

By the Committee on Criminal Justice; and Senator Book

591-03249-21

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1 A bill to be entitled
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 defendant or respondent against whom a protective
7 injunction is entered, as well as the fact that the
8 injunction has been entered; providing an exception;
9 providing for certain persons to request that such
10 information be made available on the public website;
11 requiring county recorders or clerks of the court to
12 post such notices on the website and in the office of
13 each county recorder or clerk of the court; specifying
14 what must be included in notices; authorizing certain
15 persons to petition for compliance in the circuit
16 court; amending s. 28.29, F.S.; requiring that final
17 judgments for injunctions for protection be recorded
18 in official records; providing an effective date.

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

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22 Section 1. This law shall be called "Serena's Law."

23 Section 2. Subsection (6) is added to section 28.2221,
24 Florida Statutes, to read:

25 28.2221 Electronic access to official records.—

26 (6) (a) Each county recorder or clerk of the court must make
27 the identity of each defendant or respondent against whom a
28 protective injunction under s. 741.30, s. 784.046, or s.
29 784.0485 is entered, as well as the fact that a protective

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30 injunction under s. 741.30, s. 784.046, or s. 784.0485 has been
31 entered against that defendant or respondent, publicly available
32 on an Internet website for general public display, unless the
33 defendant or respondent is a minor.

34 (b) Any information specified in this subsection not made
35 available by the county recorder or clerk of the court on a
36 publicly available Internet website for general public display
37 before July 1, 2021, must be made publicly available if the
38 affected party identifies the information and requests that it
39 be made publicly available. Such request must be in writing and
40 delivered by mail, facsimile, or electronic transmission or in
41 person to the county recorder or clerk of the court. The request
42 must specify the case number assigned to the protective
43 injunction. A fee may not be charged for the addition of
44 information pursuant to such request.

45 (c) No later than 30 days after July 1, 2021, notice of the
46 right of any affected party to request the addition of
47 information pursuant to this subsection shall be conspicuously
48 and clearly displayed by the county recorder or clerk of the
49 court on the publicly available Internet website on which images
50 or copies of the county's public records are placed and in the
51 office of each county recorder or clerk of the court. Such
52 notice must contain appropriate instructions for making the
53 addition request in person, by mail, by facsimile, or by
54 electronic transmission. The notice must state, in substantially
55 similar form, that any person has a right to request that a
56 county recorder or clerk of the court add information to a
57 publicly available Internet website if that information involves
58 the identity of a defendant or respondent against whom a

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59 protective injunction is entered, unless the defendant or
60 respondent is a minor. Such request must be made in writing and
61 delivered by mail, facsimile, or electronic transmission or in
62 person to the county recorder or clerk of the court. The request
63 must specify the case number assigned to the protective
64 injunction. A fee may not be charged for the addition of a
65 document pursuant to such request.

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

68 Section 3. Section 28.29, Florida Statutes, is amended to
69 read:

70 28.29 Recording of orders and judgments.—Orders of
71 dismissal and final judgments of the courts in civil actions,
72 including final judgments for injunctions for protection as
73 defined in chapters 741 and 784, must ~~shall~~ be recorded in
74 official records. Other orders must ~~shall~~ be recorded only on
75 written direction of the court. The direction may be by
76 incorporation in the order of the words "To be recorded in
77 official records" or words to that effect. Failure to record an
78 order or judgment does ~~shall~~ not affect its validity. The
79 certified copy of a judgment, required under s. 55.10 to become
80 a lien on real property, shall be recorded only when presented
81 for recording with the statutory service charge.

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