

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 certain protective injunctions that are  
 6           dismissed in certain circumstances; requiring the  
 7           removal of petitions dismissed before, on, or after a  
 8           specified date from publicly accessible records;  
 9           providing for future legislative review and repeal of  
 10          the exemption; providing a statement of public  
 11          necessity; providing 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, and the contents thereof, for an  
 23          injunction for protection against domestic violence, repeat  
 24          violence, dating violence, sexual violence, stalking, or  
 25          cyberstalking that are dismissed without a hearing or at an ex

26 parte hearing due to failure to state a claim, lack of  
27 jurisdiction, or any reason having to do with the sufficiency of  
28 the petition itself without an injunction being issued.

29 2.a. A petition, and the contents thereof, described in  
30 subparagraph 1. that are dismissed on or after July 1, 2017,  
31 must be removed from all publicly accessible records upon  
32 dismissal.

33 b. A petition, and the contents thereof, described in  
34 subparagraph 1. that are dismissed before July 1, 2017, shall be  
35 removed upon request by an individual named in the petition as a  
36 respondent. The request must be in the form of a signed, legibly  
37 written request specifying the case name, case number, document  
38 heading, and page number. The request must be delivered by mail,  
39 facsimile, or electronic transmission or in person to the clerk  
40 of the court. A fee may not be charged for such removal.

41 3. This paragraph is subject to the Open Government Sunset  
42 Review Act in accordance with s. 119.15 and shall stand repealed  
43 on October 2, 2022, unless reviewed and saved from repeal  
44 through reenactment by the Legislature.

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 that are dismissed without a hearing or at an ex  
50 parte hearing due to failure to state a claim, lack of

51 jurisdiction, or any reason having to do with the sufficiency of  
52 the petition itself without an injunction being issued be made  
53 confidential and 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 correction  
59 of the public record by the removal of such a petition, and the  
60 contents thereof, is the sole means of protecting the reputation  
61 of such individual.

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