

**By** the Committee on Governmental Oversight and Accountability;  
and Senators Powell and Bracy

585-02713-17

20171062c1

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, and the contents  
5       thereof, for injunctions for protection against  
6       domestic violence, repeat violence, dating violence,  
7       sexual violence, stalking, or cyberstalking which are  
8       dismissed in certain circumstances; providing a  
9       statement of public necessity; providing an effective  
10      date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

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14       Section 1. Paragraph (k) is added to subsection (1) of  
15       section 119.0714, Florida Statutes, to read:

16       119.0714 Court files; court records; official records.—

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

21       (k)1. A petition, and the contents thereof, for an  
22       injunction for protection against domestic violence, repeat  
23       violence, dating violence, sexual violence, stalking, or  
24       cyberstalking which is dismissed without a hearing, dismissed at  
25       an ex parte hearing due to failure to state a claim or lack of  
26       jurisdiction, or dismissed for any reason having to do with the  
27       sufficiency of the petition itself without an injunction being  
28       issued on or after July 1, 2017, is exempt from s. 119.07(1) and  
29       s. 24(a), Art. I of the State Constitution.

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30       2. A petition, and the contents thereof, for an injunction  
31 for protection against domestic violence, repeat violence,  
32 dating violence, sexual violence, stalking, or cyberstalking  
33 which is dismissed without a hearing, dismissed at an ex parte  
34 hearing due to failure to state a claim or lack of jurisdiction,  
35 or dismissed for any reason having to do with the sufficiency of  
36 the petition itself without an injunction being issued before  
37 July 1, 2017, is exempt from s. 119.07(1) and s. 24(a), Art. I  
38 of the State Constitution only upon request by an individual  
39 named in the petition as a respondent. The request must be in  
40 the form of a signed, legibly written request specifying the  
41 case name, case number, document heading, and page number. The  
42 request must be delivered by mail, facsimile, or electronic  
43 transmission or in person to the clerk of the court. A fee may  
44 not be charged for such request.

45       Section 2. The Legislature finds that it is a public  
46 necessity that a petition, and the contents thereof, for an  
47 injunction for protection against domestic violence, repeat  
48 violence, dating violence, sexual violence, stalking, or  
49 cyberstalking which is dismissed without a hearing, dismissed at  
50 an ex parte hearing due to failure to state a claim or lack of  
51 jurisdiction, or dismissed for any reason having to do with the  
52 sufficiency of the petition itself without an injunction being  
53 issued be made exempt from s. 119.07(1), Florida Statutes, and  
54 s. 24(a), Article I of the State Constitution. The Legislature  
55 finds that the existence of, and the unverified allegations  
56 contained in, such a petition may be defamatory to an individual  
57 named in it and cause unwarranted damage to the reputation of  
58 such individual. The Legislature further finds that removing

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59 such a record from public disclosure is the sole means of  
60 protecting the reputation of such an individual.

61 Section 3. This act shall take effect July 1, 2017.