

By Senator Rodriguez

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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; specifying that
9 tenants and mobile home owners are entitled to such
10 relief only once; requiring tenants and mobile home
11 owners seeking such relief to serve a copy of the
12 motion on parties to the proceeding and file a
13 specified affidavit with the court; requiring the
14 court to grant such motions if certain requirements
15 are met; specifying that tenants and mobile home
16 owners are entitled to have their name on the progress
17 docket substituted under certain circumstances;
18 prohibiting the court from charging certain fees;
19 providing retroactive applicability; providing an
20 effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

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24 Section 1. Section 83.626, Florida Statutes, is created to
25 read:

26 83.626 Court records of eviction proceedings.—

27 (1) (a) A tenant or mobile home owner who is a defendant in
28 an eviction proceeding for nonpayment of rent under this part or
29 nonpayment of the lot rental amount under s. 723.061 may file a

39-00586A-22

20221322__

30 motion with the court to have the records of such proceeding
31 sealed and to have his or her name substituted with "tenant" on
32 the progress docket if any of the following conditions is
33 satisfied:

34 1. The case was resolved by settlement or stipulation of
35 the parties, and the tenant or mobile home owner has complied
36 with the terms of the agreement.

37 2. A default judgement was entered against the tenant or
38 mobile home owner, and he or she has satisfied any monetary
39 award included in the judgement.

40 3. A judgement was entered against the tenant or mobile
41 home owner on the merits, at least 5 years have passed from the
42 date of entry of the judgement, and the tenant has satisfied any
43 monetary award included in the judgment.

44 (b) A tenant or mobile home owner is entitled to relief
45 under this subsection only once.

46 (2) A tenant or mobile home owner seeking relief under
47 subsection (1) must serve a copy of the motion upon all parties
48 to the proceeding and must file an affidavit with the court
49 attesting that he or she has not previously received relief
50 under that subsection. The court must schedule a hearing if a
51 written objection is filed within 30 days after serving the
52 motion. If no such objection is timely filed, the court must
53 grant the relief without a hearing. If a timely objection is
54 filed and the court, after a hearing, determines that the tenant
55 or mobile home owner is eligible for relief, the court must
56 grant the relief.

57 (3) In an eviction proceeding for nonpayment of rent under
58 this part or for nonpayment of the lot rental amount under s.

39-00586A-22

20221322__

59 723.061, if judgment is entered in favor of the tenant or mobile
60 home owner or the parties file a joint stipulation requesting
61 relief under this section, the tenant or mobile home owner is
62 entitled to the substitution of his or her name on the progress
63 docket with "tenant" without any further motion or hearing
64 thereon.

65 (4) The court may not charge a filing or reopening fee for
66 motions filed pursuant to this section.

67 (5) This section applies to any judgment entered before,
68 on, or after July 1, 2022.

69 Section 2. This act shall take effect July 1, 2022.