

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

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

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

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

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

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

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

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

HB 221

2009

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

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

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36 Review Act in accordance with s. 119.15 and shall stand repealed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

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

HB 221

2009

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

HB 221

2009

85 Section 3. This act shall take effect July 1, 2009, if HB
86 119 or similar legislation is adopted in the same legislative
87 session or an extension thereof and becomes law.