



449906

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/15/2022	.	
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The Committee on Rules (Cruz) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 53 - 393

and insert:

(8) (a) 1. When the court issues an injunction for protection against domestic violence, the clerk of the court shall furnish a copy of the petition, financial affidavit, Uniform Child Custody Jurisdiction and Enforcement Act affidavit, if any, notice of hearing, and temporary injunction, if any, to the sheriff or a law enforcement agency of the county where the respondent resides or can be found, who shall serve it upon the



449906

12 respondent as soon thereafter as possible on any day of the week  
13 and at any time of the day or night. If the respondent resides  
14 in the county in which the petition is filed, the clerk of the  
15 court, with the consent of the sheriff, may electronically  
16 transmit the documents to the sheriff. However, if the  
17 respondent resides or can be found outside the county in which  
18 the petition is filed, the clerk of the court must  
19 electronically transmit a certified copy of such documents to  
20 the sheriff where the respondent resides or can be found. An  
21 electronically transmitted document ~~When requested by the~~  
22 ~~sheriff, the clerk of the court may transmit a facsimile copy of~~  
23 ~~an injunction must be that has been certified by the clerk of~~  
24 ~~the court, and the electronic this facsimile copy must~~ may be  
25 served in the same manner as a certified copy. Upon receiving an  
26 electronic a facsimile copy of the injunction, the sheriff must  
27 verify receipt with the sender before attempting to serve it  
28 upon the respondent. In addition, if the sheriff is in  
29 possession of an injunction for protection that has been  
30 certified by the clerk of the court, the sheriff may  
31 electronically transmit a ~~facsimile~~ copy of that injunction to a  
32 law enforcement officer who shall serve it in the same manner as  
33 a certified copy. The clerk of the court is ~~shall be~~ responsible  
34 for furnishing to the sheriff such information on the  
35 respondent's physical description and location as is required by  
36 the department to comply with the verification procedures set  
37 forth in this section. Notwithstanding any other ~~provision of~~  
38 law to the contrary, the chief judge of each circuit, in  
39 consultation with the appropriate sheriff, may authorize a law  
40 enforcement agency within the jurisdiction to effect service. A



41 law enforcement agency serving injunctions pursuant to this  
42 section must ~~shall~~ use service and verification procedures  
43 consistent with those of the sheriff.

44 2. When an injunction is issued, if the petitioner requests  
45 the assistance of a law enforcement agency, the court may order  
46 that an officer from the appropriate law enforcement agency  
47 accompany the petitioner and assist in placing the petitioner in  
48 possession of the dwelling or residence, or otherwise assist in  
49 the execution or service of the injunction. A law enforcement  
50 officer must ~~shall~~ accept a copy of an injunction for protection  
51 against domestic violence, certified by the clerk of the court,  
52 from the petitioner and immediately serve it upon a respondent  
53 who has been located but not yet served.

54 3. All orders issued, changed, continued, extended, or  
55 vacated subsequent to the original service of documents  
56 enumerated under subparagraph 1. must, ~~shall~~ be certified by the  
57 clerk of the court and delivered to the parties at the time of  
58 the entry of the order. The parties may acknowledge receipt of  
59 such order in writing on the face of the original order. In the  
60 event a party fails or refuses to acknowledge the receipt of a  
61 certified copy of an order, the clerk must ~~shall~~ note on the  
62 original order that service was effected. If delivery at the  
63 hearing is not possible, the clerk must ~~shall~~ mail certified  
64 copies of the order to the parties at the last known address of  
65 each party. Service by mail is complete upon mailing. When an  
66 order is served pursuant to this subsection, the clerk shall  
67 prepare a written certification to be placed in the court file  
68 specifying the time, date, and method of service and shall  
69 notify the sheriff.



449906

70  
71 If the respondent has been served previously with the temporary  
72 injunction and has failed to appear at the initial hearing on  
73 the temporary injunction, any subsequent petition for injunction  
74 seeking an extension of time may be served on the respondent by  
75 the clerk of the court by certified mail in lieu of personal  
76 service by a law enforcement officer.

77 (b) ~~There shall be created~~ A Domestic and Repeat Violence  
78 Injunction Statewide Verification System is created within the  
79 Department of Law Enforcement. The department shall establish,  
80 implement, and maintain a statewide communication system capable  
81 of electronically transmitting information to and between  
82 criminal justice agencies relating to domestic violence  
83 injunctions and repeat violence injunctions issued by the courts  
84 throughout this ~~the~~ state. Such information must include, but is  
85 not limited to, information as to the existence and status of  
86 any injunction for verification purposes.

87 (c)1. Within 24 hours after the court issues an injunction  
88 for protection against domestic violence or changes, continues,  
89 extends, or vacates an injunction for protection against  
90 domestic violence, the clerk of the court must ~~forward~~ a  
91 certified copy of the injunction for service to the sheriff with  
92 jurisdiction over the residence of the petitioner. The  
93 injunction must be served in accordance with this subsection.

94 2. Within 24 hours after service of process of an  
95 injunction for protection against domestic violence upon a  
96 respondent, the law enforcement officer must forward the written  
97 proof of service of process to the sheriff with jurisdiction  
98 over the residence of the petitioner. The sheriff having



99 jurisdiction over the residence of the petitioner may authorize  
100 the law enforcement officer serving the injunction to  
101 electronically transmit the proof of service.

102 3. Within 24 hours after the sheriff receives a certified  
103 copy of the injunction for protection against domestic violence,  
104 the sheriff must make information relating to the injunction  
105 available to other law enforcement agencies by electronically  
106 transmitting such information to the department.

107 4. Within 24 hours after the sheriff or other law  
108 enforcement officer has made service upon the respondent and the  
109 sheriff has been so notified, the sheriff must make information  
110 relating to the service available to other law enforcement  
111 agencies by electronically transmitting such information to the  
112 department.

113 5. Subject to available funding, the Florida Association of  
114 Court Clerks and Comptrollers shall develop an automated process  
115 by which a petitioner may request notification of service of the  
116 injunction for protection against domestic violence and other  
117 court actions related to the injunction for protection. The  
118 automated notice must ~~shall~~ be made within 12 hours after the  
119 sheriff or other law enforcement officer serves the injunction  
120 upon the respondent. The notification must include, at a  
121 minimum, the date, time, and location where the injunction for  
122 protection against domestic violence was served. The Florida  
123 Association of Court Clerks and Comptrollers may apply for any  
124 available grants to fund the development of the automated  
125 process.

126 6. Within 24 hours after an injunction for protection  
127 against domestic violence is vacated, terminated, or otherwise



449906

128 rendered no longer effective by ruling of the court, the clerk  
129 of the court must notify the sheriff receiving original  
130 notification of the injunction as provided in subparagraph 2.  
131 That agency shall, within 24 hours after receiving such  
132 notification from the clerk of the court, notify the department  
133 of such action of the court.

134 Section 2. Subsection (8) of section 784.046, Florida  
135 Statutes, is amended to read:

136 784.046 Action by victim of repeat violence, sexual  
137 violence, or dating violence for protective injunction; dating  
138 violence investigations, notice to victims, and reporting;  
139 pretrial release violations; public records exemption.—

140 (8) (a) 1. When the court issues an injunction for protection  
141 against repeat violence, sexual violence, or dating violence,  
142 the clerk of the court shall furnish a copy of the petition,  
143 notice of hearing, and temporary injunction, if any, to the  
144 sheriff or a law enforcement agency of the county where the  
145 respondent resides or can be found, who shall serve it upon the  
146 respondent as soon thereafter as possible on any day of the week  
147 and at any time of the day or night. If the respondent resides  
148 in the county in which the petition is filed, the clerk of the  
149 court, with the consent of the sheriff, may electronically  
150 transmit the documents to the sheriff. However, if the  
151 respondent resides or can be found outside the county in which  
152 the petition is filed, the clerk of the court must  
153 electronically transmit a certified copy of such documents to  
154 the sheriff where the respondent resides or can be found. An  
155 electronically transmitted document ~~When requested by the~~  
156 ~~sheriff, the clerk of the court may transmit a facsimile copy of~~



449906

157 ~~an injunction that has been certified by the clerk of the court,~~  
158 ~~and this facsimile copy~~ may be served in the same manner as a  
159 certified copy. Upon receiving an electronic ~~a facsimile~~ copy of  
160 the injunction, the sheriff must verify receipt with the sender  
161 before attempting to serve it upon the respondent. In addition,  
162 if the sheriff is in possession of an injunction for protection  
163 that has been certified by the clerk of the court, the sheriff  
164 may electronically transmit a ~~facsimile~~ copy of that injunction  
165 to a law enforcement officer who shall serve it in the same  
166 manner as a certified copy. The clerk of the court is ~~shall be~~  
167 responsible for furnishing to the sheriff such information on  
168 the respondent's physical description and location as is  
169 required by the department to comply with the verification  
170 procedures set forth in this section. Notwithstanding any other  
171 ~~provision of~~ law to the contrary, the chief judge of each  
172 circuit, in consultation with the appropriate sheriff, may  
173 authorize a law enforcement agency within the chief judge's  
174 jurisdiction to effect this type of service and to receive a  
175 portion of the service fee. A No person may not ~~shall be~~  
176 ~~authorized or permitted to~~ serve or execute an injunction issued  
177 under this section unless the person is a law enforcement  
178 officer as defined in chapter 943.

179       2. When an injunction is issued, if the petitioner requests  
180 the assistance of a law enforcement agency, the court may order  
181 that an officer from the appropriate law enforcement agency  
182 accompany the petitioner and assist in the execution or service  
183 of the injunction. A law enforcement officer must ~~shall~~ accept a  
184 copy of an injunction for protection against repeat violence,  
185 sexual violence, or dating violence, certified by the clerk of



186 the court, from the petitioner and immediately serve it upon a  
187 respondent who has been located but not yet served.

188 (b) ~~There shall be created~~ A Domestic, Dating, Sexual, and  
189 Repeat Violence Injunction Statewide Verification System is  
190 created within the Department of Law Enforcement. The department  
191 shall establish, implement, and maintain a statewide  
192 communication system capable of electronically transmitting  
193 information to and between criminal justice agencies relating to  
194 domestic violence injunctions, dating violence injunctions,  
195 sexual violence injunctions, and repeat violence injunctions  
196 issued by the courts throughout this ~~the~~ state. Such information  
197 must include, but is not limited to, information as to the  
198 existence and status of any injunction for verification  
199 purposes.

200 (c)1. Within 24 hours after the court issues an injunction  
201 for protection against repeat violence, sexual violence, or  
202 dating violence or changes or vacates an injunction for  
203 protection against repeat violence, sexual violence, or dating  
204 violence, the clerk of the court must forward a copy of the  
205 injunction to the sheriff with jurisdiction over the residence  
206 of the petitioner.

207 2. Within 24 hours after service of process of an  
208 injunction for protection against repeat violence, sexual  
209 violence, or dating violence upon a respondent, the law  
210 enforcement officer must forward the written proof of service of  
211 process to the sheriff with jurisdiction over the residence of  
212 the petitioner. The sheriff having jurisdiction over the  
213 residence of the petitioner may authorize the law enforcement  
214 officer serving the injunction to electronically transmit the





449906

215 proof of service.

216           3. Within 24 hours after the sheriff receives a certified  
217 copy of the injunction for protection against repeat violence,  
218 sexual violence, or dating violence, the sheriff must make  
219 information relating to the injunction available to other law  
220 enforcement agencies by electronically transmitting such  
221 information to the department.

222           4. Within 24 hours after the sheriff or other law  
223 enforcement officer has made service upon the respondent and the  
224 sheriff has been so notified, the sheriff must make information  
225 relating to the service available to other law enforcement  
226 agencies by electronically transmitting such information to the  
227 department.

228           5. Subject to available funding, the Florida Association of  
229 Court Clerks and Comptrollers shall develop an automated process  
230 by which a petitioner may request notification of service of the  
231 injunction for protection against repeat violence, sexual  
232 violence, or dating violence and other court actions related to  
233 the injunction for protection. The automated notice must ~~shall~~  
234 be made within 12 hours after the sheriff or other law  
235 enforcement officer serves the injunction upon the respondent.  
236 The notification must include, at a minimum, the date, time, and  
237 location where the injunction for protection against repeat  
238 violence, sexual violence, or dating violence was served. The  
239 Florida Association of Court Clerks and Comptrollers may apply  
240 for any available grants to fund the development of the  
241 automated process.

242           6. Within 24 hours after an injunction for protection  
243 against repeat violence, sexual violence, or dating violence is



449906

244 lifted, terminated, or otherwise rendered no longer effective by  
245 ruling of the court, the clerk of the court must notify the  
246 sheriff or local law enforcement agency receiving original  
247 notification of the injunction as provided in subparagraph 2.  
248 That agency shall, within 24 hours after receiving such  
249 notification from the clerk of the court, notify the department  
250 of such action of the court.

251 Section 3. Subsection (8) of section 784.0485, Florida  
252 Statutes, is amended to read:

253 784.0485 Stalking; injunction; powers and duties of court  
254 and clerk; petition; notice and hearing; temporary injunction;  
255 issuance of injunction; statewide verification system;  
256 enforcement.—

257 (8) (a) 1. When the court issues an injunction for protection  
258 against stalking, the clerk of the court shall furnish a copy of  
259 the petition, notice of hearing, and temporary injunction, if  
260 any, to the sheriff or a law enforcement agency of the county  
261 where the respondent resides or can be found, who shall serve it  
262 upon the respondent as soon thereafter as possible on any day of  
263 the week and at any time of the day or night. If the respondent  
264 resides in the county in which the petition is filed, the clerk  
265 of the court, with the consent of the sheriff, may  
266 electronically transmit the documents to the sheriff. However,  
267 if the respondent resides or can be found outside the county in  
268 which the petition is filed, the clerk of the court must  
269 electronically transmit a certified copy of such documents to  
270 the sheriff where the respondent resides or can be found. An  
271 electronically transmitted document ~~When requested by the~~  
272 ~~sheriff, the clerk of the court may transmit a facsimile copy of~~



449906

273 ~~an injunction that has been certified by the clerk of the court,~~  
274 ~~and this facsimile copy~~ may be served in the same manner as a  
275 certified copy. Upon receiving an electronic ~~a facsimile~~ copy of  
276 the injunction, the sheriff must verify receipt with the sender  
277 before attempting to serve it on the respondent. In addition, if  
278 the sheriff is in possession of an injunction for protection  
279 that has been certified by the clerk of the court, the sheriff  
280 may electronically transmit a ~~facsimile~~ copy of that injunction  
281 to a law enforcement officer who shall serve it in the same  
282 manner as a certified copy. The clerk of the court shall furnish  
283 to the sheriff such information concerning the respondent's  
284 physical description and location as is required by the  
285 Department of Law Enforcement to comply with the verification  
286 procedures set forth in this section. Notwithstanding any other  
287 law, the chief judge of each circuit, in consultation with the  
288 appropriate sheriff, may authorize a law enforcement agency  
289 within the jurisdiction to effect service. A law enforcement  
290 agency serving injunctions pursuant to this section must ~~shall~~  
291 use service and verification procedures consistent with those of  
292 the sheriff.

293       2. If an injunction is issued and the petitioner requests  
294 the assistance of a law enforcement agency, the court may order  
295 that an officer from the appropriate law enforcement agency  
296 accompany the petitioner to assist in the execution or service  
297 of the injunction. A law enforcement officer must ~~shall~~ accept a  
298 copy of an injunction for protection against stalking, certified  
299 by the clerk of the court, from the petitioner and immediately  
300 serve it upon a respondent who has been located but not yet  
301 served.



449906

302           3. An order issued, changed, continued, extended, or  
303 vacated subsequent to the original service of documents  
304 enumerated under subparagraph 1. must ~~shall~~ be certified by the  
305 clerk of the court and delivered to the parties at the time of  
306 the entry of the order. The parties may acknowledge receipt of  
307 such order in writing on the face of the original order. If a  
308 party fails or refuses to acknowledge the receipt of a certified  
309 copy of an order, the clerk must ~~shall~~ note on the original  
310 order that service was effected. If delivery at the hearing is  
311 not possible, the clerk must ~~shall~~ mail certified copies of the  
312 order to the parties at the last known address of each party.  
313 Service by mail is complete upon mailing. When an order is  
314 served pursuant to this subsection, the clerk shall prepare a  
315 written certification to be placed in the court file specifying  
316 the time, date, and method of service and shall notify the  
317 sheriff.

318           4. If the respondent has been served previously with a  
319 temporary injunction and has failed to appear at the initial  
320 hearing on the temporary injunction, any subsequent petition for  
321 injunction seeking an extension of time may be served on the  
322 respondent by the clerk of the court by certified mail in lieu  
323 of personal service by a law enforcement officer.

324           (b)1. Within 24 hours after the court issues an injunction  
325 for protection against stalking or changes, continues, extends,  
326 or vacates an injunction for protection against stalking, the  
327 clerk of the court must forward a certified copy of the  
328 injunction for service to the sheriff having jurisdiction over  
329 the residence of the petitioner. The injunction must be served  
330 in accordance with this subsection.



449906

331           2. Within 24 hours after service of process of an  
332 injunction for protection against stalking upon a respondent,  
333 the law enforcement officer must forward the written proof of  
334 service of process to the sheriff having jurisdiction over the  
335 residence of the petitioner. The sheriff having jurisdiction  
336 over the residence of the petitioner may authorize the law  
337 enforcement officer serving the injunction to electronically  
338 transmit the proof of service.

339           3. Within 24 hours after the sheriff receives a certified  
340 copy of the injunction for protection against stalking, the  
341 sheriff must make information relating to the injunction  
342 available to other law enforcement agencies by electronically  
343 transmitting such information to the Department of Law  
344 Enforcement.

345           4. Within 24 hours after the sheriff or other law  
346 enforcement officer has made service upon the respondent and the  
347 sheriff has been so notified, the sheriff must make information  
348 relating to the service available to other law enforcement  
349 agencies by electronically transmitting such information to the  
350 Department of Law Enforcement.

351           5. Within 24 hours after an injunction for protection  
352 against stalking is vacated, terminated, or otherwise rendered  
353 no longer effective by ruling of the court, the clerk of the  
354 court must notify the sheriff receiving original notification of  
355 the injunction as provided in subparagraph 2. That agency shall,  
356 within 24 hours after receiving such notification from the clerk  
357 of the court, notify the Department of Law Enforcement of such  
358 action of the court.

359           Section 4. The Florida Sheriffs Association and the Florida



360 Association of Court Clerks and Comptrollers shall establish a  
361 joint workgroup that includes clerks of the court and sheriffs  
362 to discuss and coordinate new procedures specified within this  
363 act. The workgroup shall begin convening immediately upon this  
364 act becoming a law. This section shall take effect upon becoming  
365 a law.

366 Section 5. Except as otherwise expressly provided in this  
367 act and except for this section, which shall take effect upon  
368 this act becoming a law, this act shall take effect January 1,  
369 2023.

370  
371 ===== T I T L E A M E N D M E N T =====

372 And the title is amended as follows:

373 Delete lines 3 - 29

374 and insert:

375 741.30, F.S.; deleting an obsolete date; authorizing  
376 clerks of the court to electronically transmit certain  
377 documents relating to an injunction for protection  
378 against domestic violence under certain circumstances;  
379 requiring the clerks of the court to electronically  
380 transmit such documents under certain circumstances;  
381 providing that electronically transmitted documents  
382 may be served in the same manner as certified copies;  
383 providing that sheriffs may authorize law enforcement  
384 officers to electronically transmit proof of service  
385 under certain circumstances; making conforming and  
386 technical changes; amending ss. 784.046 and 784.0485,  
387 F.S.; authorizing clerks of the court to  
388 electronically transmit certain documents relating to



449906

389       injunctions for protection against repeat violence,  
390       sexual violence, or dating violence and against  
391       stalking, respectively, under certain circumstances;  
392       requiring them to electronically transmit such  
393       documents under certain circumstances; providing that  
394       sheriffs may authorize law enforcement officers to  
395       electronically transmit proof of service under certain  
396       circumstances; making conforming and technical  
397       changes; requiring the Florida Sheriffs Association  
398       and the Florida Association of Court Clerks and  
399       Comptrollers to establish a joint workgroup for a  
400       specified purpose; specifying the timeframe by which  
401       the workgroup must convene; providing effective dates.