

1 A bill to be entitled
 2 An act relating to public records; amending s. 28.47,
 3 F.S.; providing that certain information submitted to
 4 the clerk or property appraiser by a person who
 5 registers for a recording notification service or a
 6 related service is confidential and exempt from public
 7 records requirements; providing an exception;
 8 providing applicability; providing for future
 9 legislative review and repeal of the exemption;
 10 providing a directive to the Division of Law Revision;
 11 providing a statement of public necessity; providing
 12 an effective date.

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

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

18 28.47 Recording notification service; related services;
 19 public records exemption.—

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

26 (b) All electronic mail addresses, telephone numbers,
27 personal and business names, and parcel identification numbers
28 submitted to the clerk or property appraiser by a person who
29 registers for a recording notification service pursuant to this
30 section, or a related service offered by the clerk or property
31 appraiser designed to notify the person who registers of a real
32 property transfer, are confidential and exempt from s. 119.07(1)
33 and s. 24(a), Art. I of the State Constitution, except upon
34 court order. This paragraph applies to information held by the
35 clerk or property appraiser before, on, or after the effective
36 date of this act. This paragraph is subject to the Open
37 Government Sunset Review Act in accordance with s. 119.15 and
38 shall stand repealed on October 2, 2029, unless reviewed and
39 saved from repeal through reenactment by the 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 by a person who
47 registers for a recording notification service under s. 28.47,
48 Florida Statutes, or a related service offered by the clerk or
49 property appraiser designed to notify the person who registers
50 of a real property transfer, be made confidential and exempt

51 from s. 119.07, Florida Statutes, and s. 24(a), Article I of the
52 State Constitution. The recording notification service, created
53 in response to a recent increase in fraudulent real property
54 conveyances, notifies a registrant by electronic mail when a
55 land record associated with the registrant's monitored identity
56 has been recorded in the public records of the county so that
57 the registrant may quickly identify a fraudulent conveyance and
58 take necessary action. Some clerks and property appraisers have
59 also begun offering related services for which a person may
60 register to receive notifications of potentially fraudulent real
61 property transfers by an alternative form of communication, such
62 as by text message. The Legislature finds that it is a public
63 necessity to protect persons who register for a recording
64 notification service or a related service offered by the clerk
65 or property appraiser to receive notifications of real property
66 transfers, and persons whose personal or business names or
67 parcel identification numbers are submitted for monitoring by
68 such persons, from becoming victims of other types of fraud by
69 virtue of their registration or status as a person whose
70 information has been submitted for monitoring. The Legislature
71 also finds that it is a public necessity to protect persons
72 whose personal or business names or parcel identification
73 numbers are not submitted to a recording notification service or
74 a related service for monitoring from becoming the target of a
75 fraudulent real property conveyance by virtue of their lack of

76 | participation in any such service. Thus, the Legislature finds
77 | that this act serves a compelling state interest. The
78 | Legislature further finds that the harm that may result from the
79 | release of the electronic mail addresses, telephone numbers,
80 | personal and business names, and parcel identification numbers
81 | submitted to the clerk or property appraiser by a person who
82 | registers for a recording notification service or a related
83 | service to receive notifications of real property transfers
84 | outweighs any public benefit that may be derived from the
85 | disclosure of such information.

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