

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 Representative(s) Brummer offered the following:

13 **Amendment (with title amendment)**

14 On page 9, line 13 through page 10, line 4 ,
15 remove: all of said lines

17 and insert: (5)(a) No county recorder or clerk of the court
18 may place an image or copy of a public record, including an
19 official record, on a publicly available Internet website for
20 general public display if that image or copy is of a military
21 discharge; death certificate; or a court file, record, or
22 paper relating to matters or cases governed by the Florida
23 Rules of Family Law, the Florida Rules of Juvenile Procedure,
24 or the Florida Probate Rules.

25 (b) Any records specified in this subsection made
26 available by the county recorder or clerk of the court on a
27 publicly available Internet website for general public display
28 prior to the effective date of this act must be removed if the
29 affected party identifies the record and requests that it be
30 removed. Such request must be in writing and delivered by
31 mail, facsimile, or electronic transmission, or in person to

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1 the county recorder or clerk of the court. The request must
2 specify the identification page number of the document to be
3 removed. No fee may be charged for the removal of a document
4 pursuant to such request.

5 (c) No later than 30 days after the effective date of
6 this act, notice of the right of any affected party to request
7 removal of records pursuant to this subsection shall be
8 conspicuously and clearly displayed by the county recorder or
9 clerk of the court on the publicly available Internet website
10 on which images or copies of the county's public records are
11 placed and in the office of each county recorder or clerk of
12 the court. In addition, no later than 30 days after the
13 effective date of this act, the county recorder or the clerk
14 of the court must have published, on two separate dates, a
15 notice of such right in a newspaper of general circulation in
16 the county where the county recorder's office is located as
17 provided for in chapter 50. Such notice must contain
18 appropriate instructions for making the removal request in
19 person, by mail, by facsimile, or by electronic transmission.
20 The notice shall state, in substantially similar form, that
21 any person has a right to request that a county recorder or
22 clerk of the court remove an image or copy of a public record,
23 including an official record, from a publicly available
24 Internet website if that image or copy is of a military
25 discharge; death certificate; or a court file, record, or
26 paper relating to matters or cases governed by the Florida
27 Rules of Family Law, the Florida Rules of Juvenile Procedure,
28 or the Florida Probate Rules. Such request must be made in
29 writing and delivered by mail, facsimile, or electronic
30 transmission, or in person to the county recorder or clerk of
31 the court. The request must identify the document

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1 identification page number of the document to be removed. No
2 fee will be charged for the removal of a document pursuant to
3 such request.

4 (d) Any affected person may petition the circuit court
5 for an order directing compliance with this subsection.

6 (e) By January 1, 2006, each county recorder or clerk
7 of the court shall provide for electronic retrieval, at a
8 minimum, of images of documents referenced as the index
9 required to be maintained on the county's official records
10 website by this section.

11 Section 3. There is hereby appropriated from the
12 General Revenue Fund to the Executive Office of the Governor
13 the sum of \$25,000 for the purpose of reimbursement for per
14 diem and travel expenses as authorized by this act.

15 Section 4. This act shall take effect upon becoming a
16 law. For purposes of codifying the Florida Statutes 2002, the
17 Division of Statutory Revision of the Office of Legislative
18 Services is directed to substitute the effective date of House
19 Bill 1679 for the language "the effective date of this act" as
20 used in subsection (5)(b) and (5)(c) of House Bill 1679.

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22
23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 On page 1, line 19,
26 remove: all of said line

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28 and insert:

29 request; providing certain notice requirements
30 and requiring publication of notice by county
31 recorders and clerks of the court; providing

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that affected persons may