

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Hunschofsky offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

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

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

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

430747

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Amendment No.

14 | this state.

15 | (b) All electronic mail addresses, telephone numbers,
16 | personal and business names, and parcel identification numbers
17 | submitted to the clerk or property appraiser for the purpose of
18 | registering for a recording notification service or a related
19 | service pursuant to this section are confidential and exempt
20 | from s. 119.07(1) and s. 24(a), Art. I of the State
21 | Constitution, except upon court order. This paragraph applies to
22 | information held by the clerk or property appraiser before, on,
23 | or after the effective date of this act. This paragraph is
24 | subject to the Open Government Sunset Review Act in accordance
25 | with s. 119.15 and shall stand repealed on October 2, 2029,
26 | unless reviewed and saved from repeal through reenactment by the
27 | Legislature.

28 | Section 2. The Division of Law Revision is directed to
29 | replace the phrase "the effective date of this act" wherever it
30 | occurs in this act with the date this act becomes a law.

31 | Section 3. The Legislature finds that it is a public
32 | necessity that all electronic mail addresses, telephone numbers,
33 | personal and business names, and parcel identification numbers
34 | submitted to the clerk or property appraiser for the purpose of
35 | registering for a recording notification service or a related
36 | service under s. 28.47, Florida Statutes, be made confidential
37 | and exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
38 | Article I of the State Constitution. The recording notification

430747

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Amendment No.

39 service, created in response to a recent increase in fraudulent
40 real property conveyances, notifies a registrant by electronic
41 mail when a land record associated with the registrant's
42 monitored identity has been recorded in the public records of
43 the county so that the registrant may quickly identify a
44 fraudulent conveyance and take necessary action. Some clerks and
45 property appraisers have also begun offering related services
46 for which a person may register to receive notifications of
47 potentially fraudulent real property transfers by an alternative
48 form of communication, such as by text message. The Legislature
49 finds that it is a public necessity to protect persons who
50 register for a recording notification service or a related
51 service offered pursuant to this section from becoming victims
52 of other types of fraud by virtue of their status as a person
53 whose information has been submitted for monitoring. The
54 Legislature also finds that it is a public necessity to protect
55 persons whose personal or business names or parcel
56 identification numbers are not submitted to a recording
57 notification service or a related service for monitoring from
58 becoming the target of a fraudulent real property conveyance by
59 virtue of their lack of participation in any such service. Thus,
60 the Legislature finds that this act serves a compelling state
61 interest. The Legislature further finds that the harm that may
62 result from the release of the electronic mail addresses,
63 telephone numbers, personal and business names, and parcel

430747

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Amendment No.

64 identification numbers submitted to the clerk or property
65 appraiser for the purpose of registering for a recording
66 notification service or a related service pursuant to this
67 section outweighs any public benefit that may be derived from
68 the disclosure of such information.

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

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T I T L E A M E N D M E N T

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Remove everything before the enacting clause and insert:

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A bill to be entitled

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An act relating to public records; amending s. 28.47,

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F.S.; providing that certain information submitted to

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the clerk of the circuit court or property appraiser

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for the purpose of registering for a recording

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notification service or a related service is

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confidential and exempt from public records

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requirements; providing an exception; providing for

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retroactive application; providing for future

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legislative review and repeal of the exemption;

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providing a directive to the Division of Law Revision;

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providing a statement of public necessity; providing

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an effective date.

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