

By Senator Hill

1-00232-11

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1 A bill to be entitled
2 An act relating to injunctions for protection against
3 domestic violence, repeat violence, sexual violence,
4 or dating violence; amending ss. 741.30 and 784.046,
5 F.S.; subject to available funding, directing the
6 Florida Association of Court Clerks to develop an
7 automated process by which a petitioner for an
8 injunction for protection may request notification of
9 service of the injunction or notice of other court
10 actions related to the injunction; requiring that
11 notice be given to the petitioner within a specified
12 time; providing for the content of the notice;
13 providing an effective date.

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15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Paragraph (c) of subsection (8) of section
18 741.30, Florida Statutes, is amended to read:

19 741.30 Domestic violence; injunction; powers and duties of
20 court and clerk; petition; notice and hearing; temporary
21 injunction; issuance of injunction; statewide verification
22 system; enforcement.—

23 (8)

24 (c)1. Within 24 hours after the court issues an injunction
25 for protection against domestic violence or changes, continues,
26 extends, or vacates an injunction for protection against
27 domestic violence, the clerk of the court must forward a
28 certified copy of the injunction for service to the sheriff with
29 jurisdiction over the residence of the petitioner. The

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30 injunction must be served in accordance with this subsection.

31 2. Within 24 hours after service of process of an
32 injunction for protection against domestic violence upon a
33 respondent, the law enforcement officer must forward the written
34 proof of service of process to the sheriff with jurisdiction
35 over the residence of the petitioner.

36 3. Within 24 hours after the sheriff receives a certified
37 copy of the injunction for protection against domestic violence,
38 the sheriff must make information relating to the injunction
39 available to other law enforcement agencies by electronically
40 transmitting such information to the department.

41 4. Within 24 hours after the sheriff or other law
42 enforcement officer has made service upon the respondent and the
43 sheriff has been so notified, the sheriff must make information
44 relating to the service available to other law enforcement
45 agencies by electronically transmitting such information to the
46 department.

47 5. Subject to available funding, the Florida Association of
48 Court Clerks shall develop an automated process by which a
49 petitioner may request notification of service of the injunction
50 for protection against domestic violence and other court actions
51 related to the injunction for protection. The automated notice
52 shall be made within 12 hours after the sheriff or other law
53 enforcement officer serves the injunction upon the respondent.
54 The notification must include, at a minimum, the date, time, and
55 location where the injunction for protection against domestic
56 violence was served.

57 ~~6.5.~~ Within 24 hours after an injunction for protection
58 against domestic violence is vacated, terminated, or otherwise

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59 rendered no longer effective by ruling of the court, the clerk
60 of the court must notify the sheriff receiving original
61 notification of the injunction as provided in subparagraph 2.
62 That agency shall, within 24 hours after receiving such
63 notification from the clerk of the court, notify the department
64 of such action of the court.

65 Section 2. Paragraph (c) of subsection (8) of section
66 784.046, Florida Statutes, is amended to read:

67 784.046 Action by victim of repeat violence, sexual
68 violence, or dating violence for protective injunction; dating
69 violence investigations, notice to victims, and reporting;
70 pretrial release violations.-

71 (8)

72 (c)1. Within 24 hours after the court issues an injunction
73 for protection against repeat violence, sexual violence, or
74 dating violence or changes or vacates an injunction for
75 protection against repeat violence, sexual violence, or dating
76 violence, the clerk of the court must forward a copy of the
77 injunction to the sheriff with jurisdiction over the residence
78 of the petitioner.

79 2. Within 24 hours after service of process of an
80 injunction for protection against repeat violence, sexual
81 violence, or dating violence upon a respondent, the law
82 enforcement officer must forward the written proof of service of
83 process to the sheriff with jurisdiction over the residence of
84 the petitioner.

85 3. Within 24 hours after the sheriff receives a certified
86 copy of the injunction for protection against repeat violence,
87 sexual violence, or dating violence, the sheriff must make

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88 information relating to the injunction available to other law
89 enforcement agencies by electronically transmitting such
90 information to the department.

91 4. Within 24 hours after the sheriff or other law
92 enforcement officer has made service upon the respondent and the
93 sheriff has been so notified, the sheriff must make information
94 relating to the service available to other law enforcement
95 agencies by electronically transmitting such information to the
96 department.

97 5. Subject to available funding, the Florida Association of
98 Court Clerks shall develop an automated process by which a
99 petitioner may request notification of service of the injunction
100 for protection against repeat violence, sexual violence, or
101 dating violence and other court actions related to the
102 injunction for protection. The automated notice shall be made
103 within 12 hours after the sheriff or other law enforcement
104 officer serves the injunction upon the respondent. The
105 notification must include, at a minimum, the date, time, and
106 location where the injunction for protection against repeat
107 violence, sexual violence, or dating violence was served.

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

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