

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Hinson offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 201 and 202, insert:

5 Section 2. Section 83.626, Florida Statutes, is created to
6 read:

7 83.626 Court records of eviction proceedings.-

8 (1) A tenant or mobile home owner who is a defendant in an
9 eviction proceeding under this part or s. 723.061 may file a
10 motion with the court to have the records of such proceeding
11 sealed and to have his or her name substituted with "tenant" on
12 the progress docket if any of the following conditions are
13 satisfied:

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14 (a) The parties file a joint stipulation requesting relief
15 under this section.

16 (b) The case was dismissed.

17 (c) The case was resolved by settlement or stipulation of
18 the parties and the defendant has complied with the terms of the
19 agreement.

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

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

35 (2)(a) The court shall grant such motion without a hearing
36 if the requirements in paragraph (1)(a) or paragraph (1)(b) are
37 satisfied.

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

47 (3) A tenant or mobile home owner is entitled to relief
 48 under subsection (2) only once. When a tenant or mobile home
 49 owner files a motion under subsection (1), he or she must also
 50 submit a sworn statement under penalty of perjury affirming that
 51 he or she has not previously received such relief from a court
 52 in the state.

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

57 (5) A defendant is not eligible for relief under this
 58 section if:

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

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

65 (6) This section applies to any judgment entered before,
66 on, or after July 1, 2023.

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69 **T I T L E A M E N D M E N T**

70 Remove lines 2-33 and insert:
71 An act relating to housing; creating s. 83.491, F.S.;
72 authorizing a landlord to offer a tenant the option to
73 pay a fee in lieu of a security deposit; requiring the
74 landlord to notify the tenant of certain unpaid fees
75 and costs within a specified time after the conclusion
76 of the tenancy; prohibiting the landlord from filing
77 an insurance claim within a specified period of time;
78 providing requirements for the landlord and insurer if
79 an insurance claim to recover certain losses is filed;
80 prohibiting the landlord from accepting certain
81 payments; requiring the landlord to provide certain
82 written notice to the tenant; requiring a written
83 agreement signed by the landlord, or the landlord's
84 agent, and the tenant if the tenant decides to pay a
85 fee in lieu of the security deposit; prohibiting the
86 written agreement from contradicting specified laws;

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87 requiring that the written agreement contain certain
88 information; requiring a specified disclosure in the
89 written agreement; providing options for paying the
90 fee; specifying that certain fees, insurance products,
91 and surety bonds are not security deposits; specifying
92 that landlords have exclusive discretion as to whether
93 to offer tenants the option to pay a fee in lieu of a
94 security deposit; prohibiting a landlord from
95 approving or denying an application for occupancy
96 based on a prospective tenant's choice to pay a fee in
97 lieu of a security deposit; requiring that landlords
98 who offer a tenant the fee option offer such option to
99 all new tenants renting a dwelling unit on the same
100 premises; providing an exception; providing
101 construction; providing applicability; creating s.
102 83.626, F.S.; authorizing tenants and mobile home
103 owners who are defendants in certain eviction
104 proceedings to file a motion with the court to have
105 the records of such proceedings sealed and to have
106 their names substituted on the progress docket under
107 certain conditions; providing applicability; requiring
108 the court to grant such motions if certain
109 requirements are met; authorizing that such relief be
110 granted only once; requiring tenants and mobile home
111 owners to submit a specified sworn statement under

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112 | penalty of perjury with their motion; requiring the
113 | court to substitute a defendant's name on the progress
114 | docket if a judgment is entered in favor of the
115 | defendant; providing exceptions; providing retroactive
116 | applicability; providing an

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