

By the Committee on Judiciary and Senator Harris

308-1997-98

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A bill to be entitled
An act relating to county clerks; creating the
"County Clerks Public Records Access Act";
requiring the clerks to publish certain public
records and public information on the Internet;
providing for security; providing a declaration
of an important state interest; providing an
effective date.

WHEREAS, the clerks of the circuit court in each county
are elected public trustees who serve as guardians of public
records, and ex officio clerks of the boards of county
commissioners, and

WHEREAS, the people of Florida have a right to know and
use the public information contained in public records in
possession of the county clerks, and

WHEREAS, the people of Florida need prompt, daily, and
convenient access to public records and public information
possessed and maintained by the county clerks, including
records of deeds, mortgages, tax deeds and other real property
related information, the minutes of county commission
meetings, crime victim restitution and criminal sentencing
information, juror and witness information, criminal and
traffic fine information, lien and judgment information,
marriage license and record information, child support payment
information, alimony information, procedures for obtaining
domestic violence injunctions, simplified dissolution
procedures information, and passport information, and

WHEREAS, many of Florida's citizens, including the
disabled and the elderly cannot travel to their county
courthouses to physically obtain information contained in

1 public records possessed and maintained by the county clerks,
2 and

3 WHEREAS, the victims of domestic violence often need
4 confidential access to information regarding obtaining court
5 injunctions, and many such victims cannot readily travel to a
6 courthouse to obtain such information, and

7 WHEREAS, the people of Florida have a right to know
8 what sentences judges impose on criminals in their
9 communities, and the county clerks possess and maintain all
10 records of criminal sentences imposed by the courts, and

11 WHEREAS, the dramatic expansion of the number of people
12 who have access to the Internet has created an opportunity to
13 make the public records in the custody of the county clerks
14 available to millions of people in Florida, in a
15 cost-effective manner, and

16 WHEREAS, since May 16, 1995, the Leon County Clerk has
17 successfully provided access to public information maintained
18 by that office through the Internet, at www.clerk.leon.us.,
19 and today the Leon County Clerk's Internet site includes
20 county commission meeting minutes, property transactions,
21 domestic violence information, jury service information,
22 marriage records, personal judgments, landlord tenant
23 information, and other records, and this Internet site has
24 been accessed over 100,000 times by the public without the
25 need for additional state funding, and

26 WHEREAS, other county clerks have made public records
27 and information available to the public through the Internet,
28 and

29 WHEREAS, by making public records and information
30 uniformly available to all the people of Florida, the county
31 clerks can reduce the financial costs incurred by the public

1 to physically obtain public records and information in the
2 possession of the county clerks, and

3 WHEREAS, the people in every county should have the
4 same access to public records as is available in Leon County,
5 and

6 WHEREAS, by making the public records in the possession
7 of the county clerks available on the Internet, the counties
8 will reduce traffic and other infrastructure costs, thereby
9 reducing local tax burdens on the people, and

10 WHEREAS, by making public records such as county
11 commission meeting agendas and minutes available on the
12 Internet, the people of Florida will be empowered to
13 participate in their local government's decision making
14 process, and

15 WHEREAS, by making public records in the possession of
16 the county clerks available on the Internet, more information
17 will be readily accessible, and the public's right to know
18 will be greatly enhanced, and

19 WHEREAS, by publishing public records and public
20 information in their possession on the Internet by December
21 31, 2002, the county clerks will help empower the people of
22 Florida to more effectively utilize public information in
23 their legal, economic, and political activities, NOW,
24 THEREFORE,

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Short title; required information to be
29 made accessible; security.--

30 (1) This section may be cited as the "County Clerks
31 Public Records Access Act."

1 (2) No later than December 31, 2002, the clerks of
2 court of each county shall publish on the Internet, without
3 additional charge or obligation to the public for viewing the
4 information, the following information contained in the public
5 records in possession of the county clerks:

6 (a) All deeds, mortgages, tax deed applications, tax
7 liens, and real property transactions recorded within the past
8 10 years, or longer if such information is available for
9 publication on the Internet. Such information shall at a
10 minimum include a list of grantor/grantees or parties, the
11 date the relevant document was created, and the book and page
12 number of the official records where the document is entered.

13 (b) Minutes of county commission meetings convened
14 within the past 4 years. This information shall include a
15 mechanism by which the public may use a word search to locate
16 data.

17 (c) Agendas of future county commission meetings
18 provided to the county clerks.

19 (d) Marriage licenses issued within the past 10 years.
20 Such information must at a minimum include the name of the
21 person to whom it was issued, the date issued, and the book
22 and page number of the official records where the document is
23 entered.

24 (e) Final judgments of dissolution of any marriage in
25 the custody of the clerks filed within the past 10 years. Such
26 information must at minimum include the name of each party,
27 the case number, the type of case, and the date the judgment
28 was filed, and the book and page number of the official
29 records where the document is entered.

30 (f) All final judgments entered by the courts against
31 a party within the past 10 years. Such information must at

1 minimum include the name of each party, the case number, the
2 type of case, the date the judgment was filed, and the book
3 and page number of the official records where the document is
4 entered.

5 (g) Information to assist domestic violence victims.
6 Such information shall include instructions and assistance in
7 obtaining protective injunctions and any other information on
8 domestic violence maintained by the county clerks.

9 (h) Information assisting people in obtaining child
10 support and alimony.

11 (i) Jury service information.

12 (j) A listing of all felony criminal sentences imposed
13 during the preceding calendar year in the county in which the
14 clerk serves. This listing shall include, but not be limited
15 to, the name of the criminal case, the original charges filed
16 against the defendant, the charges of which the defendant was
17 convicted, the sentence imposed by the court, the name of the
18 judge imposing the sentence and the date the sentence was
19 imposed. If the clerk receives information that any criminal
20 conviction has been vacated, the clerk shall also provide such
21 information.

22 (3) The clerks shall use appropriate Internet security
23 measures to ensure that no person has the ability to directly
24 access public records or to alter or modify any public record.
25 Unless otherwise provided by law, no information retrieved
26 from the Internet shall be admissible in court as an
27 authenticated document. The clerk of the circuit court may
28 charge for the downloading or other access to these materials
29 in printed form, under section 28.24, Florida Statutes.

30 Section 2. The Legislature finds that a proper and
31 legitimate state purpose is served by providing the public

1 with access to public records and information on the Internet
2 and hereby determines that the provisions of this act fulfill
3 an important state interest.

4 Section 3. This act shall take effect upon becoming a
5 law.

6
7 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
8 COMMITTEE SUBSTITUTE FOR
9 Senate Bill 1604

10 The Committee Substitute for Senate Bill 1604:

- 11 - Requires compliance by the clerks of court by December
12 31, 2002;
- 13 - Allows the clerk to charge, under s. 28.24, F.S.,
14 currently \$4 per page for "copying any instrument in the
15 public record by other than photographic access," for
16 downloading or other access to the materials in printed
17 form;
- 18 - Allows the following minimum information regarding final
19 judgment of dissolution of marriage in the custody of the
20 clerk filed within the past 10 years to be placed on the
21 Internet in lieu of the actual judgment: the name of each
22 party, the type of case, the date the judgment was filed,
23 and the official record book and page; and
- 24 - Allows the following minimum information regarding all
25 final judgments entered by the courts against a party
26 within the past 10 years to be placed on the Internet in
27 lieu of the actual judgment: the name of each party, the
28 type of case, the date the judgment was filed, and the
29 official record book and page.
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