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CS/CS/HB 285, Engrossed 1

2024 Legislature

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 2 An act relating to public records; amending s. 28.47,
 3 F.S.; providing that certain information submitted to
 4 the clerk of the circuit court or property appraiser
 5 for the purpose of registering for a recording
 6 notification service or a related service is
 7 confidential and exempt from public records
 8 requirements; providing an exception; providing for
 9 retroactive application; providing for future
 10 legislative review and repeal of the exemption;
 11 providing a directive to the Division of Law Revision;
 12 providing a statement of public necessity; providing
 13 an effective date.

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

16
 17 Section 1. Subsection (5) of section 28.47, Florida
 18 Statutes, is amended to read:

19 28.47 Recording notification service; related services;
 20 public records exemption.—

21 (5) (a) ~~Nothing in~~ This section does not ~~may be construed~~
 22 ~~to~~ require the clerk or property appraiser to provide or allow
 23 access to a record or information which is confidential and
 24 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 25 Constitution or to otherwise violate the public records laws of

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26 | this state.

27 | (b) All electronic mail addresses, telephone numbers,
28 | personal and business names, and parcel identification numbers
29 | submitted to the clerk or property appraiser for the purpose of
30 | registering for a recording notification service or a related
31 | service pursuant to this section are confidential and exempt
32 | from s. 119.07(1) and s. 24(a), Art. I of the State
33 | Constitution, except upon court order. This paragraph applies to
34 | information held by the clerk or property appraiser before, on,
35 | or after the effective date of this act. This paragraph is
36 | subject to the Open Government Sunset Review Act in accordance
37 | with s. 119.15 and shall stand repealed on October 2, 2029,
38 | unless reviewed and saved from repeal through reenactment by the
39 | Legislature.

40 | Section 2. The Division of Law Revision is directed to
41 | replace the phrase "the effective date of this act" wherever it
42 | occurs in this act with the date this act becomes a law.

43 | Section 3. The Legislature finds that it is a public
44 | necessity that all electronic mail addresses, telephone numbers,
45 | personal and business names, and parcel identification numbers
46 | submitted to the clerk or property appraiser for the purpose of
47 | registering for a recording notification service or a related
48 | service under s. 28.47, Florida Statutes, be made confidential
49 | and exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
50 | Article I of the State Constitution. The recording notification

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51 service, created in response to a recent increase in fraudulent
52 real property conveyances, notifies a registrant by electronic
53 mail when a land record associated with the registrant's
54 monitored identity has been recorded in the public records of
55 the county so that the registrant may quickly identify a
56 fraudulent conveyance and take necessary action. Some clerks and
57 property appraisers have also begun offering related services
58 for which a person may register to receive notifications of
59 potentially fraudulent real property transfers by an alternative
60 form of communication, such as by text message. The Legislature
61 finds that it is a public necessity to protect persons who
62 register for a recording notification service or a related
63 service offered pursuant to this section from becoming victims
64 of other types of fraud by virtue of their status as a person
65 whose information has been submitted for monitoring. The
66 Legislature also finds that it is a public necessity to protect
67 persons whose personal or business names or parcel
68 identification numbers are not submitted to a recording
69 notification service or a related service for monitoring from
70 becoming the target of a fraudulent real property conveyance by
71 virtue of their lack of participation in any such service. Thus,
72 the Legislature finds that this act serves a compelling state
73 interest. The Legislature further finds that the harm that may
74 result from the release of the electronic mail addresses,
75 telephone numbers, personal and business names, and parcel

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76 | identification numbers submitted to the clerk or property
77 | appraiser for the purpose of registering for a recording
78 | notification service or a related service pursuant to this
79 | section outweighs any public benefit that may be derived from
80 | the disclosure of such information.

81 | Section 4. This act shall take effect upon becoming a law.