HB 285

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 by
4	a recording notification service registrant to the
5	clerk or property appraiser is confidential and exempt
6	from public records requirements; providing an
7	exception; providing applicability; providing for
8	future legislative review and repeal of the exemption;
9	providing a directive to the Division of Law Revision;
10	providing a statement of public necessity; providing
11	an effective date.
12	
13	Be It Enacted by the Legislature of the State of Florida:
14	
15	Section 1. Subsection (5) of section 28.47, Florida
16	Statutes, is amended to read:
17	28.47 Recording notification service
18	(5) <u>(a)</u> Nothing in This section <u>does not</u> may be construed
19	to require the clerk <u>or property appraiser</u> to provide or allow
20	access to a record or information which is confidential and
21	exempt from s. 119.07(1) and s. 24(a), Art. I of the State
22	Constitution or to otherwise violate the public records laws of
23	this state.
24	(b) All social security numbers, driver license numbers,
25	Florida identification numbers, electronic mail addresses, and
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26	telephone numbers submitted by a registrant to the clerk or
27	property appraiser pursuant to this section are confidential and
28	exempt from s. 119.07(1) and s. 24(a), Art. I of the State
29	Constitution, except upon court order. This paragraph applies to
30	information held by the clerk or property appraiser before, on,
31	or after the effective date of this act. This paragraph is
32	subject to the Open Government Sunset Review Act in accordance
33	with s. 119.15 and shall stand repealed on October 2, 2029,
34	unless reviewed and saved from repeal through reenactment by the
35	Legislature.
36	Section 2. The Division of Law Revision is directed to
37	replace the phrase "the effective date of this act" wherever it
38	occurs in this act with the date this act becomes a law.
39	Section 3. The Legislature finds that it is a public
40	necessity that all social security numbers, driver license
41	numbers, Florida identification numbers, electronic mail
42	addresses, and telephone numbers submitted by a recording
43	notification service registrant to the clerk or property
44	appraiser pursuant to s. 28.47, Florida Statutes, be made exempt
45	from s. 119.07, Florida Statutes, and s. 24(a), Article I of the
46	State Constitution. The recording notification service was
47	created to provide registrants with notification that a land
48	record, such as a deed, mortgage, or other document purporting
49	to convey or encumber real property, associated with the
50	registrant's monitored identity has been recorded in the public
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51 records of the county. Section 28.47, Florida Statutes, was 52 enacted as a result of a recent increase in fraudulent real 53 property conveyances, and its effectiveness is entirely 54 dependent upon registrant participation. The recording 55 notification service will be significantly impaired if 56 registrants decline to participate because they do not have an 57 expectation that their social security numbers, driver license numbers, Florida identification numbers, electronic mail 58 59 addresses, and telephone numbers will be exempt from public disclosure. The objective of the recording notification service 60 is to prevent fraud, and allowing social security numbers, 61 driver license numbers, Florida identification numbers, 62 63 electronic mail addresses, and telephone numbers to be made 64 public undermines that objective and would likely create a 65 significant chilling effect on participation. The Legislature 66 also finds that it is a public necessity to protect the 67 registrants from fraud and, as such, this act serves a 68 compelling state interest. The Legislature further finds that 69 the harm that may result from the release of social security numbers, driver license numbers, Florida identification numbers, 70 electronic mail addresses, and telephone numbers submitted by a 71 72 recording notification service registrant to the clerk or 73 property appraiser outweighs any public benefit that may be 74 derived from the disclosure of such information. 75 Section 4. This act shall take effect upon becoming a law.

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