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CS/CS/HB 1229, Engrossed 1

2021 Legislature

1  
 2 An act relating to public records; providing a short  
 3 title; amending s. 28.2221, F.S.; requiring each  
 4 county recorder or clerk of the court to make publicly  
 5 available on an Internet website the identity of a  
 6 respondent against whom a final judgment for an  
 7 injunction for the protection of a minor is entered,  
 8 as well as the fact that the final judgment injunction  
 9 for the protection of a minor has been entered;  
 10 providing an exception; providing that such  
 11 information must be made publicly available on an  
 12 Internet website if a certain person makes a request  
 13 in a specified manner; requiring each county recorder  
 14 or clerk of the court to post a certain notice on the  
 15 Internet website and in the office of the county  
 16 recorder or clerk of the court; authorizing certain  
 17 persons to petition the circuit court for compliance;  
 18 amending s. 28.29, F.S.; requiring that final  
 19 judgments for injunctions for protection be recorded  
 20 in official records; providing an effective date.

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

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 24 Section 1. This act may be cited as "Serena's Law."  
 25 Section 2. Subsection (6) is added to section 28.2221,

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26 Florida Statutes, to read:

27 28.2221 Electronic access to official records.—

28 (6) (a) Each county recorder or clerk of the court must  
29 make the identity of each respondent against whom a final  
30 judgment for an injunction for the protection of a minor under  
31 s. 741.30, s. 784.046, or s. 784.0485 is entered, as well as the  
32 fact that a final judgment for an injunction for the protection  
33 of a minor under s. 741.30, s. 784.046, or s. 784.0485 has been  
34 entered against that respondent, publicly available on an  
35 Internet website for general public display, which may include  
36 the Internet website required by this section, unless the  
37 respondent is a minor.

38 (b) Any information specified in this subsection not made  
39 available by the county recorder or clerk of the court on a  
40 publicly available Internet website for general public display  
41 before July 1, 2021, must be made publicly available on an  
42 Internet website if the affected party identifies the  
43 information and requests that such information be added to a  
44 publicly available Internet website for general public display.  
45 Such request must be in writing and delivered by mail,  
46 facsimile, or electronic transmission or in person to the county  
47 recorder or clerk of the court. The request must specify the  
48 case number assigned to the final judgment for an injunction for  
49 the protection of a minor under s. 741.30, s. 784.046, or s.  
50 784.0485. A fee may not be charged for the addition of

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51 information pursuant to such request.

52 (c) No later than 30 days after July 1, 2021, notice of  
53 the right of any affected party to request the addition of  
54 information to a publicly available Internet website pursuant to  
55 this subsection shall be conspicuously and clearly displayed by  
56 the county recorder or clerk of the court on the publicly  
57 available Internet website on which images or copies of the  
58 county's public records are placed and in the office of each  
59 county recorder or clerk of the court. Such notice must contain  
60 appropriate instructions for making the addition of information  
61 request in person, by mail, by facsimile, or by electronic  
62 transmission. The notice must state, in substantially similar  
63 form, that any person has a right to request that a county  
64 recorder or clerk of the court add information to a publicly  
65 available Internet website if that information involves the  
66 identity of a respondent against whom a final judgment for an  
67 injunction for the protection of a minor under s. 741.30, s.  
68 784.046, or s. 784.0485 is entered, unless the respondent is a  
69 minor. Such request must be made in writing and delivered by  
70 mail, facsimile, or electronic transmission or in person to the  
71 county recorder or clerk of the court. The request must specify  
72 the case number assigned to the final judgment for an injunction  
73 for the protection of a minor under s. 741.30, s. 784.046, or s.  
74 784.0485. A fee may not be charged for the addition of a  
75 document pursuant to such request.

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

78           Section 3. Section 28.29, Florida Statutes, is amended to  
79 read:

80           28.29 Recording of orders and judgments.—Orders of  
81 dismissal and final judgments of the courts in civil actions,  
82 including final judgments for injunctions for protection as  
83 provided in chapters 741 and 784, must ~~shall~~ be recorded in  
84 official records. Other orders must ~~shall~~ be recorded only on  
85 written direction of the court. The direction may be by  
86 incorporation in the order of the words "To be recorded in  
87 official records" or words to that effect. Failure to record an  
88 order or judgment does ~~shall~~ not affect its validity. The  
89 certified copy of a judgment, required under s. 55.10 to become  
90 a lien on real property, shall be recorded only when presented  
91 for recording with the statutory service charge.

92           Section 4. This act shall take effect July 1, 2021.