

By the Committees on Rules; and Governmental Oversight and Accountability; and Senators Powell and Bracy

595-03067A-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; providing a
7 statement of public necessity; providing an effective
8 date.

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

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

14 119.0714 Court files; court records; official records.—

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

19 (k)1. A petition, and the contents thereof, for an
20 injunction for protection against domestic violence, repeat
21 violence, dating violence, sexual violence, stalking, or
22 cyberstalking that is dismissed without a hearing, dismissed at
23 an ex parte hearing due to failure to state a claim or lack of
24 jurisdiction, or dismissed for any reason having to do with the
25 sufficiency of the petition itself without an injunction being
26 issued on or after July 1, 2017, is exempt from s. 119.07(1) and
27 s. 24(a), Art. I of the State Constitution.

28 2. A petition, and the contents thereof, for an injunction
29 for protection against domestic violence, repeat violence,

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30 dating violence, sexual violence, stalking, or cyberstalking
31 that is dismissed without a hearing, dismissed at an ex parte
32 hearing due to failure to state a claim or lack of jurisdiction,
33 or dismissed for any reason having to do with the sufficiency of
34 the petition itself without an injunction being issued before
35 July 1, 2017, is exempt from s. 119.07(1) and s. 24(a), Art. I
36 of the State Constitution only upon request by an individual
37 named in the petition as a respondent. The request must be in
38 the form of a signed, legibly written request specifying the
39 case name, case number, document heading, and page number. The
40 request must be delivered by mail, facsimile, or electronic
41 transmission or in person to the clerk of the court. A fee may
42 not be charged for such request.

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

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