

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; providing
 9 applicability; requiring the court to grant such
 10 motions if certain requirements are met; requiring the
 11 court to substitute a defendant's name on the progress
 12 docket if a judgment is entered in favor of the
 13 defendant; providing exceptions; providing retroactive
 14 applicability; providing an effective date.

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

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

20 83.626 Court records of eviction proceedings.-

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

26 satisfied:

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

29 (b) The case was dismissed.

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

33 (d) A default judgment was entered against the defendant
34 and the defendant has satisfied any monetary award included in
35 the judgment. This paragraph does not apply if the action was
36 brought under s. 83.56(2) (a) or s. 723.061(1) (b) or (c) for
37 material noncompliance, other than nonpayment of rent, because
38 of the tenant's intentional destruction, damage, or misuse of
39 the landlord's property.

40 (e) A judgment was entered against the defendant on the
41 merits at least 5 years before the motion was filed under this
42 subsection and the defendant has satisfied any monetary award
43 included in the judgment. This paragraph does not apply if the
44 action was brought under s. 83.56(2) (a) or s. 723.061(1) (b) or
45 (c) for material noncompliance, other than nonpayment of rent,
46 because of the tenant's intentional destruction, damage, or
47 misuse of the landlord's property.

48 (2) (a) The court shall grant such motion without a hearing
49 if the requirements in paragraph (1) (a) or paragraph (1) (b) are
50 satisfied.

51 (b) If the defendant files a motion on the basis of
52 paragraph (1)(c), paragraph (1)(d), or paragraph (1)(e) being
53 satisfied, the defendant must also serve a copy of the motion on
54 all parties to the proceeding. If a written objection is filed
55 within 30 days after such service, the court must schedule a
56 hearing. If no written objection is filed within 30 days after
57 service of the motion or the court determines after a hearing
58 that the defendant is eligible for relief, the court must grant
59 the motion.

60 (3) In an eviction proceeding under this part or s.
61 723.061, the court must substitute a defendant's name on the
62 progress docket with "tenant" if a judgment is entered in favor
63 of the defendant.

64 (4) A defendant is not eligible for relief under this
65 section if:

66 (a) During any 12-month period, the defendant has had a
67 judgment entered against him or her in two or more eviction
68 proceedings; or

69 (b) During any 24-month period, the defendant has had a
70 judgment entered against him or her in three or more eviction
71 proceedings.

72 (5) This section applies to any judgment entered before,
73 on, or after July 1, 2021.

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