

A bill to be entitled
An act relating to public records; amending s.
119.0714, F.S.; providing an exemption from public
records requirements for petitions, and the contents
thereof, for injunctions for protection against
serious violence by a known person; providing an
exemption from public records requirements for
information that can be used to identify a petitioner
or respondent in such a petition for an injunction;
providing a statement of public necessity; providing a
contingent effective date.

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

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

119.0714 Court files; court records; official records.—

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

(k)1. A petition, and the contents thereof, for an
injunction for protection against domestic violence, repeat
violence, dating violence, sexual violence, serious violence by
a known person, stalking, or cyberstalking which ~~that~~ is

26 dismissed without a hearing, dismissed at an ex parte hearing
27 due to failure to state a claim or lack of jurisdiction, or
28 dismissed for any reason having to do with the sufficiency of
29 the petition itself without an injunction being issued on or
30 after July 1, 2017, is exempt from s. 119.07(1) and s. 24(a),
31 Art. I of the State Constitution.

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

47 3. Any information that can be used to identify a
48 petitioner or respondent in a petition for an injunction against
49 domestic violence, repeat violence, dating violence, sexual
50 violence, serious violence by a known person, stalking, or

51 cyberstalking, and any affidavits, notice of hearing, and
52 temporary injunction, is confidential and exempt from s.
53 119.07(1) and s. 24(a), Art. I of the State Constitution until
54 the respondent has been personally served with a copy of the
55 petition for injunction, affidavits, notice of hearing, and
56 temporary injunction.

57 **Section 2.** (1) The Legislature finds that it is a public
58 necessity that a petition, and the contents thereof, for an
59 injunction for protection against serious violence by a known
60 person which is dismissed without a hearing, dismissed at an ex
61 parte hearing due to failure to state a claim or lack of
62 jurisdiction, or dismissed for any reason having to do with the
63 sufficiency of the petition itself without an injunction being
64 issued be made exempt from s. 119.07(1), Florida Statutes, and
65 s. 24(a), Article I of the State Constitution. The Legislature
66 finds that the existence of, and the unverified allegations
67 contained in, such a petition may be defamatory to an individual
68 named in it and cause unwarranted damage to the reputation of
69 such individual. The Legislature further finds that removing
70 such a record from public disclosure is the sole means of
71 protecting the reputation of such an individual.

72 (2) Additionally, the Legislature finds that it is a
73 public necessity that any information that can be used to
74 identify a petitioner or respondent in a petition for an
75 injunction against serious violence by a known person, and any

76 affidavits, notice of hearing, and temporary injunction, be made
77 confidential and exempt from s. 119.07(1), Florida Statutes, and
78 s. 24(a), Article I of the State Constitution. The release of
79 such information before the respondent has been personally
80 served with a copy of the petition, affidavits, notice of
81 hearing, or temporary injunction could significantly threaten
82 the physical safety and security of persons seeking protection
83 through injunctive proceedings and their families, and of law
84 enforcement tasked with serving the petition for injunction,
85 affidavits, notice of hearing, or temporary injunction on the
86 respondent. The harm that may result from the release of the
87 information outweighs any public benefit that might result from
88 public disclosure of the information.

89 **Section 3.** This act shall take effect on the same date
90 that HB 547 or similar legislation takes effect, if such
91 legislation is adopted in the same legislative session or an
92 extension thereof and becomes a law.