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A bill to be entitled An act relating to public records; amending s. 28.222, F.S.; deleting obsolete language; amending s. 28.2221, F.S.; deleting obsolete language; prohibiting county recorders from removing a grantor name, grantee name, or party name from a specified index on the publicly available website unless the information is subject to a specified public records exemption; prescribing requirements for persons claiming a public records exemption to request removal of information from such a publicly available website; authorizing the release of restricted information to the individual whose information was removed, subject to penalty of perjury; authorizing specified parties to access information recorded in the Official Records of a county which is otherwise exempt if specified conditions are met if certain conditions are met; requiring a sworn affidavit, subject to penalty of perjury; authorizing county recorders to enter into a limited access license agreement to allow electronic access to official records for specified parties and limited purposes; providing criminal penalties for the unlawful use of any official record; amending s. 119.071, F.S.; requiring that requests to maintain exemptions be notarized and confirm the individual's

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status; prescribing procedures for the removal of exempt information for county property appraisers and county tax collectors; authorizing the release of information restricted from public display to individuals whose information was removed; providing notice of disclosure of exempt information under specified circumstances to specified entities; providing that the exempt status of home addresses contained in the Official Records is maintained only during a certain period; amending s. 695.22, F.S.; deleting obsolete language; requiring the daily schedule of deeds and conveyances to include specified information; providing an effective date.

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

Section 1. Subsection (7) of section 28.222, Florida Statutes, is amended to read:

28.222 Clerk to be county recorder.-

 shall always be open to the public, under the supervision of the clerk, for the purpose of inspection thereof and of making copies extracts therefrom; but the clerk is shall not be required to perform any service in connection with such

All instruments recorded in the Official Records are

inspection or making of copies extracts without payment of

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service charges as provided in s. 28.24.

Section 2. Subsection (2) and paragraphs (a) and (c) of subsection (5) of section 28.2221, Florida Statutes, are amended, and subsections (6) and (7) are added to that section, to read:

- 28.2221 Electronic access to official records.-
- (2) (a) No later than January 1, 2002, The county recorder in each county <u>must shall</u> provide a current index of documents recorded in the official records of the county for the period beginning no later than January 1, 1990, on a publicly available Internet website which <u>must shall</u> also contain a document requisition point for obtaining images or copies of the documents reflected in the index and which has the capability of electronically providing the index data to a central statewide search site. The index <u>must shall</u> be limited to grantor and grantee names, party names, date, book and page number, comments, and type of record.
- (b) Unless otherwise required by the court, a county recorder may not remove the grantor name, grantee name, or party name from the register of the Official Records, as described in s. 28.222(2), and the index on the publicly available Internet website on the basis of an exemption as defined in s. 119.011 unless the name of the grantor or grantee includes the street address portion of the home address as defined in s. 119.071(4)(d), 119.071(4)(d). Home addresses, as defined in s. 119.071(4)(d),

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which are exempt from inspection or copying under s. 119.071
must be included within the Official Records as described in s.
28.222(2) but may not be included within the index or otherwise
displayed on the county recorder's publicly available Internet
website on which images or copies of the county's official
records are placed.

- (5) (a) A No county recorder or clerk of the court may not place on a publicly available Internet website for general public display information made exempt from inspection or copying under s. 119.071 or any an image or copy of a public record, including an official record, on a publicly available Internet website for general public display if that image or copy is of a military discharge; death certificate; or a court file, record, or paper relating to matters or cases governed by the Florida Rules of Family Law, the Florida Rules of Juvenile Procedure, or the Florida Probate Rules.
- (c) No later than 30 days after June 5, 2002, Notice of the right of any affected party to request removal of information or records pursuant to this subsection must shall be conspicuously and clearly displayed by the county recorder or clerk of the court on the publicly available Internet website on which images or copies of the county's public records are placed and in the office of each county recorder or clerk of the court. In addition, no later than 30 days after June 5, 2002, the county recorder or the clerk of the court must have published,

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on two separate dates, a notice of such right in a newspaper of general circulation in the county where the county recorder's office is located as provided for in chapter 50. Such notice must contain appropriate instructions for making the removal request in person, by mail, by facsimile, or by electronic transmission. The notice must shall state, in substantially similar form, that any person has a right to request that a county recorder or clerk of the court remove from a publicly available Internet website information made exempt from inspection or copying under s. 119.071 or an image or copy of a public record, including an official record, from a publicly available Internet website if that image or copy is of a military discharge; death certificate; or a court file, record, or paper relating to matters or cases governed by the Florida Rules of Family Law, the Florida Rules of Juvenile Procedure, or the Florida Probate Rules. The notice must state that information removed as exempt under s. 119.071 will not be removed from the Official Records as described in s. 28.222(2). Such request must be made in writing and delivered in person, by mail, facsimile, or by electronic transmission, or in person to the county recorder or clerk of the court. The request must identify the Official Records book and page number, instrument number, or clerk's file number for any information or document identification page number of the document to be removed. For requests for removal from a person claiming a public records

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exemption pursuant to s. 119.071, the request must be written, notarized, state under oath the statutory basis for removal of the information, image, or copy that is restricted from general public display on the county recorder's publicly available Internet website, and confirm the individual's eligibility for exempt status. A party making a false attestation is subject to the penalty of perjury under s. 837.012. A No fee may not will be charged for the removal of a document pursuant to such request. (6) (a) Any information restricted from general public display, inspection, or copying under paragraph (5)(a) pursuant to a request for removal made under s. 119.071 must be provided to a person whose information was removed, the guardian of an incapacitated person or, if deceased, the personal representative, heirs, or devisees, at any time. The written request for the restricted information must be notarized, state under oath the statutory basis for the individual's claimed exemption, and confirm the individual's status as a party eligible for exempt status. A party making a false attestation is subject to the penalty of perjury under s. 837.012. A fee may not be charged for the production of any document pursuant to such request. (b) 1. For the purpose of conducting a title search, as defined in s. 627.7711(4), of the Official Records, as described in s. 28.222(2), perfecting or enforcing a lien or other

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L51	interest in real or personal property, or purchasing, leasing,
L52	or lending involving real or personal property, and upon
L53	presentation of photo identification and affirmation by sworn
L54	affidavit to the county recorder, information restricted from
L55	public display, inspection, or copying under paragraph (5)(a)
L56	pursuant to a request for removal made under s. 119.071(4)(d)
L57	<pre>may be disclosed to:</pre>
L58	a. An authorized title insurer, as defined in s. 624.09,
L59	and its affiliates, as defined in s. 624.10;
L60	b. A title insurance agent or title insurance agency, as
L61	those terms are defined in s. 626.841;
L62	c. An attorney duly admitted to practice law in this state
L63	and in good standing with The Florida Bar; or
L64	d. A financial institution, as defined in s.
L65	655.005(1)(i).
L66	2. The photo identification and affirmation by sworn
L67	affidavit may be delivered in person, by mail, or by electronic
L68	transmission to the county recorder.
L69	3. The affiant requestor must attest to his or her
L70	authority and the authorized purpose to access exempt
L71	information pursuant to this section for the property specified
L72	within the sworn affidavit.
73	4. Affidavits submitted by a financial institution, title
L74	insurer, title insurance agent, or title insurance agency must
75	include the Florida Company Code or the ligence number as

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applicable, and an attestation to the affiant requestor's authorization to transact business in this state. Affidavits submitted by an attorney authorized under this section must include the affiant requestor's Florida Bar number and a statement that the affiant requestor has an agency agreement with a title insurer directly or through his or her law firm.

- 5. The county recorder must record such affidavit in the Official Records, as described in s. 28.222(2), but may not place the image or copy of the affidavit on a publicly available Internet website for general public display.
- 6. The affiant requestor, upon receipt of a property address from the county recorder under this section, must provide a copy of the previously submitted affidavit to each affected party at the disclosed address.
- 7. A party making a false attestation under this section is subject to the penalty of perjury under s. 837.012.
- (c) The county recorder may enter into a limited access license agreement to grant access through electronic means, not subject to general public display on the county recorder's publicly available Internet website, to information otherwise restricted from public display, inspection, or copying under paragraph (5)(a) pursuant to a request for removal made under s. 119.071(4)(d) to the entities and for the purposes as specified in subparagraph (b)1.
 - (7) A person who uses any official record in a manner not

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authorized in this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A person who unlawfully uses any official record with intent to cause bodily harm or with intent to threaten to cause bodily harm commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 3. Paragraph (d) of subsection (4) of section 119.071, Florida Statutes, is amended to read:

119.071 General exemptions from inspection or copying of public records.—

(4) AGENCY PERSONNEL INFORMATION. -

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- (d)1. For purposes of this paragraph, the term:
- a. "Home addresses" means the dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the home address.
- b. "Telephone numbers" includes home telephone numbers, personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.
- 2.a. The home addresses, telephone numbers, dates of birth, and photographs of active or former sworn law enforcement personnel or of active or former civilian personnel employed by

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a law enforcement agency, including correctional and correctional probation officers, personnel of the Department of Children and Families whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

b. The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Department of Financial Services whose duties include the investigation of fraud, theft, workers' compensation coverage requirements and compliance, other related criminal activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt

from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

- c. The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Office of Financial Regulation's Bureau of Financial Investigations whose duties include the investigation of fraud, theft, other related criminal activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
- d. The home addresses, telephone numbers, dates of birth, and photographs of current or former firefighters certified in compliance with s. 633.408; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such firefighters; and the names and locations of schools and day care facilities attended by the children of such firefighters are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
- e. The home addresses, dates of birth, and telephone numbers of current or former justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; the names, home addresses, telephone

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numbers, dates of birth, and places of employment of the spouses and children of current or former justices and judges; and the names and locations of schools and day care facilities attended by the children of current or former justices and judges are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

- f. The home addresses, telephone numbers, dates of birth, and photographs of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; and the names and locations of schools and day care facilities attended by the children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors, or assistant statewide prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
- g. The home addresses, dates of birth, and telephone numbers of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of general magistrates, special magistrates, judges of

compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; and the names and locations of schools and day care facilities attended by the children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

- h. The home addresses, telephone numbers, dates of birth, and photographs of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
- i. The home addresses, telephone numbers, dates of birth, and photographs of current or former code enforcement officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such

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personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

- j. The home addresses, telephone numbers, places of employment, dates of birth, and photographs of current or former guardians ad litem, as defined in s. 39.820; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such persons; and the names and locations of schools and day care facilities attended by the children of such persons are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
- k. The home addresses, telephone numbers, dates of birth, and photographs of current or former juvenile probation officers, juvenile probation supervisors, detention superintendents, assistant detention superintendents, juvenile justice detention officers I and II, juvenile justice detention officer supervisors, juvenile justice residential officers, juvenile justice residential officer supervisors I and II, juvenile justice counselor supervisors, human services counselor administrators, senior human services counselor administrators, rehabilitation therapists, and social services counselors of the Department of Juvenile Justice; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children

of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

- 1. The home addresses, telephone numbers, dates of birth, and photographs of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; and the names and locations of schools and day care facilities attended by the children of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
- m. The home addresses, telephone numbers, dates of birth, and photographs of current or former investigators or inspectors of the Department of Business and Professional Regulation; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such current or former investigators and inspectors; and the names and locations of schools and day care facilities attended by the

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children of such current or former investigators and inspectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

- n. The home addresses, telephone numbers, and dates of birth of county tax collectors; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such tax collectors; and the names and locations of schools and day care facilities attended by the children of such tax collectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
- o. The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel of the Department of Health whose duties include, or result in, the determination or adjudication of eligibility for social security disability benefits, the investigation or prosecution of complaints filed against health care practitioners, or the inspection of health care practitioners or health care facilities licensed by the Department of Health; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
- p. The home addresses, telephone numbers, dates of birth, and photographs of current or former impaired practitioner

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consultants who are retained by an agency or current or former employees of an impaired practitioner consultant whose duties result in a determination of a person's skill and safety to practice a licensed profession; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such consultants or their employees; and the names and locations of schools and day care facilities attended by the children of such consultants or employees are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

- q. The home addresses, telephone numbers, dates of birth, and photographs of current or former emergency medical technicians or paramedics certified under chapter 401; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such emergency medical technicians or paramedics; and the names and locations of schools and day care facilities attended by the children of such emergency medical technicians or paramedics are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
- r. The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel employed in an agency's office of inspector general or internal audit department whose duties include auditing or investigating waste, fraud, abuse, theft, exploitation, or other activities that

could lead to criminal prosecution or administrative discipline; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

- s. The home addresses, telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, nurses, and clinical employees of an addiction treatment facility; the home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For purposes of this sub-subparagraph, the term "addiction treatment facility" means a county government, or agency thereof, that is licensed pursuant to s. 397.401 and provides substance abuse prevention, intervention, or clinical treatment, including any licensed service component described in s. 397.311(26).
- t. The home addresses, telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, and clinical employees of a child advocacy center that meets the standards of s. 39.3035(1) and fulfills the

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screening requirement of s. 39.3035(2), and the members of a Child Protection Team as described in s. 39.303 whose duties include supporting the investigation of child abuse or sexual abuse, child abandonment, child neglect, and child exploitation or to provide services as part of a multidisciplinary case review team; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel and members; and the names and locations of schools and day care facilities attended by the children of such personnel and members are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

- 3. An agency that is the custodian of the information specified in subparagraph 2. and that is not the employer of the officer, employee, justice, judge, or other person specified in subparagraph 2. must shall maintain the exempt status of that information only if the officer, employee, justice, judge, other person, or employing agency of the designated employee submits a written and notarized request for maintenance of the exemption to the custodial agency. <a href="mailto:The request must state under oath the statutory basis for the individual's exemption request and confirm the individual's status as a party eligible for exempt status.
- 4.a. A county property appraiser, as defined in s.

 192.001(3), or a county tax collector, as defined in s.

 192.001(4), who receives a written and notarized request for

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maintenance of the exemption pursuant to subparagraph 3. must comply by removing the name of the individual with exempt status and the instrument number or Official Records book and page number identifying the property with the exempt status from all publicly available records maintained by the property appraiser or tax collector. For written requests received on or before July 1, 2021, a county property appraiser or county tax collector must comply with this section by October 1, 2021. A county property appraiser or county tax collector may not remove the street address, legal description, or other information identifying real property within the agency's records so long as a name or personal information otherwise exempt from inspection and copying pursuant to this section are not associated with the property or otherwise displayed in the public records of the agency.

- b. Any information restricted from public display, inspection, or copying under sub-subparagraph a. must be provided to the individual whose information was removed or, if deceased, the personal representative, heirs, or devisees.
- 5.4. An officer, an employee, a justice, a judge, or other person specified in subparagraph 2. may submit a written request for the release of his or her exempt information to the custodial agency. The written request must be notarized and must specify the information to be released and the party that is authorized to receive the information. Upon receipt of the

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written request, the custodial agency <u>must</u> shall release the specified information to the party authorized to receive such information.

- $\underline{6.5.}$ The exemptions in this paragraph apply to information held by an agency before, on, or after the effective date of the exemption.
- 7.6. Information made exempt under this paragraph may be disclosed to a title insurer, authorized as defined in s. 624.09, and its affiliates, as defined in s. 624.10; a title insurance agent or title insurance agency, as those terms are defined in s. 626.841; an attorney duly admitted to practice law in this state and in good standing with The Florida Bar; or a financial institution, as defined in s. 655.005(1)(i).
- 8. The exempt status of a home address is maintained only during the period when a person entitled to the exemption resides at the dwelling location.
- 9. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.
- Section 4. Section 695.22, Florida Statutes, is amended to read:
- 695.22 Daily schedule of deeds and conveyances filed for record to be furnished property appraiser.—After October 1, 1945, the several county recorders elerks of the circuit courts

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must shall keep and furnish to the respective county property appraisers in the counties where such instruments are recorded a daily schedule of the aforesaid deeds and conveyances so filed for recordation, in which schedule must shall be set forth the name of the grantor or grantors, the names and addresses of each grantee, and a description of the land as specified in each instrument so filed. The daily schedule must include notification of any information therein which is subject to a request for removal on file with the county recorder.

Section 5. This act shall take effect July 1, 2021.

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