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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/14/2011	.	
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The Committee on Criminal Justice (Smith) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (c) of subsection (8) of section
741.30, Florida Statutes, is amended to read:

741.30 Domestic violence; injunction; powers and duties of
court and clerk; petition; notice and hearing; temporary
injunction; issuance of injunction; statewide verification
system; enforcement.—

(8)

(c)1. Within 24 hours after the court issues an injunction



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13 for protection against domestic violence or changes, continues,
14 extends, or vacates an injunction for protection against
15 domestic violence, the clerk of the court must forward a
16 certified copy of the injunction for service to the sheriff with
17 jurisdiction over the residence of the petitioner. The
18 injunction must be served in accordance with this subsection.

19 2. Within 24 hours after service of process of an
20 injunction for protection against domestic violence upon a
21 respondent, the law enforcement officer must forward the written
22 proof of service of process to the sheriff with jurisdiction
23 over the residence of the petitioner.

24 3. Within 24 hours after the sheriff receives a certified
25 copy of the injunction for protection against domestic violence,
26 the sheriff must make information relating to the injunction
27 available to other law enforcement agencies by electronically
28 transmitting such information to the department.

29 4. Within 24 hours after the sheriff or other law
30 enforcement officer has made service upon the respondent and the
31 sheriff has been so notified, the sheriff must make information
32 relating to the service available to other law enforcement
33 agencies by electronically transmitting such information to the
34 department.

35 5. Subject to available funding, the Florida Association of
36 Court Clerks and Comptrollers shall develop an automated process
37 by which a petitioner may request notification of service of the
38 injunction for protection against domestic violence and other
39 court actions related to the injunction for protection. The
40 automated notice shall be made within 12 hours after the sheriff
41 or other law enforcement officer serves the injunction upon the



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42 respondent. The notification must include, at a minimum, the
43 date, time, and location where the injunction for protection
44 against domestic violence was served. The Florida Association of
45 Court Clerks and Comptrollers shall apply for any available
46 grants to fund the development of the automated process.

47 ~~6.5.~~ Within 24 hours after an injunction for protection
48 against domestic violence is vacated, terminated, or otherwise
49 rendered no longer effective by ruling of the court, the clerk
50 of the court must notify the sheriff receiving original
51 notification of the injunction as provided in subparagraph 2.
52 That agency shall, within 24 hours after receiving such
53 notification from the clerk of the court, notify the department
54 of such action of the court.

55 Section 2. Paragraph (c) of subsection (8) of section
56 784.046, Florida Statutes, is amended to read:

57 784.046 Action by victim of repeat violence, sexual
58 violence, or dating violence for protective injunction; dating
59 violence investigations, notice to victims, and reporting;
60 pretrial release violations.-

61 (8)

62 (c)1. Within 24 hours after the court issues an injunction
63 for protection against repeat violence, sexual violence, or
64 dating violence or changes or vacates an injunction for
65 protection against repeat violence, sexual violence, or dating
66 violence, the clerk of the court must forward a copy of the
67 injunction to the sheriff with jurisdiction over the residence
68 of the petitioner.

69 2. Within 24 hours after service of process of an
70 injunction for protection against repeat violence, sexual



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71 violence, or dating violence upon a respondent, the law
72 enforcement officer must forward the written proof of service of
73 process to the sheriff with jurisdiction over the residence of
74 the petitioner.

75 3. Within 24 hours after the sheriff receives a certified
76 copy of the injunction for protection against repeat violence,
77 sexual violence, or dating violence, the sheriff must make
78 information relating to the injunction available to other law
79 enforcement agencies by electronically transmitting such
80 information to the department.

81 4. Within 24 hours after the sheriff or other law
82 enforcement officer has made service upon the respondent and the
83 sheriff has been so notified, the sheriff must make information
84 relating to the service available to other law enforcement
85 agencies by electronically transmitting such information to the
86 department.

87 5. Subject to available funding, the Florida Association of
88 Court Clerks and Comptrollers shall develop an automated process
89 by which a petitioner may request notification of service of the
90 injunction for protection against repeat violence, sexual
91 violence, or dating violence and other court actions related to
92 the injunction for protection. The automated notice shall be
93 made within 12 hours after the sheriff or other law enforcement
94 officer serves the injunction upon the respondent. The
95 notification must include, at a minimum, the date, time, and
96 location where the injunction for protection against repeat
97 violence, sexual violence, or dating violence was served. The
98 Florida Association of Court Clerks and Comptrollers shall apply
99 for any available grants to fund the development of the



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100 automated process.

101 ~~6.5.~~ Within 24 hours after an injunction for protection
102 against repeat violence, sexual violence, or dating violence is
103 lifted, terminated, or otherwise rendered no longer effective by
104 ruling of the court, the clerk of the court must notify the
105 sheriff or local law enforcement agency receiving original
106 notification of the injunction as provided in subparagraph 2.
107 That agency shall, within 24 hours after receiving such
108 notification from the clerk of the court, notify the department
109 of such action of the court.

110 Section 3. This act shall take effect July 1, 2011.

111

112 ===== T I T L E A M E N D M E N T =====

113 And the title is amended as follows:

114 Delete everything before the enacting clause
115 and insert:

116 A bill to be entitled
117 An act relating to injunctions for protection against
118 domestic violence, repeat violence, sexual violence,
119 or dating violence; amending ss. 741.30 and 784.046,
120 F.S.; subject to available funding, directing the
121 Florida Association of Court Clerks and Comptrollers
122 to develop an automated process by which a petitioner
123 for an injunction for protection may request
124 notification of service of the injunction or notice of
125 other court actions related to the injunction;
126 requiring that notice be given to the petitioner
127 within a specified time; providing for the content of
128 the notice; providing an effective date.