

By Senator Jones

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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; prohibiting the court from
13 charging certain fees; 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.

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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.

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

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

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

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

56 (4) The court may not charge a fee as a result of a
57 defendant filing a motion under this section.

58 (5) This section applies to any judgment entered before,

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59 on, or after July 1, 2021.

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