

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee  
 2 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  
this state.

(b) All electronic mail addresses, telephone numbers,

Amendment No. 1

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28 shall stand repealed on October 2, 2029, unless reviewed and  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

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

33 Section 3. The Legislature finds that it is a public  
34 necessity that all electronic mail addresses, telephone numbers,  
35 personal and business names, and parcel identification numbers  
36 submitted to the clerk or property appraiser by a person who  
37 registers for a recording notification service under s. 28.47,  
38 Florida Statutes, or a related service offered by the clerk or  
39 property appraiser designed to notify the person who registers  
40 of a real property transfer, be made exempt from s. 119.07,  
41 Florida Statutes, and s. 24(a), Article I of the State

446213 - h0285-strikeall.docx

Published On: 12/5/2023 1:40:58 PM

Amendment No. 1

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

446213 - h0285-strikeall.docx

Published On: 12/5/2023 1:40:58 PM

Amendment No. 1

67 that this act serves a compelling state interest. The  
68 Legislature further finds that the harm that may result from the  
69 release of the electronic mail addresses, telephone numbers,  
70 personal and business names, and parcel identification numbers  
71 submitted to the clerk or property appraiser by a person who  
72 registers for a recording notification service or a related  
73 service to receive notifications of real property transfers  
74 outweighs any public benefit that may be derived from the  
75 disclosure of such information.

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

77

78 -----

79

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

80

Remove everything before the enacting clause and insert:

81

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

82

providing that certain information submitted to the clerk or

83

property appraiser by a person who registers for a recording

84

notification service or a related service is confidential and

85

exempt from public records requirements; providing an exception;

86

providing applicability; providing for future legislative review

87

and repeal of the exemption; providing a directive to the

88

Division of Law Revision; providing a statement of public

89

necessity; providing an effective date.