

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 28.2221, F.S.; providing an exemption from public
 4 records requirements for certain official records
 5 relating to matters or cases governed by the Florida
 6 Rules of Family Law; providing for future legislative
 7 review and repeal of the exemption; providing a
 8 statement of public necessity; amending s. 119.0714,
 9 F.S.; providing an exemption from public records
 10 requirements for a petition for an injunction that is
 11 dismissed and the petition's contents; providing for
 12 removal of petitions dismissed before the effective
 13 date of the act from publicly accessible records;
 14 providing for future legislative review and repeal of
 15 the exemption; providing a statement of public
 16 necessity; providing a directive to the Division of
 17 Law Revision and Information; providing an effective
 18 date.

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 20 Be It Enacted by the Legislature of the State of Florida:

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 22 Section 1. Subsection (5) of section 28.2221, Florida
 23 Statutes, is amended to read:

24 28.2221 Electronic access to official records.—

25 (5) (a) A ~~No~~ county recorder or clerk of the court may not
 26 place an image or copy of a public record, including an official

27 | record, on a publicly available ~~Internet~~ website for general
28 | public display if that image or copy is of a military discharge;
29 | a death certificate; or a court file, record, or paper relating
30 | to matters or cases governed by the Florida Rules of Family Law,
31 | the Florida Rules of Juvenile Procedure, or the Florida Probate
32 | Rules.

33 | (b) Any records specified in this subsection made
34 | available by the county recorder or clerk of the court on a
35 | publicly available ~~Internet~~ website for general public display
36 | before ~~prior to~~ June 5, 2002, must be removed if the affected
37 | party identifies the record and requests that it be removed.
38 | Such request must be in writing and delivered by mail,
39 | facsimile, or electronic transmission, or in person to the
40 | county recorder or clerk of the court. The request must specify
41 | the identification page number of the document to be removed. A
42 | ~~No~~ fee may not be charged for the removal of a document pursuant
43 | to such request.

44 | (c) No later than 30 days after June 5, 2002, notice of
45 | the right of any affected party to request removal of records
46 | pursuant to this subsection shall be conspicuously and clearly
47 | displayed by the county recorder or clerk of the court on the
48 | publicly available ~~Internet~~ website on which images or copies of
49 | the county's public records are placed and in the office of each
50 | county recorder or clerk of the court. In addition, no later
51 | than 30 days after June 5, 2002, the county recorder or the
52 | clerk of the court must have published, on two separate dates, a

53 notice of such right in a newspaper of general circulation in
54 the county where the county recorder's office is located as
55 provided for in chapter 50. Such notice must contain appropriate
56 instructions for making the removal request in person, by mail,
57 by facsimile, or by electronic transmission. The notice shall
58 state, in substantially similar form, that any person has a
59 right to request that a county recorder or clerk of the court
60 remove an image or copy of a public record, including an
61 official record, from a publicly available ~~Internet~~ website if
62 that image or copy is of a military discharge; a death
63 certificate; or a court file, record, or paper relating to
64 matters or cases governed by the Florida Rules of Family Law,
65 the Florida Rules of Juvenile Procedure, or the Florida Probate
66 Rules. Such request must be made in writing and delivered by
67 mail, facsimile, or electronic transmission, ~~7~~ or in person to the
68 county recorder or clerk of the court. The request must identify
69 the document identification page number of the document to be
70 removed. A ~~No~~ fee may not ~~will~~ be charged for the removal of a
71 document pursuant to such request.

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

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

79 (f)1. A public record, or an image or copy thereof, that
80 relates to a matter or case governed by the Florida Rules of
81 Family Law that may not be placed on a publicly available
82 website or that is removed from such a website pursuant to this
83 subsection is confidential and exempt from s. 119.07(1) and s.
84 24(a), Art. I of the State Constitution.

85 2. This paragraph is subject to the Open Government Sunset
86 Review Act in accordance with s. 119.15 and shall stand repealed
87 on October 2, 2021, unless reviewed and saved from repeal
88 through reenactment by the Legislature.

89 Section 2. The Legislature finds that it is a public
90 necessity that a public record, or an image or copy thereof,
91 that relates to a matter or case governed by the Florida Rules
92 of Family Law that may not be placed on a publicly available
93 website or that is removed from such a website pursuant to s.
94 28.2221(5), Florida Statutes, be made confidential and exempt
95 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
96 the State Constitution. The Legislature finds that such records
97 often contain material that is of a personal, sensitive nature
98 and that the damage to the privacy interests of persons involved
99 in such matters or cases by making such information public
100 outweighs any public interest in making such information
101 accessible. Additionally, such records may contain financial
102 information that may facilitate identity theft or other criminal
103 activity, and making such records confidential and exempt would
104 prevent such activity.

105 Section 3. Paragraph (g) is added to subsection (3) of
106 section 119.0714, Florida Statutes, to read:

107 119.0714 Court files; court records; official records.—

108 (3) OFFICIAL RECORDS.—A person who prepares or files a
109 record for recording in the official records as provided in
110 chapter 28 may not include in that record a social security
111 number or a bank account, debit, charge, or credit card number
112 unless otherwise expressly required by law.

113 (g)1. A petition for an injunction that is dismissed
114 without a hearing or at an ex parte hearing due to failure to
115 state a claim, lack of jurisdiction, or any reason having to do
116 with the sufficiency of the petition itself without an
117 injunction being issued, and the contents of such a petition,
118 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
119 I of the State Constitution.

120 2.a. A petition described in subparagraph 1. dismissed on
121 or after the effective date of this act and the contents thereof
122 must be removed from all publically accessible records upon
123 dismissal.

124 b. A petition described in subparagraph 1. dismissed
125 before the effective date of this act and the contents thereof
126 shall be removed upon request by an individual named in the
127 petition as a respondent. The request must be in the form of a
128 signed, legibly written request specifying the case name, case
129 number, document heading, and page number. The request must be
130 delivered by mail, facsimile, electronic transmission, or in

131 person to the clerk of the court. A fee may not be charged for
132 the removal pursuant to the request.

133 3. This paragraph is subject to the Open Government Sunset
134 Review Act in accordance with s. 119.15 and shall stand repealed
135 on October 2, 2021, unless reviewed and saved from repeal
136 through reenactment by the Legislature.

137 Section 4. The Legislature finds that it is a public
138 necessity that a petition for an injunction that is dismissed
139 without a hearing or at an ex parte hearing due to failure to
140 state a claim, lack of jurisdiction, or any reason having to do
141 with the sufficiency of the petition itself without an
142 injunction being issued, and the contents of such a petition, be
143 made confidential and exempt from s. 119.07(1), Florida
144 Statutes, and s. 24(a), Article I of the State Constitution. The
145 Legislature finds that the existence of such a petition and of
146 the unverified allegations contained in such a petition could be
147 defamatory to an individual and cause unwarranted damage to the
148 reputation of such individual and that correction of the public
149 record by the removal of such a petition is the sole means of
150 protecting the reputation of an individual named in such a
151 petition.

152 Section 5. The Division of Law Revision and Information is
153 directed to replace the phrase "the effective date of this act"
154 wherever it occurs in this act with such date.

155 Section 6. This act shall take effect upon becoming a law.