



851076

LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Cruz) recommended the following:

Senate Amendment (with title amendment)

Delete lines 57 - 287

and insert:

time of the day or night. If there is an Internet outage or any other significant disruption in network connectivity which would delay service by more than 24 hours, the clerk of the court may provide copies to the sheriff's office or law enforcement agency by facsimile, hand delivery, or certified or registered mail. An electronic ~~When requested by the sheriff, the clerk of the court may transmit a facsimile copy of an injunction must be that has~~



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12 ~~been~~ certified by the clerk of the court, and the electronic
13 ~~this facsimile~~ copy must ~~may~~ be served in the same manner as a
14 certified copy. Upon receiving an electronic ~~a facsimile~~ copy of
15 the injunction, the sheriff must verify receipt with the sender
16 before attempting to serve it upon the respondent. In addition,
17 if the sheriff is in possession of an injunction for protection
18 that has been certified by the clerk of the court, the sheriff
19 may electronically transmit a ~~facsimile~~ copy of that injunction
20 to a law enforcement officer who shall serve it in the same
21 manner as a certified copy. The clerk of the court is ~~shall be~~
22 responsible for furnishing to the sheriff such information on
23 the respondent's physical description and location as is
24 required by the department to comply with the verification
25 procedures set forth in this section. Notwithstanding any other
26 ~~provision of~~ law to the contrary, the chief judge of each
27 circuit, in consultation with the appropriate sheriff, may
28 authorize a law enforcement agency within the jurisdiction to
29 effect service. A law enforcement agency serving injunctions
30 pursuant to this section must ~~shall~~ use service and verification
31 procedures consistent with those of the sheriff.

32 2. When an injunction is issued, if the petitioner requests
33 the assistance of a law enforcement agency, the court may order
34 that an officer from the appropriate law enforcement agency
35 accompany the petitioner and assist in placing the petitioner in
36 possession of the dwelling or residence, or otherwise assist in
37 the execution or service of the injunction. A law enforcement
38 officer must ~~shall~~ accept a copy of an injunction for protection
39 against domestic violence, certified by the clerk of the court,
40 from the petitioner and immediately serve it upon a respondent



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41 who has been located but not yet served.

42 3. All orders issued, changed, continued, extended, or
43 vacated subsequent to the original service of documents
44 enumerated under subparagraph 1. must, ~~shall~~ be certified by the
45 clerk of the court and delivered to the parties at the time of
46 the entry of the order. The parties may acknowledge receipt of
47 such order in writing on the face of the original order. In the
48 event a party fails or refuses to acknowledge the receipt of a
49 certified copy of an order, the clerk shall note on the original
50 order that service was effected. If delivery at the hearing is
51 not possible, the clerk shall mail certified copies of the order
52 to the parties at the last known address of each party. Service
53 by mail is complete upon mailing. When an order is served
54 pursuant to this subsection, the clerk shall prepare a written
55 certification to be placed in the court file specifying the
56 time, date, and method of service and shall notify the sheriff.

57

58 If the respondent has been served previously with the temporary
59 injunction and has failed to appear at the initial hearing on
60 the temporary injunction, any subsequent petition for injunction
61 seeking an extension of time may be served on the respondent by
62 the clerk of the court by certified mail in lieu of personal
63 service by a law enforcement officer.

64 (b) ~~There shall be created~~ A Domestic and Repeat Violence
65 Injunction Statewide Verification System is created within the
66 Department of Law Enforcement. The department shall establish,
67 implement, and maintain a statewide communication system capable
68 of electronically transmitting information to and between
69 criminal justice agencies relating to domestic violence



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70 injunctions and repeat violence injunctions issued by the courts
71 throughout the state. Such information must include, but is not
72 limited to, information as to the existence and status of any
73 injunction for verification purposes.

74 (c)1. Within 24 hours after the court issues an injunction
75 for protection against domestic violence or changes, continues,
76 extends, or vacates an injunction for protection against
77 domestic violence, the clerk of the court must electronically
78 transmit forward a certified copy of the injunction for service
79 to the sheriff with jurisdiction over the residence of the
80 petitioner. If there is an Internet outage or any other
81 significant disruption in network connectivity which would delay
82 service by more than 24 hours, the clerk of the court may
83 provide copies to the sheriff's office by facsimile, hand
84 delivery, or certified or registered mail. The injunction must
85 be served in accordance with this subsection.

86 2. Within 24 hours after service of process of an
87 injunction for protection against domestic violence upon a
88 respondent, the law enforcement officer must electronically
89 transmit forward the written proof of service of process to the
90 sheriff with jurisdiction over the residence of the petitioner.

91 3. Within 24 hours after the sheriff receives a certified
92 copy of the injunction for protection against domestic violence,
93 the sheriff must make information relating to the injunction
94 available to other law enforcement agencies by electronically
95 transmitting such information to the department.

96 4. Within 24 hours after the sheriff or other law
97 enforcement officer has made service upon the respondent and the
98 sheriff has been so notified, the sheriff must make information



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99 relating to the service available to other law enforcement
100 agencies by electronically transmitting such information to the
101 department.

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

115 6. Within 24 hours after an injunction for protection
116 against domestic violence is vacated, terminated, or otherwise
117 rendered no longer effective by ruling of the court, the clerk
118 of the court must notify the sheriff receiving original
119 notification of the injunction as provided in subparagraph 2.
120 That agency shall, within 24 hours after receiving such
121 notification from the clerk of the court, notify the department
122 of such action of the court.

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

125 784.046 Action by victim of repeat violence, sexual
126 violence, or dating violence for protective injunction; dating
127 violence investigations, notice to victims, and reporting;



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128 pretrial release violations; public records exemption.-
129 (8) (a) 1. Within 24 hours after the court issues an
130 injunction for protection against repeat violence, sexual
131 violence, or dating violence, the clerk of the court shall
132 electronically transmit ~~furnish~~ a copy of the petition, notice
133 of hearing, and temporary injunction, if any, to the sheriff or
134 a law enforcement agency of the county where the respondent
135 resides or can be found, who shall serve it upon the respondent
136 as soon thereafter as possible on any day of the week and at any
137 time of the day or night. If there is an Internet outage or any
138 other significant disruption in network connectivity which would
139 delay service by more than 24 hours, the clerk of the court may
140 furnish copies to the sheriff's office or law enforcement agency
141 by facsimile, hand delivery, or certified or registered mail. An
142 electronic ~~When requested by the sheriff, the clerk of the court~~
143 ~~may transmit a facsimile copy of an injunction~~ must be that has
144 ~~been~~ certified by the clerk of the court, and the electronic
145 ~~this facsimile copy~~ must ~~may~~ be served in the same manner as a
146 certified copy. Upon receiving an electronic ~~a facsimile copy of~~
147 the injunction, the sheriff must verify receipt with the sender
148 before attempting to serve it upon the respondent. In addition,
149 if the sheriff is in possession of an injunction for protection
150 that has been certified by the clerk of the court, the sheriff
151 may electronically transmit a ~~facsimile~~ copy of that injunction
152 to a law enforcement officer who shall serve it in the same
153 manner as a certified copy. The clerk of the court is ~~shall be~~
154 responsible for furnishing to the sheriff such information on
155 the respondent's physical description and location as is
156 required by the department to comply with the verification



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157 procedures set forth in this section. Notwithstanding any other
158 ~~provision of~~ law to the contrary, the chief judge of each
159 circuit, in consultation with the appropriate sheriff, may
160 authorize a law enforcement agency within the chief judge's
161 jurisdiction to effect this type of service and to receive a
162 portion of the service fee. A No person may not shall be
163 ~~authorized or permitted to~~ serve or execute an injunction issued
164 under this section unless the person is a law enforcement
165 officer as defined in chapter 943.

166 2. When an injunction is issued, if the petitioner requests
167 the assistance of a law enforcement agency, the court may order
168 that an officer from the appropriate law enforcement agency
169 accompany the petitioner and assist in the execution or service
170 of the injunction. A law enforcement officer must shall accept a
171 copy of an injunction for protection against repeat violence,
172 sexual violence, or dating violence, certified by the clerk of
173 the court, from the petitioner and immediately serve it upon a
174 respondent who has been located but not yet served.

175 (b) ~~There shall be created~~ A Domestic, Dating, Sexual, and
176 Repeat Violence Injunction Statewide Verification System is
177 created within the Department of Law Enforcement. The department
178 shall establish, implement, and maintain a statewide
179 communication system capable of electronically transmitting
180 information to and between criminal justice agencies relating to
181 domestic violence injunctions, dating violence injunctions,
182 sexual violence injunctions, and repeat violence injunctions
183 issued by the courts throughout the state. Such information must
184 include, but is not limited to, information as to the existence
185 and status of any injunction for verification purposes.



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186 (c)1. Within 24 hours after the court issues an injunction
187 for protection against repeat violence, sexual violence, or
188 dating violence or changes or vacates an injunction for
189 protection against repeat violence, sexual violence, or dating
190 violence, the clerk of the court must electronically transmit
191 ~~forward~~ a copy of the injunction to the sheriff with
192 jurisdiction over the residence of the petitioner.

193 2. Within 24 hours after service of process of an
194 injunction for protection against repeat violence, sexual
195 violence, or dating violence upon a respondent, the law
196 enforcement officer must electronically transmit ~~forward~~ the
197 written proof of service of process to the sheriff with
198 jurisdiction over the residence of the petitioner.

199 3. Within 24 hours after the sheriff receives a certified
200 copy of the injunction for protection against repeat violence,
201 sexual violence, or dating violence, the sheriff must make
202 information relating to the injunction available to other law
203 enforcement agencies by electronically transmitting such
204 information to the department.

205 4. Within 24 hours after the sheriff or other law
206 enforcement officer has made service upon the respondent and the
207 sheriff has been so notified, the sheriff must make information
208 relating to the service available to other law enforcement
209 agencies by electronically transmitting such information to the
210 department.

211 5. Subject to available funding, the Florida Association of
212 Court Clerks and Comptrollers shall develop an automated process
213 by which a petitioner may request notification of service of the
214 injunction for protection against repeat violence, sexual



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215 violence, or dating violence and other court actions related to
216 the injunction for protection. The automated notice must ~~shall~~
217 be made within 12 hours after the sheriff or other law
218 enforcement officer serves the injunction upon the respondent.
219 The notification must include, at a minimum, the date, time, and
220 location where the injunction for protection against repeat
221 violence, sexual violence, or dating violence was served. The
222 Florida Association of Court Clerks and Comptrollers may apply
223 for any available grants to fund the development of the
224 automated process.

225 6. Within 24 hours after an injunction for protection
226 against repeat violence, sexual violence, or dating violence is
227 lifted, terminated, or otherwise rendered no longer effective by
228 ruling of the court, the clerk of the court must notify the
229 sheriff or local law enforcement agency receiving original
230 notification of the injunction as provided in subparagraph 2.
231 That agency shall, within 24 hours after receiving such
232 notification from the clerk of the court, notify the department
233 of such action of the court.

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

236 784.0485 Stalking; injunction; powers and duties of court
237 and clerk; petition; notice and hearing; temporary injunction;
238 issuance of injunction; statewide verification system;
239 enforcement.—

240 (8) (a) 1. Within 24 hours after the court issues an
241 injunction for protection against stalking, the clerk of the
242 court shall electronically transmit ~~furnish~~ a copy of the
243 petition, notice of hearing, and temporary injunction, if any,



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244 to the sheriff or a law enforcement agency of the county where
245 the respondent resides or can be found, who shall serve it upon
246 the respondent as soon thereafter as possible on any day of the
247 week and at any time of the day or night. If there is an
248 Internet outage or any other significant disruption in network
249 connectivity which would delay service by more than 24 hours,
250 the clerk of the court may furnish copies to the sheriff's
251 office or law enforcement agency by facsimile, hand delivery, or
252 certified or registered mail. An electronic ~~when~~

253
254 ===== T I T L E A M E N D M E N T =====

255 And the title is amended as follows:

256 Delete lines 9 - 20

257 and insert:

258 documents rather than by facsimile; authorizing clerks
259 of the court to provide such documents by facsimile,
260 hand delivery, or certified or registered mail under
261 certain circumstances; providing that electronically
262 submitted copies of injunctions must be served in the
263 same manner as certified copies; making conforming and
264 technical changes; amending ss. 784.046 and 784.0485,
265 F.S.; specifying a timeframe in which the clerk of the
266 court must transmit specified documents relating to
267 injunctions for protection against repeat violence,
268 sexual violence, or dating violence and against
269 stalking, respectively, to the appropriate local
270 sheriff or law enforcement agency; providing for the
271 electronic transmission of certain documents rather
272 than by facsimile; authorizing clerks of the court to



273 provide such documents by facsimile, hand delivery, or
274 certified or registered mail under certain
275 circumstances; providing that