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LEGISLATIVE ACTION

Senate

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House

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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. 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 respondent as soon thereafter as possible on any day of the week and at any



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



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41 procedures consistent with those of the sheriff.

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

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

68  
69 If the respondent has been served previously with the temporary



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

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

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

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



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99 electronically transmit the proof of service.

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

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

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

124       6. Within 24 hours after an injunction for protection  
125 against domestic violence is vacated, terminated, or otherwise  
126 rendered no longer effective by ruling of the court, the clerk  
127 of the court must notify the sheriff receiving original



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128 notification of the injunction as provided in subparagraph 2.  
129 That agency shall, within 24 hours after receiving such  
130 notification from the clerk of the court, notify the department  
131 of such action of the court.

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

134 784.046 Action by victim of repeat violence, sexual  
135 violence, or dating violence for protective injunction; dating  
136 violence investigations, notice to victims, and reporting;  
137 pretrial release violations; public records exemption.—

138 (8) (a) 1. The clerk of the court shall furnish a copy of the  
139 petition, notice of hearing, and temporary injunction, if any,  
140 to the sheriff or a law enforcement agency of the county where  
141 the respondent resides or can be found, who shall serve it upon  
142 the respondent as soon thereafter as possible on any day of the  
143 week and at any time of the day or night. If the respondent  
144 resides in the county in which the petition is filed, the clerk  
145 of the court, with the consent of the sheriff, may  
146 electronically transmit the documents to the sheriff. However,  
147 if the respondent resides or can be found outside the county in  
148 which the petition is filed, the clerk of the court must  
149 electronically transmit a certified copy of such documents to  
150 the sheriff where the respondent resides or can be found. An  
151 electronically transmitted document ~~When requested by the~~  
152 ~~sheriff, the clerk of the court may transmit a facsimile copy of~~  
153 ~~an injunction that has been certified by the clerk of the court,~~  
154 ~~and this facsimile copy may be served in the same manner as a~~  
155 certified copy. Upon receiving an electronic ~~a facsimile copy of~~  
156 the injunction, the sheriff must verify receipt with the sender



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

175         2. When an injunction is issued, if the petitioner requests  
176 the assistance of a law enforcement agency, the court may order  
177 that an officer from the appropriate law enforcement agency  
178 accompany the petitioner and assist in the execution or service  
179 of the injunction. A law enforcement officer must ~~shall~~ accept a  
180 copy of an injunction for protection against repeat violence,  
181 sexual violence, or dating violence, certified by the clerk of  
182 the court, from the petitioner and immediately serve it upon a  
183 respondent who has been located but not yet served.

184         (b) ~~There shall be created~~ A Domestic, Dating, Sexual, and  
185 Repeat Violence Injunction Statewide Verification System is



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186 created within the Department of Law Enforcement. The department  
187 shall establish, implement, and maintain a statewide  
188 communication system capable of electronically transmitting  
189 information to and between criminal justice agencies relating to  
190 domestic violence injunctions, dating violence injunctions,  
191 sexual violence injunctions, and repeat violence injunctions  
192 issued by the courts throughout this ~~the~~ state. Such information  
193 must include, but is not limited to, information as to the  
194 existence and status of any injunction for verification  
195 purposes.

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

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

212 3. Within 24 hours after the sheriff receives a certified  
213 copy of the injunction for protection against repeat violence,  
214 sexual violence, or dating violence, the sheriff must make





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215 information relating to the injunction available to other law  
216 enforcement agencies by electronically transmitting such  
217 information to the department.

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

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

238 6. Within 24 hours after an injunction for protection  
239 against repeat violence, sexual violence, or dating violence is  
240 lifted, terminated, or otherwise rendered no longer effective by  
241 ruling of the court, the clerk of the court must notify the  
242 sheriff or local law enforcement agency receiving original  
243 notification of the injunction as provided in subparagraph 2.



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244 That agency shall, within 24 hours after receiving such  
245 notification from the clerk of the court, notify the department  
246 of such action of the court.

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

249 784.0485 Stalking; injunction; powers and duties of court  
250 and clerk; petition; notice and hearing; temporary injunction;  
251 issuance of injunction; statewide verification system;  
252 enforcement.—

253 (8) (a) 1. The clerk of the court shall furnish a copy of the  
254 petition, notice of hearing, and temporary injunction, if any,  
255 to the sheriff or a law enforcement agency of the county where  
256 the respondent resides or can be found, who shall serve it upon  
257 the respondent as soon thereafter as possible on any day of the  
258 week and at any time of the day or night. If the respondent  
259 resides in the county in which the petition is filed, the clerk  
260 of the court, with the consent of the sheriff, may  
261 electronically transmit the documents to the sheriff. However,  
262 if the respondent resides or can be found outside the county in  
263 which the petition is filed, the clerk of the court must  
264 electronically transmit a certified copy of such documents to  
265 the sheriff where the respondent resides or can be found. An  
266 electronically transmitted document ~~When requested by the~~  
267 ~~sheriff, the clerk of the court may transmit a facsimile copy of~~  
268 ~~an injunction that has been certified by the clerk of the court,~~  
269 ~~and this facsimile copy~~ may be served in the same manner as a  
270 certified copy. Upon receiving an electronic ~~a facsimile copy of~~  
271 the injunction, the sheriff must verify receipt with the sender  
272 before attempting to serve it on the respondent. In addition, if



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

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

297         3. An order issued, changed, continued, extended, or  
298 vacated subsequent to the original service of documents  
299 enumerated under subparagraph 1. must ~~shall~~ be certified by the  
300 clerk of the court and delivered to the parties at the time of  
301 the entry of the order. The parties may acknowledge receipt of



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302 such order in writing on the face of the original order. If a  
303 party fails or refuses to acknowledge the receipt of a certified  
304 copy of an order, the clerk must ~~shall~~ note on the original  
305 order that service was effected. If delivery at the hearing is  
306 not possible, the clerk must ~~shall~~ mail certified copies of the  
307 order to the parties at the last known address of each party.  
308 Service by mail is complete upon mailing. When an order is  
309 served pursuant to this subsection, the clerk shall prepare a  
310 written certification to be placed in the court file specifying  
311 the time, date, and method of service and shall notify the  
312 sheriff.

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

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

326 2. Within 24 hours after service of process of an  
327 injunction for protection against stalking upon a respondent,  
328 the law enforcement officer must forward the written proof of  
329 service of process to the sheriff having jurisdiction over the  
330 residence of the petitioner. The sheriff having jurisdiction



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331 over the residence of the petitioner may authorize the law  
332 enforcement officer serving the injunction to electronically  
333 transmit the proof of service.

334         3. Within 24 hours after the sheriff receives a certified  
335 copy of the injunction for protection against stalking, the  
336 sheriff must make information relating to the injunction  
337 available to other law enforcement agencies by electronically  
338 transmitting such information to the Department of Law  
339 Enforcement.

340         4. Within 24 hours after the sheriff or other law  
341 enforcement officer has made service upon the respondent and the  
342 sheriff has been so notified, the sheriff must make information  
343 relating to the service available to other law enforcement  
344 agencies by electronically transmitting such information to the  
345 Department of Law Enforcement.

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

354         Section 4. The Florida Sheriffs Association and the Florida  
355 Association of Court Clerks and Comptrollers shall establish a  
356 joint workgroup that includes clerks of the court and sheriffs  
357 to discuss and coordinate new procedures specified within this  
358 act. The workgroup shall begin convening immediately upon this  
359 act becoming a law. This section shall take effect upon becoming



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360 a law.

361 Section 5. Except as otherwise expressly provided in this  
362 act and except for this section, which shall take effect upon  
363 this act becoming a law, this act shall take effect January 1,  
364 2023.

365

366 ===== T I T L E A M E N D M E N T =====

367 And the title is amended as follows:

368 Delete lines 3 - 29

369 and insert:

370 741.30, F.S.; deleting an obsolete date; authorizing  
371 clerks of the court to electronically transmit certain  
372 documents relating to an injunction for protection  
373 against domestic violence under certain circumstances;  
374 requiring the clerks of the court to electronically  
375 transmit such documents under certain circumstances;  
376 providing that electronically transmitted documents  
377 may be served in the same manner as certified copies;  
378 providing that sheriffs may authorize law enforcement  
379 officers to electronically transmit proof of service  
380 under certain circumstances; making conforming and  
381 technical changes; amending ss. 784.046 and 784.0485,  
382 F.S.; authorizing clerks of the court to  
383 electronically transmit certain documents relating to  
384 injunctions for protection against repeat violence,  
385 sexual violence, or dating violence and against  
386 stalking, respectively, under certain circumstances;  
387 requiring them to electronically transmit such  
388 documents under certain circumstances; providing that



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389        sheriffs may authorize law enforcement officers to  
390        electronically transmit proof of service under certain  
391        circumstances; making conforming and technical  
392        changes; requiring the Florida Sheriffs Association  
393        and the Florida Association of Court Clerks and  
394        Comptrollers to establish a joint workgroup for a  
395        specified purpose; specifying the timeframe by which  
396        the workgroup must convene; providing effective dates.