

By Senator Powell

30-00972-17

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1                   A bill to be entitled  
2       An act relating to public records; amending s.  
3       119.0714, F.S.; providing an exemption from public  
4       records requirements for petitions, and the contents  
5       thereof, for certain protective injunctions that are  
6       dismissed in certain circumstances; requiring the  
7       removal of petitions dismissed before, on, or after a  
8       specified date from publicly accessible records;  
9       providing for future legislative review and repeal of  
10      the exemption; providing a statement of public  
11      necessity; providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

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15       Section 1. Paragraph (k) is added to subsection (1) of  
16      section 119.0714, Florida Statutes, to read:

17       119.0714 Court files; court records; official records.—

18       (1) COURT FILES.—Nothing in this chapter shall be construed  
19      to exempt from s. 119.07(1) a public record that was made a part  
20      of a court file and that is not specifically closed by order of  
21      court, except:

22       (k)1. A petition, and the contents thereof, for an  
23      injunction for protection against domestic violence, repeat  
24      violence, dating violence, sexual violence, stalking, or  
25      cyberstalking which is dismissed without a hearing or at an ex  
26      parte hearing due to failure to state a claim, lack of  
27      jurisdiction, or any reason having to do with the sufficiency of  
28      the petition itself without an injunction being issued.

29       2.a. A petition, and the contents thereof, described in

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30 subparagraph 1. which is dismissed on or after July 1, 2017,  
31 must be removed from all publicly accessible records upon  
32 dismissal.

33 b. A petition, and the contents thereof, described in  
34 subparagraph 1. which are dismissed before July 1, 2017, shall  
35 be removed upon request by an individual named in the petition  
36 as a respondent. The request must be in the form of a signed,  
37 legibly written request specifying the case name, case number,  
38 document heading, and page number. The request must be delivered  
39 by mail, facsimile, or electronic transmission or in person to  
40 the clerk of the court. A fee may not be charged for such  
41 removal.

42 3. This paragraph is subject to the Open Government Sunset  
43 Review Act in accordance with s. 119.15 and shall stand repealed  
44 on October 2, 2022, unless reviewed and saved from repeal  
45 through reenactment by the Legislature.

46 Section 2. The Legislature finds that it is a public  
47 necessity that a petition, and the contents thereof, for an  
48 injunction for protection against domestic violence, repeat  
49 violence, dating violence, sexual violence, stalking, or  
50 cyberstalking which is dismissed without a hearing or at an ex  
51 parte hearing due to failure to state a claim, lack of  
52 jurisdiction, or any reason having to do with the sufficiency of  
53 the petition itself without an injunction being issued be made  
54 confidential and exempt from s. 119.07(1), Florida Statutes, and  
55 s. 24(a), Article I of the State Constitution. The Legislature  
56 finds that the existence of, and the unverified allegations  
57 contained in, such a petition may be defamatory to an individual  
58 named in it and cause unwarranted damage to the reputation of

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59 such individual. The Legislature further finds that correction  
60 of the public record by the removal of such a petition, and the  
61 contents thereof, is the sole means of protecting the reputation  
62 of such individual.

63 Section 3. This act shall take effect July 1, 2017.