

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; providing  
 9           applicability; requiring the court to grant such  
 10          motions if certain requirements are met; authorizing  
 11          that such relief be granted only once; requiring  
 12          tenants and mobile home owners to submit a specified  
 13          sworn statement under penalty of perjury with their  
 14          motion; requiring the court to substitute a  
 15          defendant's name on the progress docket if a judgment  
 16          is entered in favor of the defendant; providing  
 17          exceptions; providing retroactive applicability;  
 18          providing an effective date.

19  
 20 Be It Enacted by the Legislature of the State of Florida:

21  
 22           Section 1. Section 83.626, Florida Statutes, is created to  
 23 read:

24           83.626 Court records of eviction proceedings.-  
 25           (1) A tenant or mobile home owner who is a defendant in an

26 eviction proceeding under this part or s. 723.061 may file a  
27 motion with the court to have the records of such proceeding  
28 sealed and to have his or her name substituted with "tenant" on  
29 the progress docket if any of the following conditions are  
30 satisfied:

31 (a) The parties file a joint stipulation requesting relief  
32 under this section.

33 (b) The case was dismissed.

34 (c) The case was resolved by settlement or stipulation of  
35 the parties and the defendant has complied with the terms of the  
36 agreement.

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

44 (e) A judgment was entered against the defendant on the  
45 merits at least 5 years before the motion was filed under this  
46 subsection and the defendant has satisfied any monetary award  
47 included in the judgment. This paragraph does not apply if the  
48 action was brought under s. 83.56(2)(a) or s. 723.061(1)(b) or  
49 (c) for material noncompliance, other than nonpayment of rent,  
50 because of the tenant's intentional destruction, damage, or

HB 1131

2022

51 misuse of the landlord's property.

52 (2)(a) The court shall grant such motion without a hearing  
53 if the requirements in paragraph (1)(a) or paragraph (1)(b) are  
54 satisfied.

55 (b) If the defendant files a motion on the basis of  
56 paragraph (1)(c), paragraph (1)(d), or paragraph (1)(e) being  
57 satisfied, the defendant must also serve a copy of the motion on  
58 all parties to the proceeding. If a written objection is filed  
59 within 30 days after such service, the court must schedule a  
60 hearing. If no written objection is filed within 30 days after  
61 service of the motion, or the court determines after a hearing  
62 that the defendant is eligible for relief, the court must grant  
63 the motion.

64 (3) A tenant or mobile home owner is entitled to relief  
65 under subsection (2) only once. When a tenant or mobile home  
66 owner files a motion under subsection (1), he or she must also  
67 submit a sworn statement under penalty of perjury affirming that  
68 he or she has not previously received such relief from a court  
69 in the state.

70 (4) In an eviction proceeding under this part or s.  
71 723.061, the court must substitute a defendant's name on the  
72 progress docket with "tenant" if a judgment is entered in favor  
73 of the defendant.

74 (5) A defendant is not eligible for relief under this  
75 section if:

HB 1131

2022

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

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

82        (6) This section applies to any judgment entered before,  
83 on, or after July 1, 2022.

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