

By Senator DiCeglie

18-01507A-24

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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 of the circuit court or property appraiser
5 by a person who registers for a recording notification
6 service or a related service is confidential and
7 exempt from public records requirements; providing an
8 exception; providing for retroactive application;
9 providing for future legislative review and repeal of
10 the exemption; providing a directive to the Division
11 of Law Revision; providing a statement of public
12 necessity; providing 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 to~~
21 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

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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38 shall stand repealed on October 2, 2029, unless reviewed and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(1), Florida Statutes, and s. 24(a), Article I of
52 the State Constitution. The recording notification service,
53 created in response to a recent increase in fraudulent real
54 property conveyances, notifies a registrant by electronic mail
55 when a land record associated with the registrant's monitored
56 identity has been recorded in the public records of the county
57 so that the registrant may quickly identify a fraudulent
58 conveyance and take necessary action. Some clerks and property

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59 appraisers have also begun offering related services for which a
60 person may register to receive notifications of potentially
61 fraudulent real property transfers by an alternative form of
62 communication, such as by text message. The Legislature finds
63 that it is a public necessity to protect persons who register
64 for a recording notification service or a related service
65 offered by the clerk or property appraiser to receive
66 notifications of real property transfers, and persons whose
67 personal or business names or parcel identification numbers are
68 submitted for monitoring by such persons, from becoming victims
69 of other types of fraud by virtue of their registration or
70 status as a person whose information has been submitted for
71 monitoring. The Legislature also finds that it is a public
72 necessity to protect persons whose personal or business names or
73 parcel identification numbers are not submitted to a recording
74 notification service or a related service for monitoring from
75 becoming the target of a fraudulent real property conveyance by
76 virtue of their lack of participation in any such service. Thus,
77 the Legislature finds that this act serves a compelling state
78 interest. The Legislature further finds that the harm that may
79 result from the release of the electronic mail addresses,
80 telephone numbers, personal and business names, and parcel
81 identification numbers submitted to the clerk or property
82 appraiser by a person who registers for a recording notification
83 service or a related service to receive notifications of real
84 property transfers outweighs any public benefit that may be
85 derived from the disclosure of such information.

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