

1 A bill to be entitled
 2 An act relating to court records of eviction
 3 proceedings; creating s. 83.626, F.S.; authorizing
 4 tenants and mobile home owners who are defendants in
 5 certain eviction proceedings to file a motion with the
 6 court to have the records of such proceedings sealed
 7 and to have their names substituted on the progress
 8 docket under certain conditions; requiring the court
 9 to grant such motions if certain requirements are met;
 10 requiring the court to substitute a defendant's name
 11 on the progress docket if a judgment is entered in
 12 favor of the defendant; providing retroactive
 13 applicability; providing an effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Section 83.626, Florida Statutes, is created to
 18 read:

19 83.626 Court records of eviction proceedings.—

20 (1) A tenant or mobile home owner who is a defendant in an
 21 eviction proceeding under this part or s. 723.061 may file a
 22 motion with the court to have the records of such proceeding
 23 sealed and to have his or her name substituted with "tenant" on
 24 the progress docket if any of the following conditions are
 25 satisfied:

26 (a) The parties file a joint stipulation requesting relief
27 under this section.

28 (b) The case was dismissed.

29 (c) The case was resolved by settlement or stipulation of
30 the parties and the defendant has complied with the terms of the
31 agreement.

32 (d) A default judgment was entered against the defendant,
33 and the defendant has satisfied any monetary award included in
34 the judgment.

35 (e) A judgment was entered against the defendant on the
36 merits at least 5 years before the motion was filed under this
37 subsection, and the tenant has satisfied any monetary award
38 included in the judgment.

39 (2) (a) The court shall grant such motion without a hearing
40 if the requirements in paragraph (1) (a) or paragraph (1) (b) are
41 satisfied.

42 (b) If the defendant files a motion on the basis of
43 paragraph (1) (c), paragraph (1) (d), or paragraph (1) (e) being
44 satisfied, the defendant must also serve a copy of the motion on
45 all parties to the proceeding. If a written objection is filed
46 within 30 days after such service, the court must schedule a
47 hearing. If no written objection is filed within 30 days after
48 service of the motion or the court determines after a hearing
49 that the defendant is eligible for relief, the court must grant
50 the motion.

CS/HB 1193

2021

51 (3) In an eviction proceeding under this part or s.
52 723.061, the court must substitute a defendant's name on the
53 progress docket with "tenant" if a judgment is entered in favor
54 of the defendant.

55 (4) This section applies to any judgment entered before,
56 on, or after July 1, 2021.

57 Section 2. This act shall take effect July 1, 2021.