

HB 829

2009

1 A bill to be entitled  
2 An act relating to injunctions for protection against  
3 domestic violence, repeat violence, sexual violence, or  
4 dating violence; amending ss. 741.30 and 784.046, F.S.;  
5 requiring the sheriff, after the sheriff or other law  
6 enforcement officer has served such an injunction upon a  
7 respondent, to notify the petitioner within a specified  
8 period that the respondent has been served if the  
9 petitioner has requested notification and has registered a  
10 telephone number or e-mail address with the sheriff;  
11 providing for the content of the notice; providing an  
12 effective date.

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

15  
16 Section 1. Paragraph (c) of subsection (8) of section  
17 741.30, Florida Statutes, is amended to read:

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

22 (8)

23 (c)1. Within 24 hours after the court issues an injunction  
24 for protection against domestic violence or changes, continues,  
25 extends, or vacates an injunction for protection against  
26 domestic violence, the clerk of the court must forward a  
27 certified copy of the injunction for service to the sheriff with  
28 jurisdiction over the residence of the petitioner. The

29 injunction must be served in accordance with this subsection.

30 2. Within 24 hours after service of process of an  
31 injunction for protection against domestic violence upon a  
32 respondent, the law enforcement officer must forward the written  
33 proof of service of process to the sheriff with jurisdiction  
34 over the residence of the petitioner.

35 3. Within 24 hours after the sheriff receives a certified  
36 copy of the injunction for protection against domestic violence,  
37 the sheriff must make information relating to the injunction  
38 available to other law enforcement agencies by electronically  
39 transmitting such information to the department.

40 4. Within 24 hours after the sheriff or other law  
41 enforcement officer has made service upon the respondent and the  
42 sheriff has been so notified, the sheriff must make information  
43 relating to the service available to other law enforcement  
44 agencies by electronically transmitting such information to the  
45 department.

46 5. If the petitioner has requested notification and has  
47 registered a telephone number or e-mail address with the  
48 sheriff, within 12 hours after the sheriff or other law  
49 enforcement officer has made service upon the respondent and the  
50 sheriff has been so notified, the sheriff shall notify the  
51 petitioner that the respondent has been served with the  
52 injunction for protection against domestic violence. The  
53 notification must include the date, time, and location where the  
54 injunction for protection against domestic violence was served.

55 ~~6.5.~~ Within 24 hours after an injunction for protection  
56 against domestic violence is vacated, terminated, or otherwise

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57 rendered no longer effective by ruling of the court, the clerk  
58 of the court must notify the sheriff receiving original  
59 notification of the injunction as provided in subparagraph 2.  
60 That agency shall, within 24 hours after receiving such  
61 notification from the clerk of the court, notify the department  
62 of such action of the court.

63 Section 2. Paragraph (c) of subsection (8) of section  
64 784.046, Florida Statutes, is amended to read:

65 784.046 Action by victim of repeat violence, sexual  
66 violence, or dating violence for protective injunction; dating  
67 violence investigations, notice to victims, and reporting;  
68 pretrial release violations.--

69 (8)

70 (c)1. Within 24 hours after the court issues an injunction  
71 for protection against repeat violence, sexual violence, or  
72 dating violence or changes or vacates an injunction for  
73 protection against repeat violence, sexual violence, or dating  
74 violence, the clerk of the court must forward a copy of the  
75 injunction to the sheriff with jurisdiction over the residence  
76 of the petitioner.

77 2. Within 24 hours after service of process of an  
78 injunction for protection against repeat violence, sexual  
79 violence, or dating violence upon a respondent, the law  
80 enforcement officer must forward the written proof of service of  
81 process to the sheriff with jurisdiction over the residence of  
82 the petitioner.

83 3. Within 24 hours after the sheriff receives a certified  
84 copy of the injunction for protection against repeat violence,

85 sexual violence, or dating violence, the sheriff must make  
86 information relating to the injunction available to other law  
87 enforcement agencies by electronically transmitting such  
88 information to the department.

89 4. Within 24 hours after the sheriff or other law  
90 enforcement officer has made service upon the respondent and the  
91 sheriff has been so notified, the sheriff must make information  
92 relating to the service available to other law enforcement  
93 agencies by electronically transmitting such information to the  
94 department.

95 5. If the petitioner has requested notification and has  
96 registered a telephone number or e-mail address with the  
97 sheriff, within 12 hours after the sheriff or other law  
98 enforcement officer has made service upon the respondent and the  
99 sheriff has been so notified, the sheriff shall notify the  
100 petitioner that the respondent has been served with the  
101 injunction for protection against repeat violence, sexual  
102 violence, or dating violence. The notification must include the  
103 date, time, and location where the injunction for protection  
104 against repeat violence, sexual violence, or dating violence was  
105 served.

106 ~~6.5.~~ Within 24 hours after an injunction for protection  
107 against repeat violence, sexual violence, or dating violence is  
108 lifted, terminated, or otherwise rendered no longer effective by  
109 ruling of the court, the clerk of the court must notify the  
110 sheriff or local law enforcement agency receiving original  
111 notification of the injunction as provided in subparagraph 2.  
112 That agency shall, within 24 hours after receiving such

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113 | notification from the clerk of the court, notify the department  
114 | of such action of the court.

115 |       Section 3. This act shall take effect July 1, 2009.