

By the Committee on Judiciary; and Senators Cruz, Gibson, and Jones

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1                   A bill to be entitled  
2       An act relating to protective injunctions; amending s.  
3       741.30, F.S.; deleting an obsolete date; specifying a  
4       timeframe in which the clerk of the court must  
5       transmit specified documents relating to an injunction  
6       for protection against domestic violence to the  
7       appropriate local sheriff or law enforcement agency;  
8       providing for the electronic transmission of certain  
9       documents rather than by facsimile; authorizing clerks  
10      of the court to provide such documents by facsimile,  
11      hand delivery, or certified or registered mail under  
12      certain circumstances; providing that electronically  
13      submitted copies of injunctions must be served in the  
14      same manner as certified copies; making conforming and  
15      technical changes; amending ss. 784.046 and 784.0485,  
16      F.S.; specifying a timeframe in which the clerk of the  
17      court must transmit specified documents relating to  
18      injunctions for protection against repeat violence,  
19      sexual violence, or dating violence and against  
20      stalking, respectively, to the appropriate local  
21      sheriff or law enforcement agency; providing for the  
22      electronic transmission of certain documents rather  
23      than by facsimile; authorizing clerks of the court to  
24      provide such documents by facsimile, hand delivery, or  
25      certified or registered mail under certain  
26      circumstances; providing that electronically submitted  
27      copies of injunctions must be served in the same  
28      manner as certified copies; making conforming and  
29      technical changes; providing an effective date.

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

Section 1. Paragraph (a) of subsection (2) and subsection (8) of section 741.30, Florida Statutes, are amended to read:

741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement; public records exemption.—

(2) (a) Notwithstanding any other ~~provision of~~ law, the assessment of a filing fee for a petition for protection against domestic violence is prohibited ~~effective October 1, 2002~~. However, subject to legislative appropriation, the clerk of the circuit court may, on a quarterly basis, submit to the Office of the State Courts Administrator a certified request for reimbursement for petitions for protection against domestic violence issued by the court, at the rate of \$40 per petition. The request for reimbursement must ~~shall~~ be submitted in the form and manner prescribed by the Office of the State Courts Administrator. From this reimbursement, the clerk shall pay any law enforcement agency serving the injunction the fee requested by the law enforcement agency; however, this fee may ~~shall~~ not exceed \$20.

(8) (a) 1. Within 24 hours after the court issues an injunction for protection against domestic violence, the clerk of the court shall electronically transmit ~~furnish~~ a copy of the petition, financial affidavit, Uniform Child Custody Jurisdiction and Enforcement Act affidavit, if any, notice of hearing, and temporary injunction, if any, to the sheriff or a

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59 law enforcement agency of the county where the respondent  
60 resides or can be found, who shall serve it upon the respondent  
61 as soon thereafter as possible on any day of the week and at any  
62 time of the day or night. If there is an Internet outage or any  
63 other significant disruption in network connectivity which would  
64 delay service by more than 24 hours, the clerk of the court may  
65 provide copies to the sheriff's office or law enforcement agency  
66 by facsimile, hand delivery, or certified or registered mail. An  
67 electronic ~~When requested by the sheriff, the clerk of the court~~  
68 ~~may transmit a facsimile~~ copy of an injunction must be that has  
69 ~~been~~ certified by the clerk of the court, and the electronic  
70 ~~this facsimile~~ copy must ~~may~~ be served in the same manner as a  
71 certified copy. Upon receiving an electronic ~~a facsimile~~ copy of  
72 the injunction, the sheriff must verify receipt with the sender  
73 before attempting to serve it upon the respondent. In addition,  
74 if the sheriff is in possession of an injunction for protection  
75 that has been certified by the clerk of the court, the sheriff  
76 may electronically transmit a ~~facsimile~~ copy of that injunction  
77 to a law enforcement officer who shall serve it in the same  
78 manner as a certified copy. The clerk of the court is ~~shall be~~  
79 responsible for furnishing to the sheriff such information on  
80 the respondent's physical description and location as is  
81 required by the department to comply with the verification  
82 procedures set forth in this section. Notwithstanding any other  
83 ~~provision of~~ law to the contrary, the chief judge of each  
84 circuit, in consultation with the appropriate sheriff, may  
85 authorize a law enforcement agency within the jurisdiction to  
86 effect service. A law enforcement agency serving injunctions  
87 pursuant to this section must ~~shall~~ use service and verification

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88 procedures consistent with those of the sheriff.

89       2. When an injunction is issued, if the petitioner requests  
90 the assistance of a law enforcement agency, the court may order  
91 that an officer from the appropriate law enforcement agency  
92 accompany the petitioner and assist in placing the petitioner in  
93 possession of the dwelling or residence, or otherwise assist in  
94 the execution or service of the injunction. A law enforcement  
95 officer must ~~shall~~ accept a copy of an injunction for protection  
96 against domestic violence, certified by the clerk of the court,  
97 from the petitioner and immediately serve it upon a respondent  
98 who has been located but not yet served.

99       3. All orders issued, changed, continued, extended, or  
100 vacated subsequent to the original service of documents  
101 enumerated under subparagraph 1. must, ~~shall~~ be certified by the  
102 clerk of the court and delivered to the parties at the time of  
103 the entry of the order. The parties may acknowledge receipt of  
104 such order in writing on the face of the original order. In the  
105 event a party fails or refuses to acknowledge the receipt of a  
106 certified copy of an order, the clerk shall note on the original  
107 order that service was effected. If delivery at the hearing is  
108 not possible, the clerk shall mail certified copies of the order  
109 to the parties at the last known address of each party. Service  
110 by mail is complete upon mailing. When an order is served  
111 pursuant to this subsection, the clerk shall prepare a written  
112 certification to be placed in the court file specifying the  
113 time, date, and method of service and shall notify the sheriff.

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115 If the respondent has been served previously with the temporary  
116 injunction and has failed to appear at the initial hearing on

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117 the temporary injunction, any subsequent petition for injunction  
118 seeking an extension of time may be served on the respondent by  
119 the clerk of the court by certified mail in lieu of personal  
120 service by a law enforcement officer.

121 (b) ~~There shall be created~~ A Domestic and Repeat Violence  
122 Injunction Statewide Verification System is created within the  
123 Department of Law Enforcement. The department shall establish,  
124 implement, and maintain a statewide communication system capable  
125 of electronically transmitting information to and between  
126 criminal justice agencies relating to domestic violence  
127 injunctions and repeat violence injunctions issued by the courts  
128 throughout the state. Such information must include, but is not  
129 limited to, information as to the existence and status of any  
130 injunction for verification purposes.

131 (c)1. Within 24 hours after the court issues an injunction  
132 for protection against domestic violence or changes, continues,  
133 extends, or vacates an injunction for protection against  
134 domestic violence, the clerk of the court must electronically  
135 transmit forward a certified copy of the injunction for service  
136 to the sheriff with jurisdiction over the residence of the  
137 petitioner. If there is an Internet outage or any other  
138 significant disruption in network connectivity which would delay  
139 service by more than 24 hours, the clerk of the court may  
140 provide copies to the sheriff's office by facsimile, hand  
141 delivery, or certified or registered mail. The injunction must  
142 be served in accordance with this subsection.

143 2. Within 24 hours after service of process of an  
144 injunction for protection against domestic violence upon a  
145 respondent, the law enforcement officer must electronically

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146 transmit ~~forward~~ the written proof of service of process to the  
147 sheriff with jurisdiction over the residence of the petitioner.

148 3. Within 24 hours after the sheriff receives a certified  
149 copy of the injunction for protection against domestic violence,  
150 the sheriff must make information relating to the injunction  
151 available to other law enforcement agencies by electronically  
152 transmitting such information to the department.

153 4. Within 24 hours after the sheriff or other law  
154 enforcement officer has made service upon the respondent and the  
155 sheriff has been so notified, the sheriff must make information  
156 relating to the service available to other law enforcement  
157 agencies by electronically transmitting such information to the  
158 department.

159 5. Subject to available funding, the Florida Association of  
160 Court Clerks and Comptrollers shall develop an automated process  
161 by which a petitioner may request notification of service of the  
162 injunction for protection against domestic violence and other  
163 court actions related to the injunction for protection. The  
164 automated notice must ~~shall~~ be made within 12 hours after the  
165 sheriff or other law enforcement officer serves the injunction  
166 upon the respondent. The notification must include, at a  
167 minimum, the date, time, and location where the injunction for  
168 protection against domestic violence was served. The Florida  
169 Association of Court Clerks and Comptrollers may apply for any  
170 available grants to fund the development of the automated  
171 process.

172 6. Within 24 hours after an injunction for protection  
173 against domestic violence is vacated, terminated, or otherwise  
174 rendered no longer effective by ruling of the court, the clerk

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175 of the court must notify the sheriff receiving original  
176 notification of the injunction as provided in subparagraph 2.  
177 That agency shall, within 24 hours after receiving such  
178 notification from the clerk of the court, notify the department  
179 of such action of the court.

180 Section 2. Subsection (8) of section 784.046, Florida  
181 Statutes, is amended to read:

182 784.046 Action by victim of repeat violence, sexual  
183 violence, or dating violence for protective injunction; dating  
184 violence investigations, notice to victims, and reporting;  
185 pretrial release violations; public records exemption.—

186 (8) (a) 1. Within 24 hours after the court issues an  
187 injunction for protection against repeat violence, sexual  
188 violence, or dating violence, the clerk of the court shall  
189 electronically transmit ~~furnish~~ a copy of the petition, notice  
190 of hearing, and temporary injunction, if any, to the sheriff or  
191 a law enforcement agency of the county where the respondent  
192 resides or can be found, who shall serve it upon the respondent  
193 as soon thereafter as possible on any day of the week and at any  
194 time of the day or night. If there is an Internet outage or any  
195 other significant disruption in network connectivity which would  
196 delay service by more than 24 hours, the clerk of the court may  
197 furnish copies to the sheriff's office or law enforcement agency  
198 by facsimile, hand delivery, or certified or registered mail. An  
199 electronic ~~When requested by the sheriff, the clerk of the court~~  
200 ~~may transmit a facsimile copy of an injunction must be that has~~  
201 ~~been~~ certified by the clerk of the court, and the electronic  
202 ~~this facsimile copy must~~ ~~may~~ be served in the same manner as a  
203 certified copy. Upon receiving an electronic ~~a facsimile~~ copy of

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204 the injunction, the sheriff must verify receipt with the sender  
205 before attempting to serve it upon the respondent. In addition,  
206 if the sheriff is in possession of an injunction for protection  
207 that has been certified by the clerk of the court, the sheriff  
208 may electronically transmit a ~~facsimile~~ copy of that injunction  
209 to a law enforcement officer who shall serve it in the same  
210 manner as a certified copy. The clerk of the court is ~~shall be~~  
211 responsible for furnishing to the sheriff such information on  
212 the respondent's physical description and location as is  
213 required by the department to comply with the verification  
214 procedures set forth in this section. Notwithstanding any other  
215 ~~provision of law to the contrary~~, the chief judge of each  
216 circuit, in consultation with the appropriate sheriff, may  
217 authorize a law enforcement agency within the chief judge's  
218 jurisdiction to effect this type of service and to receive a  
219 portion of the service fee. A ~~No~~ person may not ~~shall be~~  
220 ~~authorized or permitted to~~ serve or execute an injunction issued  
221 under this section unless the person is a law enforcement  
222 officer as defined in chapter 943.

223       2. When an injunction is issued, if the petitioner requests  
224 the assistance of a law enforcement agency, the court may order  
225 that an officer from the appropriate law enforcement agency  
226 accompany the petitioner and assist in the execution or service  
227 of the injunction. A law enforcement officer must ~~shall~~ accept a  
228 copy of an injunction for protection against repeat violence,  
229 sexual violence, or dating violence, certified by the clerk of  
230 the court, from the petitioner and immediately serve it upon a  
231 respondent who has been located but not yet served.

232       (b) ~~There shall be created~~ A Domestic, Dating, Sexual, and



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233 Repeat Violence Injunction Statewide Verification System is  
234 created within the Department of Law Enforcement. The department  
235 shall establish, implement, and maintain a statewide  
236 communication system capable of electronically transmitting  
237 information to and between criminal justice agencies relating to  
238 domestic violence injunctions, dating violence injunctions,  
239 sexual violence injunctions, and repeat violence injunctions  
240 issued by the courts throughout the state. Such information must  
241 include, but is not limited to, information as to the existence  
242 and status of any injunction for verification purposes.

243 (c)1. Within 24 hours after the court issues an injunction  
244 for protection against repeat violence, sexual violence, or  
245 dating violence or changes or vacates an injunction for  
246 protection against repeat violence, sexual violence, or dating  
247 violence, the clerk of the court must electronically transmit  
248 ~~forward~~ a copy of the injunction to the sheriff with  
249 jurisdiction over the residence of the petitioner.

250 2. Within 24 hours after service of process of an  
251 injunction for protection against repeat violence, sexual  
252 violence, or dating violence upon a respondent, the law  
253 enforcement officer must electronically transmit ~~forward~~ the  
254 written proof of service of process to the sheriff with  
255 jurisdiction over the residence of the petitioner.

256 3. Within 24 hours after the sheriff receives a certified  
257 copy of the injunction for protection against repeat violence,  
258 sexual violence, or dating violence, the sheriff must make  
259 information relating to the injunction available to other law  
260 enforcement agencies by electronically transmitting such  
261 information to the department.

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262           4. Within 24 hours after the sheriff or other law  
263 enforcement officer has made service upon the respondent and the  
264 sheriff has been so notified, the sheriff must make information  
265 relating to the service available to other law enforcement  
266 agencies by electronically transmitting such information to the  
267 department.

268           5. Subject to available funding, the Florida Association of  
269 Court Clerks and Comptrollers shall develop an automated process  
270 by which a petitioner may request notification of service of the  
271 injunction for protection against repeat violence, sexual  
272 violence, or dating violence and other court actions related to  
273 the injunction for protection. The automated notice must ~~shall~~  
274 be made within 12 hours after the sheriff or other law  
275 enforcement officer serves the injunction upon the respondent.  
276 The notification must include, at a minimum, the date, time, and  
277 location where the injunction for protection against repeat  
278 violence, sexual violence, or dating violence was served. The  
279 Florida Association of Court Clerks and Comptrollers may apply  
280 for any available grants to fund the development of the  
281 automated process.

282           6. Within 24 hours after an injunction for protection  
283 against repeat violence, sexual violence, or dating violence is  
284 lifted, terminated, or otherwise rendered no longer effective by  
285 ruling of the court, the clerk of the court must notify the  
286 sheriff or local law enforcement agency receiving original  
287 notification of the injunction as provided in subparagraph 2.  
288 That agency shall, within 24 hours after receiving such  
289 notification from the clerk of the court, notify the department  
290 of such action of the court.

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291 Section 3. Subsection (8) of section 784.0485, Florida  
292 Statutes, is amended to read:

293 784.0485 Stalking; injunction; powers and duties of court  
294 and clerk; petition; notice and hearing; temporary injunction;  
295 issuance of injunction; statewide verification system;  
296 enforcement.—

297 (8) (a) 1. Within 24 hours after the court issues an  
298 injunction for protection against stalking, the clerk of the  
299 court shall electronically transmit ~~furnish~~ a copy of the  
300 petition, notice of hearing, and temporary injunction, if any,  
301 to the sheriff or a law enforcement agency of the county where  
302 the respondent resides or can be found, who shall serve it upon  
303 the respondent as soon thereafter as possible on any day of the  
304 week and at any time of the day or night. If there is an  
305 Internet outage or any other significant disruption in network  
306 connectivity which would delay service by more than 24 hours,  
307 the clerk of the court may furnish copies to the sheriff's  
308 office or law enforcement agency by facsimile, hand delivery, or  
309 certified or registered mail. An electronic ~~When requested by~~  
310 ~~the sheriff, the clerk of the court may transmit a facsimile~~  
311 copy of an injunction must be ~~that has been~~ certified by the  
312 clerk of the court, and the electronic ~~this facsimile~~ copy must  
313 ~~may~~ be served in the same manner as a certified copy. Upon  
314 receiving an electronic ~~a facsimile~~ copy of the injunction, the  
315 sheriff must verify receipt with the sender before attempting to  
316 serve it on the respondent. In addition, if the sheriff is in  
317 possession of an injunction for protection that has been  
318 certified by the clerk of the court, the sheriff may  
319 electronically transmit a ~~facsimile~~ copy of that injunction to a

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320 law enforcement officer who shall serve it in the same manner as  
321 a certified copy. The clerk of the court shall furnish to the  
322 sheriff such information concerning the respondent's physical  
323 description and location as is required by the Department of Law  
324 Enforcement to comply with the verification procedures set forth  
325 in this section. Notwithstanding any other law, the chief judge  
326 of each circuit, in consultation with the appropriate sheriff,  
327 may authorize a law enforcement agency within the jurisdiction  
328 to effect service. A law enforcement agency serving injunctions  
329 pursuant to this section must ~~shall~~ use service and verification  
330 procedures consistent with those of the sheriff.

331 2. If an injunction is issued and the petitioner requests  
332 the assistance of a law enforcement agency, the court may order  
333 that an officer from the appropriate law enforcement agency  
334 accompany the petitioner to assist in the execution or service  
335 of the injunction. A law enforcement officer must ~~shall~~ accept a  
336 copy of an injunction for protection against stalking, certified  
337 by the clerk of the court, from the petitioner and immediately  
338 serve it upon a respondent who has been located but not yet  
339 served.

340 3. An order issued, changed, continued, extended, or  
341 vacated subsequent to the original service of documents  
342 enumerated under subparagraph 1. must ~~shall~~ be certified by the  
343 clerk of the court and delivered to the parties at the time of  
344 the entry of the order. The parties may acknowledge receipt of  
345 such order in writing on the face of the original order. If a  
346 party fails or refuses to acknowledge the receipt of a certified  
347 copy of an order, the clerk shall note on the original order  
348 that service was effected. If delivery at the hearing is not

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349 possible, the clerk shall mail certified copies of the order to  
350 the parties at the last known address of each party. Service by  
351 mail is complete upon mailing. When an order is served pursuant  
352 to this subsection, the clerk shall prepare a written  
353 certification to be placed in the court file specifying the  
354 time, date, and method of service and shall notify the sheriff.

355 4. If the respondent has been served previously with a  
356 temporary injunction and has failed to appear at the initial  
357 hearing on the temporary injunction, any subsequent petition for  
358 injunction seeking an extension of time may be served on the  
359 respondent by the clerk of the court by certified mail in lieu  
360 of personal service by a law enforcement officer.

361 (b)1. Within 24 hours after the court issues an injunction  
362 for protection against stalking or changes, continues, extends,  
363 or vacates an injunction for protection against stalking, the  
364 clerk of the court must electronically transmit ~~forward~~ a  
365 certified copy of the injunction for service to the sheriff  
366 having jurisdiction over the residence of the petitioner. The  
367 injunction must be served in accordance with this subsection.

368 2. Within 24 hours after service of process of an  
369 injunction for protection against stalking upon a respondent,  
370 the law enforcement officer must electronically transmit ~~forward~~  
371 the written proof of service of process to the sheriff having  
372 jurisdiction over the residence of the petitioner.

373 3. Within 24 hours after the sheriff receives a certified  
374 copy of the injunction for protection against stalking, the  
375 sheriff must make information relating to the injunction  
376 available to other law enforcement agencies by electronically  
377 transmitting such information to the Department of Law

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378 Enforcement.

379       4. Within 24 hours after the sheriff or other law  
380 enforcement officer has made service upon the respondent and the  
381 sheriff has been so notified, the sheriff must make information  
382 relating to the service available to other law enforcement  
383 agencies by electronically transmitting such information to the  
384 Department of Law Enforcement.

385       5. Within 24 hours after an injunction for protection  
386 against stalking is vacated, terminated, or otherwise rendered  
387 no longer effective by ruling of the court, the clerk of the  
388 court must notify the sheriff receiving original notification of  
389 the injunction as provided in subparagraph 2. That agency shall,  
390 within 24 hours after receiving such notification from the clerk  
391 of the court, notify the Department of Law Enforcement of such  
392 action of the court.

393       Section 4. This act shall take effect July 1, 2022.