

## CHAPTER 2024-149

### Committee Substitute for Committee Substitute for House Bill No. 285

An act relating to public records; amending s. 28.47, F.S.; providing that certain information submitted to the clerk of the circuit court or property appraiser for the purpose of registering for a recording notification service or a related service is confidential and exempt from public records requirements; providing an exception; providing for retroactive application; providing for future legislative review and repeal of the exemption; providing a directive to the Division of Law Revision; providing a statement of public necessity; providing an effective date.

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

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 This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

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

Section 3. The Legislature finds that it is a public necessity that all electronic mail addresses, telephone numbers, personal and business names, and parcel identification numbers submitted to the clerk or property appraiser for the purpose of registering for a recording notification service or a related service under s. 28.47, Florida Statutes, be made confidential

and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The recording notification service, created in response to a recent increase in fraudulent real property conveyances, notifies a registrant by electronic mail when a land record associated with the registrant's monitored identity has been recorded in the public records of the county so that the registrant may quickly identify a fraudulent conveyance and take necessary action. Some clerks and property appraisers have also begun offering related services for which a person may register to receive notifications of potentially fraudulent real property transfers by an alternative form of communication, such as by text message. The Legislature finds that it is a public necessity to protect persons who register for a recording notification service or a related service offered pursuant to this section from becoming victims of other types of fraud by virtue of their status as a person whose information has been submitted for monitoring. The Legislature also finds that it is a public necessity to protect persons whose personal or business names or parcel identification numbers are not submitted to a recording notification service or a related service for monitoring from becoming the target of a fraudulent real property conveyance by virtue of their lack of participation in any such service. Thus, the Legislature finds that this act serves a compelling state interest. The Legislature further finds that the harm that may result from the release of the electronic mail addresses, telephone numbers, personal and business names, and parcel identification numbers submitted to the clerk or property appraiser for the purpose of registering for a recording notification service or a related service pursuant to this section outweighs any public benefit that may be derived from the disclosure of such information.

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

Approved by the Governor May 6, 2024.

Filed in Office Secretary of State May 6, 2024.