

HB 781

2016

1 A bill to be entitled
2 An act relating to injunctions for protection against
3 domestic violence; establishing a Protective
4 Injunction Electronic Filing Pilot Program within the
5 Office of the State Courts Administrator; providing
6 for selection of the pilot program counties;
7 specifying objectives of the pilot program; providing
8 for petitioners to file petitions for injunction
9 electronically and testify at final injunction
10 hearings by video teleconference from remote locations
11 in pilot program counties; providing duties of the
12 clerks of the courts in pilot program counties,
13 including submission of an annual report to the
14 Legislature; requiring a report by the Office of
15 Program Policy Analysis and Government Accountability
16 by a certain date; providing for expiration of the
17 pilot program; providing an effective date.

18
19 WHEREAS, one of the most dangerous times for a victim of
20 domestic violence is when the victim seeks to separate from the
21 perpetrator, such as when filing a petition for an injunction
22 for protection against domestic violence, and

23 WHEREAS, victims of domestic violence often must flee to a
24 shelter or another safe and confidential location to escape the
25 violence, and

26 WHEREAS, it may be unsafe for victims of domestic violence

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27 | to leave a safe and confidential location in order to travel to
28 | the courthouse to file a petition for an injunction petition,
29 | and many victims do not have transportation or funds for
30 | transportation to the courthouse, and

31 | WHEREAS, the use of communications technology can protect
32 | victims of domestic violence by allowing them to file a petition
33 | for an injunction from remote, safe locations, and

34 | WHEREAS, the majority of petitioners for injunctions for
35 | protection against domestic violence do not have an attorney to
36 | represent them at a final injunction hearing, and

37 | WHEREAS, attendance at a final injunction hearing is
38 | dangerous for a victim of domestic violence because the
39 | perpetrator has prior notice of when and where the victim will
40 | be, allowing the perpetrator to attack or threaten the victim
41 | outside of the courthouse, and

42 | WHEREAS, perpetrators often intimidate and threaten pro se
43 | petitioners in courthouse waiting rooms or during or after
44 | injunction hearings, and

45 | WHEREAS, allowing petitioners to testify at the final
46 | injunction hearing from a remote location can protect victims
47 | from further violence, threats, and intimidation, NOW,

48 | THEREFORE,

49 |

50 | Be It Enacted by the Legislature of the State of Florida:

51 |

52 | Section 1. Protective Injunction Electronic Filing Pilot

53 Program.—

54 (1) Effective December 31, 2016, a Protective Injunction
55 Electronic Filing Pilot Program is established within the Office
56 of the State Courts Administrator. The pilot program shall
57 operate in three counties selected by the State Courts
58 Administrator, in consultation with the Florida Coalition
59 Against Domestic Violence, one county having a population of
60 less than 100,000, one county having a population of at least
61 100,000 but less than 500,000, and one county having a
62 population of 500,000 or more.

63 (2) The objectives of the pilot program are to develop and
64 implement a system that permits a petitioner to:

65 (a) Electronically file a petition for injunction for
66 protection against domestic violence from a remote location. As
67 used in this section, the term "remote location" includes
68 certified domestic violence centers, undisclosed locations
69 selected by such centers, legal aid or legal services
70 organizations, hospitals, police departments, sheriffs' offices,
71 and locations within a courthouse which are unknown to the
72 public.

73 (b) Testify from a remote location by video teleconference
74 or other similar method at a final injunction hearing.

75 (3) The clerk of the court in each pilot program county,
76 in consultation with the Office of the State Courts
77 Administrator, the Florida Coalition Against Domestic Violence,
78 certified domestic violence centers, judges, and court staff,

79 shall:

80 (a) Establish an electronic protective order system to
81 provide electronic access to forms and a process to file a
82 petition for injunction for protection against domestic violence
83 from a remote location.

84 (b) Select computer software to assist victims in
85 electronically completing and filing such petitions. The
86 selected software must be user-friendly, require the petitioner
87 to provide all of the information required by s. 741.30, Florida
88 Statutes, when filing such a petition, and ensure that the
89 petitioner's data is encrypted and secure.

90 (c) Provide appropriate training on the use of the
91 software to the staff of any agency where the software is
92 available for use by petitioners.

93 (d) Establish at least one remote location outside of the
94 courthouse for the filing of such petitions. If the remote
95 location is not in a certified domestic violence center, the
96 clerk of the court must inform the petitioner of the safety
97 planning, shelter, and other services available from a certified
98 domestic violence center.

99 (e) Establish secure and encrypted video teleconferencing
100 capabilities for petitioners to appear before the court from a
101 remote location for final injunction hearings.

102 (f) Provide appropriate software and hardware to complete
103 the protective injunctions, provide video equipment for the
104 remote locations, arrange for installation of sufficient

105 bandwidth and secure encryption, and provide adequate
106 information technology support for initial implementation,
107 training, and ongoing program management. The Office of the
108 State Courts Administrator shall provide the clerk of the court
109 in each pilot program county with access to the office's
110 existing secure video conferencing equipment as needed.

111 (4) The clerk of the court in each pilot program county
112 shall submit a report by each December 31 to the President of
113 the Senate and the Speaker of the House of Representatives. The
114 report for each county must include:

115 (a) The number of petitions for injunctions for protection
116 against domestic violence filed electronically and the number of
117 such petitions filed on paper.

118 (b) The number of final injunction hearings in which the
119 petitioner testified remotely and the number of final injunction
120 hearings in which the petitioner testified in person at the
121 courthouse.

122 (c) The cost of implementing the pilot program.

123 (d) Any savings achieved by the pilot program.

124 (5) The Office of Program Policy Analysis and Government
125 Accountability shall evaluate the pilot program and submit a
126 report of its findings and recommendations to the President of
127 the Senate and the Speaker of the House of Representatives by
128 December 31, 2019.

129 (6) This section expires June 30, 2020.

130 Section 2. This act shall take effect July 1, 2016.