

By Senator Harrell

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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 all information contained in
5 a petition for certain protective injunctions, and any
6 related affidavit, notice of hearing, and temporary
7 injunction, until the respondent has been personally
8 served; providing a statement of public necessity;
9 providing an effective date.

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

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

15 119.0714 Court files; court records; official records.—

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

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

29 2. A petition, and the contents thereof, for an injunction

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

44 3. All information contained in a petition for an
45 injunction against domestic violence, repeat violence, dating
46 violence, sexual violence, stalking, or cyberstalking, and any
47 affidavits, notice of hearing, and temporary injunction, is
48 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
49 of the State Constitution until the respondent has been
50 personally served with a copy of the petition for injunction,
51 affidavits, notice of hearing, and temporary injunction.

52 Section 2. The Legislature finds that it is a public
53 necessity that all information contained in a petition for an
54 injunction against domestic violence, repeat violence, dating
55 violence, sexual violence, stalking, or cyberstalking, and
56 affidavits, notice of hearing, and temporary injunction, be made
57 confidential and exempt from s. 119.07(1), Florida Statutes, and
58 s. 24(a), Article I of the State Constitution. Release of such

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59 information before the respondent has been personally served
60 with a copy of the petition, affidavits, notice of hearing, and
61 temporary injunction could significantly threaten the physical
62 safety and security of persons seeking protection through
63 injunctive proceedings and their families, and of law
64 enforcement tasked with serving the petition for injunction,
65 affidavits, notice of hearing, and temporary injunction on the
66 respondent. The harm that may result from the release of the
67 information outweighs any public benefit that might result from
68 public disclosure of the information.

69 Section 3. This act shall take effect July 1, 2019.