

By the Committee on Criminal Justice; and Senator Hill

591-03783-10

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1                   A bill to be entitled  
2           An act relating to injunctions for protection against  
3           domestic violence, repeat violence, sexual violence,  
4           or dating violence; amending ss. 741.30 and 784.046,  
5           F.S.; subject to available funding, directing the  
6           Florida Association of Court Clerks to develop an  
7           automated process by which a petitioner may request  
8           notification of service of the injunction for  
9           protection; requiring that notice to the petitioner be  
10          given to the petitioner within a specified time;  
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:

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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.

591-03783-10

2010796c1

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. Subject to available funding, the Florida Association of  
47 Court Clerks shall develop an automated process by which a  
48 petitioner may request notification of service of the injunction  
49 for protection against domestic violence and other court actions  
50 related to the injunction against domestic violence. The  
51 automated notice shall be made within 12 hours after the sheriff  
52 or other law enforcement officer has made service upon the  
53 respondent. The notification must include, at a minimum, the  
54 date, time, and location where the injunction for protection  
55 against domestic violence was served.

56           ~~6.5.~~ Within 24 hours after an injunction for protection  
57 against domestic violence is vacated, terminated, or otherwise  
58 rendered no longer effective by ruling of the court, the clerk

591-03783-10

2010796c1

59 of the court must notify the sheriff receiving original  
60 notification of the injunction as provided in subparagraph 2.  
61 That agency shall, within 24 hours after receiving such  
62 notification from the clerk of the court, notify the department  
63 of such action of the court.

64 Section 2. Paragraph (c) of subsection (8) of section  
65 784.046, Florida Statutes, is amended to read:

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

70 (8)

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

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

84 3. Within 24 hours after the sheriff receives a certified  
85 copy of the injunction for protection against repeat violence,  
86 sexual violence, or dating violence, the sheriff must make  
87 information relating to the injunction available to other law

591-03783-10

2010796c1

88 enforcement agencies by electronically transmitting such  
89 information to the department.

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

96 5. Subject to available funding, the Florida Association of  
97 Court Clerks shall develop an automated process by which a  
98 petitioner may request notification of service of the injunction  
99 for protection against repeat violence, sexual violence, or  
100 dating violence and other court actions related to the  
101 injunction against repeat violence, sexual violence, or dating  
102 violence. The automated notice shall be made within 12 hours  
103 after the sheriff or other law enforcement officer has made  
104 service upon the respondent. The notification must include, at a  
105 minimum, the date, time, and location where the injunction for  
106 protection against repeat violence, sexual violence, or dating  
107 violence was served.

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

591-03783-10

2010796c1

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Section 3. This act shall take effect July 1, 2010.