

By Senator Sharief

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A bill to be entitled
An act relating to public records; amending s.
119.0714, F.S.; providing an exemption from public
records requirements for petitions, and the contents
thereof, for injunctions for protection against
serious violence by a known person; providing an
exemption from public records requirements for
information that can be used to identify a petitioner
or respondent in such a petition for an injunction;
providing a statement of public necessity; providing a
contingent effective date.

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

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

119.0714 Court files; court records; official records.—

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

(k)1. A petition, and the contents thereof, for an
injunction for protection against domestic violence, repeat
violence, dating violence, sexual violence, serious violence by
a known person, stalking, or cyberstalking which ~~that~~ is
dismissed without a hearing, dismissed at an ex parte hearing
due to failure to state a claim or lack of jurisdiction, or
dismissed for any reason having to do with the sufficiency of
the petition itself without an injunction being issued on or

35-00469-26

2026210__

after July 1, 2017, is exempt from s. 119.07(1) and s. 24(a),
Art. I of the State Constitution.

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

3. Any information that can be used to identify a
petitioner or respondent in a petition for an injunction against
domestic violence, repeat violence, dating violence, sexual
violence, serious violence by a known person, stalking, or
cyberstalking, and any affidavits, notice of hearing, and
temporary injunction, is confidential and exempt from s.
119.07(1) and s. 24(a), Art. I of the State Constitution until
the respondent has been personally served with a copy of the
petition for injunction, affidavits, notice of hearing, and
temporary injunction.

Section 2. (1) The Legislature finds that it is a public
necessity that a petition, and the contents thereof, for an

35-00469-26

2026210__

59 injunction for protection against serious violence by a known
60 person which is dismissed without a hearing, dismissed at an ex
61 parte hearing due to failure to state a claim or lack of
62 jurisdiction, or dismissed for any reason having to do with the
63 sufficiency of the petition itself without an injunction being
64 issued be made exempt from s. 119.07(1), Florida Statutes, and
65 s. 24(a), Article I of the State Constitution. The Legislature
66 finds that the existence of, and the unverified allegations
67 contained in, such a petition may be defamatory to an individual
68 named in it and cause unwarranted damage to the reputation of
69 such individual. The Legislature further finds that removing
70 such a record from public disclosure is the sole means of
71 protecting the reputation of such an individual.

72 (2) Additionally, the Legislature finds that it is a public
73 necessity that any information that can be used to identify a
74 petitioner or respondent in a petition for an injunction against
75 serious violence by a known person, and any affidavits, notice
76 of hearing, and temporary injunction, be made confidential and
77 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
78 Article I of the State Constitution. The release of such
79 information before the respondent has been personally served
80 with a copy of the petition, affidavits, notice of hearing, or
81 temporary injunction could significantly threaten the physical
82 safety and security of persons seeking protection through
83 injunctive proceedings and their families, and of law
84 enforcement tasked with serving the petition for injunction,
85 affidavits, notice of hearing, or temporary injunction on the
86 respondent. The harm that may result from the release of the
87 information outweighs any public benefit that might result from

35-00469-26

2026210__

88 public disclosure of the information.

89 Section 3. This act shall take effect on the same date that
90 SB 32 or similar legislation takes effect, if such legislation
91 is adopted in the same legislative session or an extension
92 thereof and becomes a law.