

By Senator Fasano

11-02445-08

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1 A bill to be entitled

2 An act relating to the confidentiality of a petition for
3 an injunction for protection against domestic violence;
4 amending s. 741.30, F.S.; providing an exemption from
5 public-records requirements for a petition for an
6 injunction for protection against domestic violence until
7 the petition is personally served on the respondent;
8 providing for future legislative review and repeal of the
9 exemption under the Open Government Sunset Review Act;
10 providing a statement of public necessity; providing an
11 effective date.

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

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15 Section 1. Subsection (4) of section 741.30, Florida
16 Statutes, is amended to read:

17 741.30 Domestic violence; injunction; powers and duties of
18 court and clerk; petition; notice and hearing; temporary
19 injunction; issuance of injunction; statewide verification
20 system; enforcement.--

21 (4) (a) Upon the filing of the petition, the court shall set
22 a hearing to be held at the earliest possible time. The
23 respondent shall be personally served with a copy of the
24 petition, financial affidavit, Uniform Child Custody Jurisdiction
25 and Enforcement Act affidavit, if any, notice of hearing, and
26 temporary injunction, if any, prior to the hearing.

27 (b) All information contained in a petition for an
28 injunction for protection against domestic violence is
29 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of

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30 the State Constitution until the respondent has been personally
31 served with a copy of the petition for an injunction for
32 protection against domestic violence.

33 (c) Paragraph (b) is subject to the Open Government Sunset
34 Review Act in accordance with s. 119.15, and shall stand repealed
35 on October 2, 2013, unless reviewed and saved from repeal through
36 reenactment by the Legislature.

37 Section 2. The Legislature finds that it is a public
38 necessity that all information contained in a petition for an
39 injunction for protection against domestic violence be made
40 confidential and exempt from disclosure. Release of the
41 information in the petition before the respondent has been
42 personally served with a copy of the petition could significantly
43 threaten the physical safety and security of persons seeking
44 protection through judicial proceedings. Therefore, the harm that
45 would result from the release of the information outweighs any
46 public benefit that might result from disclosure of the
47 information.

48 Section 3. This act shall take effect July 1, 2008.