

ENROLLED

CS/HB 845

2019 Legislature

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2 An act relating to public records; amending s.
3 119.0714, F.S.; providing an exemption from public
4 records requirements for any information that can be
5 used to identify a petitioner or respondent in a
6 petition for certain protective injunctions, and any
7 related affidavit, notice of hearing, and temporary
8 injunction, until the respondent has been personally
9 served; providing a statement of public necessity;
10 providing an effective date.

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

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

16 119.0714 Court files; court records; official records.—

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

21 (k)1. A petition, and the contents thereof, for an
22 injunction for protection against domestic violence, repeat
23 violence, dating violence, sexual violence, stalking, or
24 cyberstalking that is dismissed without a hearing, dismissed at
25 an ex parte hearing due to failure to state a claim or lack of

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26 | jurisdiction, or dismissed for any reason having to do with the
27 | sufficiency of the petition itself without an injunction being
28 | issued on or after July 1, 2017, is exempt from s. 119.07(1) and
29 | s. 24(a), Art. I of the State Constitution.

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

45 | 3. Any information that can be used to identify a
46 | petitioner or respondent in a petition for an injunction against
47 | domestic violence, repeat violence, dating violence, sexual
48 | violence, stalking, or cyberstalking, and any affidavits, notice
49 | of hearing, and temporary injunction, is confidential and exempt
50 | from s. 119.07(1) and s. 24(a), Art. I of the State Constitution

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51 until the respondent has been personally served with a copy of
52 the petition for injunction, affidavits, notice of hearing, and
53 temporary injunction.

54 Section 2. The Legislature finds that it is a public
55 necessity that any information that can be used to identify a
56 petitioner or respondent in a petition for an injunction against
57 domestic violence, repeat violence, dating violence, sexual
58 violence, stalking, or cyberstalking, and affidavits, notice of
59 hearing, and temporary injunction, be made confidential and
60 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
61 Article I of the State Constitution. Release of such information
62 before the respondent has been personally served with a copy of
63 the petition, affidavits, notice of hearing, and temporary
64 injunction could significantly threaten the physical safety and
65 security of persons seeking protection through injunctive
66 proceedings and their families, and of law enforcement tasked
67 with serving the petition for injunction, affidavits, notice of
68 hearing, and temporary injunction on the respondent. The harm
69 that may result from the release of the information outweighs
70 any public benefit that might result from public disclosure of
71 the information.

72 Section 3. This act shall take effect July 1, 2019.