

By the Committees on Rules; and 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; authorizing
4 clerks of the court to electronically transmit certain
5 documents relating to an injunction for protection
6 against domestic violence under certain circumstances;
7 requiring the clerks of the court to electronically
8 transmit such documents under certain circumstances;
9 providing that electronically transmitted documents
10 may be served in the same manner as certified copies;
11 providing that sheriffs may authorize law enforcement
12 officers to electronically transmit proof of service
13 under certain circumstances; making conforming and
14 technical changes; amending ss. 784.046 and 784.0485,
15 F.S.; authorizing clerks of the court to
16 electronically transmit certain documents relating to
17 injunctions for protection against repeat violence,
18 sexual violence, or dating violence and against
19 stalking, respectively, under certain circumstances;
20 requiring clerks of the court to electronically
21 transmit such documents under certain circumstances;
22 providing that sheriffs may authorize law enforcement
23 officers to electronically transmit proof of service
24 under certain circumstances; making conforming and
25 technical changes; requiring the Florida Sheriffs
26 Association and the Florida Association of Court
27 Clerks and Comptrollers to establish a joint workgroup
28 for a specified purpose; specifying the time by which
29 the workgroup must convene; providing effective dates.

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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. The clerk of the court shall 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 law enforcement agency of the county where the respondent resides or can be found, who shall serve it upon the respondent

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

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88 section must ~~shall~~ use service and verification procedures
89 consistent with those of the sheriff.

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

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

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117 If the respondent has been served previously with the temporary
118 injunction and has failed to appear at the initial hearing on
119 the temporary injunction, any subsequent petition for injunction
120 seeking an extension of time may be served on the respondent by
121 the clerk of the court by certified mail in lieu of personal
122 service by a law enforcement officer.

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

133 (c)1. Within 24 hours after the court issues an injunction
134 for protection against domestic violence or changes, continues,
135 extends, or vacates an injunction for protection against
136 domestic violence, the clerk of the court must forward a
137 certified copy of the injunction for service to the sheriff with
138 jurisdiction over the residence of the petitioner. The
139 injunction must be served in accordance with this subsection.

140 2. Within 24 hours after service of process of an
141 injunction for protection against domestic violence upon a
142 respondent, the law enforcement officer must forward the written
143 proof of service of process to the sheriff with jurisdiction
144 over the residence of the petitioner. The sheriff having
145 jurisdiction over the residence of the petitioner may authorize

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146 the law enforcement officer serving the injunction to
147 electronically transmit the proof of service.

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. The clerk of the court shall furnish a copy of the
187 petition, notice of hearing, and temporary injunction, if any,
188 to the sheriff or a law enforcement agency of the county where
189 the respondent resides or can be found, who shall serve it upon
190 the respondent as soon thereafter as possible on any day of the
191 week and at any time of the day or night. If the respondent
192 resides in the county in which the petition is filed, the clerk
193 of the court, with the consent of the sheriff, may
194 electronically transmit the documents to the sheriff. However,
195 if the respondent resides or can be found outside the county in
196 which the petition is filed, the clerk of the court must
197 electronically transmit a certified copy of such documents to
198 the sheriff where the respondent resides or can be found. An
199 electronically transmitted document ~~When requested by the~~
200 ~~sheriff, the clerk of the court may transmit a facsimile copy of~~
201 ~~an injunction that has been certified by the clerk of the court,~~
202 ~~and this facsimile copy~~ 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 this ~~the~~ state. Such information
241 must include, but is not limited to, information as to the
242 existence and status of any injunction for verification
243 purposes.

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

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

260 3. Within 24 hours after the sheriff receives a certified
261 copy of the injunction for protection against repeat violence,

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262 sexual violence, or dating violence, the sheriff must make
263 information relating to the injunction available to other law
264 enforcement agencies by electronically transmitting such
265 information to the department.

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

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

286 6. Within 24 hours after an injunction for protection
287 against repeat violence, sexual violence, or dating violence is
288 lifted, terminated, or otherwise rendered no longer effective by
289 ruling of the court, the clerk of the court must notify the
290 sheriff or local law enforcement agency receiving original

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291 notification of the injunction as provided in subparagraph 2.
292 That agency shall, within 24 hours after receiving such
293 notification from the clerk of the court, notify the department
294 of such action of the court.

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

297 784.0485 Stalking; injunction; powers and duties of court
298 and clerk; petition; notice and hearing; temporary injunction;
299 issuance of injunction; statewide verification system;
300 enforcement.—

301 (8) (a) 1. The clerk of the court shall furnish a copy of the
302 petition, notice of hearing, and temporary injunction, if any,
303 to the sheriff or a law enforcement agency of the county where
304 the respondent resides or can be found, who shall serve it upon
305 the respondent as soon thereafter as possible on any day of the
306 week and at any time of the day or night. If the respondent
307 resides in the county in which the petition is filed, the clerk
308 of the court, with the consent of the sheriff, may
309 electronically transmit the documents to the sheriff. However,
310 if the respondent resides or can be found outside the county in
311 which the petition is filed, the clerk of the court must
312 electronically transmit a certified copy of such documents to
313 the sheriff where the respondent resides or can be found. An
314 electronically transmitted document ~~When requested by the~~
315 ~~sheriff, the clerk of the court may transmit a facsimile copy of~~
316 ~~an injunction that has been certified by the clerk of the court,~~
317 ~~and this facsimile copy may be served in the same manner as a~~
318 certified copy. Upon receiving an electronic ~~a facsimile~~ copy of
319 the injunction, the sheriff must verify receipt with the sender

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320 before attempting to serve it on the respondent. In addition, if
321 the sheriff is in possession of an injunction for protection
322 that has been certified by the clerk of the court, the sheriff
323 may electronically transmit a ~~facsimile~~ copy of that injunction
324 to a law enforcement officer who shall serve it in the same
325 manner as a certified copy. The clerk of the court shall furnish
326 to the sheriff such information concerning the respondent's
327 physical description and location as is required by the
328 Department of Law Enforcement to comply with the verification
329 procedures set forth in this section. Notwithstanding any other
330 law, the chief judge of each circuit, in consultation with the
331 appropriate sheriff, may authorize a law enforcement agency
332 within the jurisdiction to effect service. A law enforcement
333 agency serving injunctions pursuant to this section must ~~shall~~
334 use service and verification procedures consistent with those of
335 the sheriff.

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

345 3. An order issued, changed, continued, extended, or
346 vacated subsequent to the original service of documents
347 enumerated under subparagraph 1. must ~~shall~~ be certified by the
348 clerk of the court and delivered to the parties at the time of

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349 the entry of the order. The parties may acknowledge receipt of
350 such order in writing on the face of the original order. If a
351 party fails or refuses to acknowledge the receipt of a certified
352 copy of an order, the clerk must ~~shall~~ note on the original
353 order that service was effected. If delivery at the hearing is
354 not possible, the clerk must ~~shall~~ mail certified copies of the
355 order to the parties at the last known address of each party.
356 Service by mail is complete upon mailing. When an order is
357 served pursuant to this subsection, the clerk shall prepare a
358 written certification to be placed in the court file specifying
359 the time, date, and method of service and shall notify the
360 sheriff.

361 4. If the respondent has been served previously with a
362 temporary injunction and has failed to appear at the initial
363 hearing on the temporary injunction, any subsequent petition for
364 injunction seeking an extension of time may be served on the
365 respondent by the clerk of the court by certified mail in lieu
366 of personal service by a law enforcement officer.

367 (b)1. Within 24 hours after the court issues an injunction
368 for protection against stalking or changes, continues, extends,
369 or vacates an injunction for protection against stalking, the
370 clerk of the court must forward a certified copy of the
371 injunction for service to the sheriff having jurisdiction over
372 the residence of the petitioner. The injunction must be served
373 in accordance with this subsection.

374 2. Within 24 hours after service of process of an
375 injunction for protection against stalking upon a respondent,
376 the law enforcement officer must forward the written proof of
377 service of process to the sheriff having jurisdiction over the

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378 residence of the petitioner. The sheriff having jurisdiction
379 over the residence of the petitioner may authorize the law
380 enforcement officer serving the injunction to electronically
381 transmit the proof of service.

382 3. Within 24 hours after the sheriff receives a certified
383 copy of the injunction for protection against stalking, the
384 sheriff must make information relating to the injunction
385 available to other law enforcement agencies by electronically
386 transmitting such information to the Department of Law
387 Enforcement.

388 4. Within 24 hours after the sheriff or other law
389 enforcement officer has made service upon the respondent and the
390 sheriff has been so notified, the sheriff must make information
391 relating to the service available to other law enforcement
392 agencies by electronically transmitting such information to the
393 Department of Law Enforcement.

394 5. Within 24 hours after an injunction for protection
395 against stalking is vacated, terminated, or otherwise rendered
396 no longer effective by ruling of the court, the clerk of the
397 court must notify the sheriff receiving original notification of
398 the injunction as provided in subparagraph 2. That agency shall,
399 within 24 hours after receiving such notification from the clerk
400 of the court, notify the Department of Law Enforcement of such
401 action of the court.

402 Section 4. The Florida Sheriffs Association and the Florida
403 Association of Court Clerks and Comptrollers shall establish a
404 joint workgroup that includes clerks of the court and sheriffs
405 to discuss and coordinate new procedures specified within this
406 act. The workgroup shall begin convening immediately upon this

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407 act becoming a law. This section shall take effect upon becoming
408 a law.

409 Section 5. Except as otherwise expressly provided in this
410 act and except for this section, which shall take effect upon
411 this act becoming a law, this act shall take effect January 1,
412 2023.