

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/CS/HB 1229 — Public Records

by Judiciary Committee; Civil Justice and Property Rights Subcommittee; and Reps. Persons-Mulicka, Bartleman, and others (CS/SB 1508 by Criminal Justice Committee and Senator Book)

The bill amends s. 28.2221, F.S., relating to electronic access to official records, to require that each county recorder or clerk of the court make the identity of each respondent against whom a final judgment for injunction for protection of a minor under ss. 741.30, 784.046, or 784.0485, F.S., is entered, as well as the fact that such final judgment for an injunction for protection of a minor has been entered against that respondent, publicly available on an Internet website for general public display, which may include the Internet website required by this section, unless the defendant or respondent is a minor.

Any of the previously described information not made available by the county recorder or the clerk of the court on a publicly available Internet website for general public display prior to July 1, 2021, must be made publicly available on an Internet website if the affected party identifies the information and requests that the information be added to a publicly available Internet website for general public display. The bill specifies how the request is to be made and delivered. A fee may not be charged for the addition of the information pursuant to this request.

No later than 30 days after July 1, 2021, notice of the right of any affected party to request the addition of the previously described information must be conspicuously and clearly displayed by the county recorder or clerk of the court on the publicly available Internet website on which images or copies of the county's public records are placed and in the office of each county recorder or clerk of the court. The bill specifies what must be contained in the notice.

Any affected person may petition the circuit court for an order directing compliance with the previously described requirements.

The bill also amends s. 28.29, F.S., relating to recording of orders and judgments, to specify that final judgments for injunctions for protection as provided in chs. 741 and 784, F.S., must be recorded in official records. Other orders must be recorded only on written direction of the court. The direction may be by incorporation in the order of the words "To be recorded in official records" or words to that effect.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 116-0