

ENROLLED
CS/CS/HB 563

2011 Legislature

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 subject to available funding, directing the Florida
6 Association of Court Clerks and Comptrollers to develop an
7 automated process by which a petitioner for an injunction
8 for protection may request notification of service of the
9 injunction or notice of other court actions related to the
10 injunction; requiring that notice be given to the
11 petitioner within a specified time; providing for the
12 content of the notice; authorizing the association to
13 apply for grants to fund the development of the automated
14 process; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Paragraph (c) of subsection (8) of section
19 741.30, Florida Statutes, is amended to read:

20 741.30 Domestic violence; injunction; powers and duties of
21 court and clerk; petition; notice and hearing; temporary
22 injunction; issuance of injunction; statewide verification
23 system; enforcement.—

24 (8)

25 (c)1. Within 24 hours after the court issues an injunction
26 for protection against domestic violence or changes, continues,
27 extends, or vacates an injunction for protection against
28 domestic violence, the clerk of the court must forward a

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29 certified copy of the injunction for service to the sheriff with
30 jurisdiction over the residence of the petitioner. The
31 injunction must be served in accordance with this subsection.

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

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

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

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

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57 for protection against domestic violence was served. The Florida
58 Association of Court Clerks and Comptrollers may apply for any
59 available grants to fund the development of the automated
60 process.

61 ~~6.5.~~ Within 24 hours after an injunction for protection
62 against domestic violence is vacated, terminated, or otherwise
63 rendered no longer effective by ruling of the court, the clerk
64 of the court must notify the sheriff receiving original
65 notification of the injunction as provided in subparagraph 2.
66 That agency shall, within 24 hours after receiving such
67 notification from the clerk of the court, notify the department
68 of such action of the court.

69 Section 2. Paragraph (c) of subsection (8) of section
70 784.046, Florida Statutes, is amended to read:

71 784.046 Action by victim of repeat violence, sexual
72 violence, or dating violence for protective injunction; dating
73 violence investigations, notice to victims, and reporting;
74 pretrial release violations.—

75 (8)

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

83 2. Within 24 hours after service of process of an
84 injunction for protection against repeat violence, sexual

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85 violence, or dating violence upon a respondent, the law
86 enforcement officer must forward the written proof of service of
87 process to the sheriff with jurisdiction over the residence of
88 the petitioner.

89 3. Within 24 hours after the sheriff receives a certified
90 copy of the injunction for protection against repeat violence,
91 sexual violence, or dating violence, the sheriff must make
92 information relating to the injunction available to other law
93 enforcement agencies by electronically transmitting such
94 information to the department.

95 4. Within 24 hours after the sheriff or other law
96 enforcement officer has made service upon the respondent and the
97 sheriff has been so notified, the sheriff must make information
98 relating to the service available to other law enforcement
99 agencies by electronically transmitting such information to the
100 department.

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

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113 may apply for any available grants to fund the development of
114 the automated process.

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

124 Section 3. This act shall take effect July 1, 2011.