

By Senator Smith

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1                   A bill to be entitled  
2           An act relating to public records; providing an  
3           exemption from public-records requirements for  
4           specified identifying information contained in the  
5           statewide Internet registry maintained under the  
6           Vacant or Abandoned Real Property Registration,  
7           Maintenance, and Foreclosure Reporting Act; providing  
8           exceptions; providing for future review and repeal of  
9           the exemption; providing a statement of public  
10          necessity; providing a contingent effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

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14           Section 1. Statewide Internet registry maintained under the  
15 Vacant or Abandoned Real Property Registration, Maintenance, and  
16 Foreclosure Reporting Act; public-records exemption.—

17           (1) The following information filed in the statewide  
18 Internet registry maintained under the Vacant or Abandoned Real  
19 Property Registration, Maintenance, and Foreclosure Reporting  
20 Act is confidential and exempt from s. 119.07(1) and s. 24(a),  
21 Art. I of the State Constitution:

22           (a) The name of the owner of the property that is the  
23 subject of the filing.

24           (b) The address of the property that is the subject of the  
25 filing.

26           (c) The mortgage loan number of the property that is the  
27 subject of the filing.

28           (2) (a) The information made confidential and exempt under  
29 subsection (1) may be made available to a state agency, the

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30 lender, or the local government in which the property is  
31 located.

32 (b) The Department of Financial Services may use the  
33 filings in the registry to provide statistical information  
34 concerning vacant or abandoned property and property  
35 foreclosures.

36 (3) This section is subject to the Open Government Sunset  
37 Review Act in accordance with s. 119.15, and shall stand  
38 repealed on October 2, 2014, unless reviewed and saved from  
39 repeal through reenactment by the Legislature.

40 Section 2. Because mortgage foreclosures and the many  
41 problems that arise as a result of foreclosures have become a  
42 problem both nationally and particularly in the State of  
43 Florida, a statewide Internet registry was created under the  
44 Vacant or Abandoned Real Property Registration, Maintenance, and  
45 Foreclosure Reporting Act for the purpose of helping the state,  
46 local governments, and mortgage lenders address the problems  
47 inherent in the increase of vacant and abandoned properties  
48 throughout the state. By establishing the registry as a single  
49 source that will facilitate the compilation, reporting, and  
50 exchange of information relevant to foreclosures, the relevant  
51 parties in property foreclosures will be better able to  
52 communicate with each other concerning the problems related to  
53 such vacant and abandoned properties. This capability will help  
54 reduce the negative impact that increasing numbers of foreclosed  
55 properties have on neighborhoods and communities throughout the  
56 state. Issues concerning the maintenance of such properties are  
57 better addressed at earlier stages, before the properties begin  
58 to have a detrimental effect on neighborhoods and communities,

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59 and the statewide registry will enable all relevant parties to a  
60 foreclosure to act in a timely manner and thus avoid or minimize  
61 such effects. Under Florida law, the statewide registry would be  
62 subject to the state's public-records law and anyone could  
63 obtain the information contained in the registry. This level of  
64 access has the potential to provide criminals with specific  
65 information about vacant or abandoned properties, thus making  
66 the properties more susceptible to robbery, burglary, vandalism,  
67 or other misuse. By making such information publicly available,  
68 any resultant robbery, burglary, vandalism, or other misuse of  
69 such unprotected properties would be completely contrary to some  
70 of the primary purposes of establishing the registry, namely, to  
71 protect properties from neglect and misuse and to increase the  
72 general safety and quality of life of neighborhoods and  
73 communities throughout the state. Under the provisions governing  
74 the registry, the name of the owner of a subject property and  
75 the address and mortgage loan number of such property would  
76 still be available to state agencies, the mortgage lender, and  
77 the local government in which the subject property is located.  
78 It is therefore the finding of the Legislature that it is in the  
79 best interests of the state that the name of the owner of a  
80 property that is the subject of a filing in the statewide  
81 Internet registry created under the Vacant or Abandoned Real  
82 Property Registration, Maintenance, and Foreclosure Reporting  
83 Act and the address and the loan number of the property that is  
84 the subject of the filing be held exempt from public-records  
85 requirements.

86 Section 3. This act shall take effect July 1, 2009, if SB  
87 \_\_ or similar legislation is adopted in the same legislative

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88 session or an extension thereof and becomes law.