respectively, and a new
17 subsection (8) is added to that section, to read:

18 570.822 Agriculture and Aquaculture Producers Natural
19 Disaster Recovery Loan Program.—

20 (8) PUBLIC RECORDS EXEMPTION.—

21 (a) The following information held by the department
22 pursuant to its administration of the program is exempt from s.
23 119.07(1) and s. 24(a), Art. I of the State Constitution:

24 1. Tax returns.

25 2. Credit history information, credit reports, and credit
26 scores.

27 (b) This subsection does not prohibit the disclosure of
28 information held by the department pursuant to its
29 administration of the program in an aggregated and anonymized

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30 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33 repealed on October 2, 2029, unless reviewed and saved from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 the tax returns and credit history information,
37 credit reports, and credit scores held by the Department of
38 Agriculture and Consumer Services pursuant to its administration
39 of the Agriculture and Aquaculture Producers Natural Disaster
40 Recovery Loan Program be made exempt from s. 119.07(1), Florida
41 Statutes, and s. 24(a), Article I of the State Constitution. In
42 order to assess the viability of loans, the department may
43 obtain sensitive information about a borrower, including certain
44 financial information. If released, the sensitive information
45 could be used by fraudulent contractors, predatory lenders,
46 thieves, or individuals seeking to impose on the borrower.
47 Therefore, it is necessary that sensitive information held by
48 the department pursuant to its administration of the program be
49 protected to ensure that borrowers are not harassed,
50 intimidated, or potentially defrauded. The Legislature finds the
51 harm that may result from the release of such sensitive
52 information outweighs the public benefit that may be derived
53 from the disclosure of the information.

54 Section 3. This act shall take effect upon becoming a law.