

By the Committee on Criminal Justice; and Senator Hill

591-02452-11

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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 and Comptrollers
7 to develop an automated process by which a petitioner
8 for an injunction for protection may request
9 notification of service of the injunction or notice of
10 other court actions related to the injunction;
11 requiring that notice be given to the petitioner
12 within a specified time; providing for the content of
13 the notice; providing an effective date.

14
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

591-02452-11

2011438c1

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

591-02452-11

2011438c1

59 ~~6.5.~~ Within 24 hours after an injunction for protection
60 against domestic violence is vacated, terminated, or otherwise
61 rendered no longer effective by ruling of the court, the clerk
62 of the court must notify the sheriff receiving original
63 notification of the injunction as provided in subparagraph 2.
64 That agency shall, within 24 hours after receiving such
65 notification from the clerk of the court, notify the department
66 of such action of the court.

67 Section 2. Paragraph (c) of subsection (8) of section
68 784.046, Florida Statutes, is amended to read:

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

73 (8)

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

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

87 3. Within 24 hours after the sheriff receives a certified

591-02452-11

2011438c1

88 copy of the injunction for protection against repeat violence,
89 sexual violence, or dating violence, the sheriff must make
90 information relating to the injunction available to other law
91 enforcement agencies by electronically transmitting such
92 information to the department.

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

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

113 ~~6.5.~~ Within 24 hours after an injunction for protection
114 against repeat violence, sexual violence, or dating violence is
115 lifted, terminated, or otherwise rendered no longer effective by
116 ruling of the court, the clerk of the court must notify the

591-02452-11

2011438c1

117 sheriff or local law enforcement agency receiving original
118 notification of the injunction as provided in subparagraph 2.
119 That agency shall, within 24 hours after receiving such
120 notification from the clerk of the court, notify the department
121 of such action of the court.

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