

1                                   A bill to be entitled  
 2           An act relating to public records; amending s.  
 3           119.0714, F.S.; providing an exemption from public  
 4           records requirements for petitions for certain  
 5           protective injunctions that are dismissed in certain  
 6           circumstances and the petitions' contents; providing  
 7           for removal of petitions dismissed before a specified  
 8           date from publicly accessible records; providing for  
 9           future legislative review and repeal of the exemption;  
 10          providing a statement of public necessity; providing  
 11          an effective date.

12  
 13 Be It Enacted by the Legislature of the State of Florida:  
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15           Section 1. Paragraph (k) is added to subsection (1) of  
 16           section 119.0714, Florida Statutes, to read:

17           119.0714 Court files; court records; official records.—

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

22           (k)1. A petition for an injunction for protection against  
 23           domestic violence, repeat violence, dating violence, sexual  
 24           violence, stalking, or cyberstalking that is dismissed without a  
 25           hearing or at an ex parte hearing due to failure to state a  
 26           claim, lack of jurisdiction, or any reason having to do with the

27 sufficiency of the petition itself without an injunction being  
28 issued, and the contents of such a petition, are confidential  
29 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
30 Constitution.

31 2.a. A petition described in subparagraph 1. dismissed on  
32 or after July 1, 2016, and the contents thereof must be removed  
33 from all publicly accessible records upon dismissal.

34 b. A petition described in subparagraph 1. dismissed  
35 before July 1, 2016, and the contents thereof shall be removed  
36 upon request by an individual named in the petition as a  
37 respondent. The request must be in the form of a signed, legibly  
38 written request specifying the case name, case number, document  
39 heading, and page number. The request must be delivered by mail,  
40 facsimile, or electronic transmission or in person to the clerk  
41 of the court. A fee may not be charged for the removal pursuant  
42 to the request.

43 3. This paragraph is subject to the Open Government Sunset  
44 Review Act in accordance with s. 119.15 and shall stand repealed  
45 on October 2, 2021, unless reviewed and saved from repeal  
46 through reenactment by the Legislature.

47 Section 2. The Legislature finds that it is a public  
48 necessity that a petition for an injunction for protection  
49 against domestic violence, repeat violence, dating violence,  
50 sexual violence, stalking, or cyberstalking that is dismissed  
51 without a hearing or at an ex parte hearing due to failure to  
52 state a claim, lack of jurisdiction, or any reason having to do

53 with the sufficiency of the petition itself without an  
54 injunction being issued, and the contents of such a petition, be  
55 made confidential and exempt from s. 119.07(1), Florida  
56 Statutes, and s. 24(a), Article I of the State Constitution. The  
57 Legislature finds that the existence of such a petition and of  
58 the unverified allegations contained in such a petition could be  
59 defamatory to an individual and cause unwarranted damage to the  
60 reputation of such individual and that correction of the public  
61 record by the removal of such a petition is the sole means of  
62 protecting the reputation of an individual named in such a  
63 petition.

64 Section 3. This act shall take effect July 1, 2016.