

By Representative Crist

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

9  
10           WHEREAS, the clerks of the circuit court in each county  
11           are elected public trustees who serve as guardians of public  
12           records, and ex officio clerks of the boards of county  
13           commissioners, and

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

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

29           WHEREAS, many of Florida's citizens, including the  
30           disabled and the elderly cannot travel to their county  
31           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](http://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, 1999, 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, 1999, the clerks of  
2 court of each county shall publish on the internet, without  
3 additional charge or obligation to the public, the following  
4 information contained in the public records in possession of  
5 the county clerks:

6           (a) All deeds, mortgages, tax deed application, 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 and orders of dissolution  
20 of any marriages in the custody of the clerks.

21           (e) All final judgments entered by the courts against  
22 a party within the past 10 years.

23           (f) Information to assist domestic violence victims.  
24 Such information shall include instructions and assistance in  
25 obtaining protective injunctions and any other information on  
26 domestic violence maintained by the county clerks.

27           (g) Information assisting people in obtaining child  
28 support and alimony.

29           (h) Jury service information.

30           (i) A listing of all felony criminal sentences imposed  
31 during the preceding calendar year in the county in which the

1 clerk serves. This listing shall include, but not be limited  
2 to, the name of the criminal case, the original charges filed  
3 against the defendant, the charges of which the defendant was  
4 convicted, the sentence imposed by the court, the name of the  
5 judge imposing the sentence and the date the sentence was  
6 imposed. If the clerk receives information that any criminal  
7 conviction has been vacated, the clerk shall also provide such  
8 information.

9 (3) The clerks shall utilize appropriate internet  
10 security measures to ensure that no person has the ability to  
11 directly access public records or to alter or modify any  
12 public record. Unless otherwise provided by law, no  
13 information retrieved from the internet shall be admissible in  
14 court as an authenticated document. Nothing herein shall  
15 obligate a clerk of the circuit court to provide copies of  
16 public records without charge, as authorized by law.

17 Section 2. The Legislature finds that a proper and  
18 legitimate state purpose is served by providing the public  
19 with access to public records and information on the internet  
20 and hereby determines that the provisions of this act fulfill  
21 an important state interest.

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

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26 HOUSE SUMMARY

27  
28 Creates the "County Clerks Public Records Access Act" to  
29 require the clerks to publish described public records  
30 and information on the internet. See bill or details.  
31