

By the Committees on Governmental Reform and Oversight;
Judiciary; and Senator Harris

302-2199A-98

1 A bill to be entitled
2 An act relating to public access; creating the
3 "Clerks of the Circuit Court Public Records
4 Access Act"; requiring the clerks of the
5 circuit court to make public records
6 information available on the Internet by
7 January 1, 2001; providing for security;
8 providing a declaration of important state
9 purpose; amending s. 318.18, F.S.; providing a
10 funding source; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Short title; required information to be
15 made accessible; security.--

16 (1) This section may be cited as the "Clerks of the
17 Circuit Court Public Records Access Act."

18 (2) By January 1, 2001, the clerks of the circuit
19 court of each county shall make available on the Internet,
20 without additional charge or obligation to the public, the
21 following information contained in the public records in
22 possession of the clerk.

23 (a) At a minimum, a list of grantor/grantees or
24 parties, the date the relevant document was created, and the
25 book and page number of the Official Record Book or other
26 public record location where the document is entered shall be
27 provided for the following types of documents: deeds;
28 mortgages; tax deed applications; tax liens; marriage
29 licenses; orders of dissolution of marriage; real property
30 transactions; and final judgments. Such information shall be
31

1 made available for records or other documents recorded since
2 1989, or longer, if such information is available.

3 (b) Adopted minutes of the board of county commission
4 meetings convened within the past 4 years.

5 (c) Agendas of future county commission meetings if
6 provided to the clerk in an electronic format.

7 (d) Information to assist domestic violence victims.
8 Such information must include instructions and assistance in
9 obtaining protective injunctions and any other information on
10 domestic violence maintained by the clerk.

11 (e) Information assisting people in obtaining child
12 support and alimony.

13 (f) Jury service information, such as time, place, and
14 date of reporting and reimbursement procedures.

15 (g) A listing of all felony criminal sentences imposed
16 during the preceding calendar year in the county in which the
17 clerk serves. This listing shall include, but need not be
18 limited to, the name of the criminal case, the original
19 charges filed against the defendant, the charges of which the
20 defendant was convicted, the sentence imposed by the court,
21 the date the sentence was imposed, and any vacation of the
22 sentence.

23 (3) The clerks of the circuit court shall use
24 appropriate Internet security measures to ensure that no
25 person has the ability to directly access public records or to
26 alter or to modify any public record. Unless otherwise
27 provided by law, no information retrieved from the Internet
28 shall be admissible in court as an authenticated document.

29 Section 2. The Legislature finds that a proper and
30 legitimate state purpose is served by providing the public
31 with access to public records and information on the Internet

1 and hereby determines that the provisions of this act fulfill
2 an important state interest.

3 Section 3. Paragraph (a) of subsection (8) of section
4 318.18, Florida Statutes, is amended to read:

5 318.18 Amount of civil penalties.--The penalties
6 required for a noncriminal disposition pursuant to s. 318.14
7 are as follows:

8 (8)(a) Any person who fails to comply with the court's
9 requirements or who fails to pay the civil penalties specified
10 in this section within the 30-day period provided for in s.
11 318.14 must pay an additional civil penalty of \$12, \$2.50 of
12 which must be deposited into the General Revenue Fund, and
13 \$9.50 of which must be deposited in the Highway Safety
14 Operating Trust Fund. There is hereby appropriated from the
15 Highway Safety Operating Trust Fund for fiscal year 1996-1997
16 the amount of \$4 million. From this appropriation the
17 department shall contract with the Florida Association of
18 Court Clerks, Inc., to design, establish, operate, upgrade,
19 and maintain an automated statewide Uniform Civil Court and
20 Traffic Citation Accounting System to be operated by the
21 clerks of the court which shall include, but not be limited
22 to, the accounting for traffic infractions by type, a record
23 of the disposition of the citations, and an accounting system
24 for the fines assessed and the subsequent fine amounts paid to
25 the clerks of the court. The system shall also include civil
26 court case maintenance information and an Internet means for
27 providing public access to county and court information. On
28 or before December 1, 1999, the clerks of the court must
29 provide the information required by this chapter to be
30 transmitted to the department by electronic transmission
31 pursuant to the contract. On or before January 1, 2001, the

1 clerks of the court shall provide a means to access county and
2 court information via the Internet.

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

5

6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 CS/SB 1604

8

9 Changes name to "Clerks of the Circuit Court Public Records
10 Access Act."

11 Requires clerks of circuit court of each county to make
12 available on the Internet, without additional charge or
13 obligation to the public, specific information.

14 Requires such information to be available by no later than
15 January 1, 2001.

16 Changes the name of the "Uniform Traffic Citation Accounting
17 System" to the "Uniform Civil Court and Traffic Citation
18 Accounting System."

19 Requires the Uniform Civil Court and Traffic Citation
20 Accounting System to include civil court case maintenance
21 information and an Internet means for providing public access
22 to county and court information.

23 Requires the clerks of the court to provide a means to access
24 county and court information via the internet.

25

26

27

28

29

30

31