

By Senator Cruz

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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; providing that
10 electronically submitted copies of injunctions must be
11 served in the same manner as certified copies; making
12 conforming and technical changes; amending ss. 784.046
13 and 784.0485, F.S.; specifying a timeframe in which
14 the clerk of the court must transmit specified
15 documents relating to injunctions for protection
16 against repeat violence, sexual violence, or dating
17 violence and against stalking, respectively, to the
18 appropriate local sheriff or law enforcement agency;
19 providing for the electronic transmission of certain
20 documents rather than by facsimile; providing that
21 electronically submitted copies of injunctions must be
22 served in the same manner as certified copies; making
23 conforming and technical changes; providing an
24 effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Paragraph (a) of subsection (2) and subsection
29 (8) of section 741.30, Florida Statutes, are amended to read:

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30 741.30 Domestic violence; injunction; powers and duties of
31 court and clerk; petition; notice and hearing; temporary
32 injunction; issuance of injunction; statewide verification
33 system; enforcement; public records exemption.—

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

48 (8) (a) 1. Within 24 hours after the court issues an
49 injunction for protection against domestic violence, the clerk
50 of the court shall electronically transmit ~~furnish~~ a copy of the
51 petition, financial affidavit, Uniform Child Custody
52 Jurisdiction and Enforcement Act affidavit, if any, notice of
53 hearing, and temporary injunction, if any, to the sheriff or a
54 law enforcement agency of the county where the respondent
55 resides or can be found, who shall serve it upon the respondent
56 as soon thereafter as possible on any day of the week and at any
57 time of the day or night. An electronic ~~When requested by the~~
58 ~~sheriff, the clerk of the court may transmit a facsimile~~ copy of

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59 an injunction must be ~~that has been~~ certified by the clerk of
60 the court, and the electronic ~~this facsimile~~ copy must ~~may~~ be
61 served in the same manner as a certified copy. Upon receiving an
62 electronic ~~a facsimile~~ copy of the injunction, the sheriff must
63 verify receipt with the sender before attempting to serve it
64 upon the respondent. In addition, if the sheriff is in
65 possession of an injunction for protection that has been
66 certified by the clerk of the court, the sheriff may
67 electronically transmit a ~~facsimile~~ copy of that injunction to a
68 law enforcement officer who shall serve it in the same manner as
69 a certified copy. The clerk of the court is ~~shall be~~ responsible
70 for furnishing to the sheriff such information on the
71 respondent's physical description and location as is required by
72 the department to comply with the verification procedures set
73 forth in this section. Notwithstanding any other ~~provision of~~
74 law to the contrary, the chief judge of each circuit, in
75 consultation with the appropriate sheriff, may authorize a law
76 enforcement agency within the jurisdiction to effect service. A
77 law enforcement agency serving injunctions pursuant to this
78 section must ~~shall~~ use service and verification procedures
79 consistent with those of the sheriff.

80 2. When an injunction is issued, if the petitioner requests
81 the assistance of a law enforcement agency, the court may order
82 that an officer from the appropriate law enforcement agency
83 accompany the petitioner and assist in placing the petitioner in
84 possession of the dwelling or residence, or otherwise assist in
85 the execution or service of the injunction. A law enforcement
86 officer must ~~shall~~ accept a copy of an injunction for protection
87 against domestic violence, certified by the clerk of the court,

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88 from the petitioner and immediately serve it upon a respondent
89 who has been located but not yet served.

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

105
106 If the respondent has been served previously with the temporary
107 injunction and has failed to appear at the initial hearing on
108 the temporary injunction, any subsequent petition for injunction
109 seeking an extension of time may be served on the respondent by
110 the clerk of the court by certified mail in lieu of personal
111 service by a law enforcement officer.

112 (b) ~~There shall be created~~ A Domestic and Repeat Violence
113 Injunction Statewide Verification System is created within the
114 Department of Law Enforcement. The department shall establish,
115 implement, and maintain a statewide communication system capable
116 of electronically transmitting information to and between

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117 criminal justice agencies relating to domestic violence
118 injunctions and repeat violence injunctions issued by the courts
119 throughout the state. Such information must include, but is not
120 limited to, information as to the existence and status of any
121 injunction for verification purposes.

122 (c)1. Within 24 hours after the court issues an injunction
123 for protection against domestic violence or changes, continues,
124 extends, or vacates an injunction for protection against
125 domestic violence, the clerk of the court must electronically
126 transmit forward a certified copy of the injunction for service
127 to the sheriff with jurisdiction over the residence of the
128 petitioner. The injunction must be served in accordance with
129 this subsection.

130 2. Within 24 hours after service of process of an
131 injunction for protection against domestic violence upon a
132 respondent, the law enforcement officer must electronically
133 transmit forward the written proof of service of process to the
134 sheriff with jurisdiction over the residence of the petitioner.

135 3. Within 24 hours after the sheriff receives a certified
136 copy of the injunction for protection against domestic violence,
137 the sheriff must make information relating to the injunction
138 available to other law enforcement agencies by electronically
139 transmitting such information to the department.

140 4. Within 24 hours after the sheriff or other law
141 enforcement officer has made service upon the respondent and the
142 sheriff has been so notified, the sheriff must make information
143 relating to the service available to other law enforcement
144 agencies by electronically transmitting such information to the
145 department.

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146 5. Subject to available funding, the Florida Association of
147 Court Clerks and Comptrollers shall develop an automated process
148 by which a petitioner may request notification of service of the
149 injunction for protection against domestic violence and other
150 court actions related to the injunction for protection. The
151 automated notice must ~~shall~~ be made within 12 hours after the
152 sheriff or other law enforcement officer serves the injunction
153 upon the respondent. The notification must include, at a
154 minimum, the date, time, and location where the injunction for
155 protection against domestic violence was served. The Florida
156 Association of Court Clerks and Comptrollers may apply for any
157 available grants to fund the development of the automated
158 process.

159 6. Within 24 hours after an injunction for protection
160 against domestic violence is vacated, terminated, or otherwise
161 rendered no longer effective by ruling of the court, the clerk
162 of the court must notify the sheriff receiving original
163 notification of the injunction as provided in subparagraph 2.
164 That agency shall, within 24 hours after receiving such
165 notification from the clerk of the court, notify the department
166 of such action of the court.

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

169 784.046 Action by victim of repeat violence, sexual
170 violence, or dating violence for protective injunction; dating
171 violence investigations, notice to victims, and reporting;
172 pretrial release violations; public records exemption.—

173 (8) (a) 1. Within 24 hours after the court issues an
174 injunction for protection against repeat violence, sexual

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175 violence, or dating violence, the clerk of the court shall
176 electronically transmit ~~furnish~~ a copy of the petition, notice
177 of hearing, and temporary injunction, if any, to the sheriff or
178 a law enforcement agency of the county where the respondent
179 resides or can be found, who shall serve it upon the respondent
180 as soon thereafter as possible on any day of the week and at any
181 time of the day or night. An electronic ~~When requested by the~~
182 ~~sheriff, the clerk of the court may transmit a facsimile~~ copy of
183 an injunction must be ~~that has been~~ certified by the clerk of
184 the court, and the electronic ~~this facsimile~~ copy must ~~may~~ be
185 served in the same manner as a certified copy. Upon receiving an
186 electronic ~~a facsimile~~ copy of the injunction, the sheriff must
187 verify receipt with the sender before attempting to serve it
188 upon the respondent. In addition, if the sheriff is in
189 possession of an injunction for protection that has been
190 certified by the clerk of the court, the sheriff may
191 electronically transmit a ~~facsimile~~ copy of that injunction to a
192 law enforcement officer who shall serve it in the same manner as
193 a certified copy. The clerk of the court is ~~shall be~~ responsible
194 for furnishing to the sheriff such information on the
195 respondent's physical description and location as is required by
196 the department to comply with the verification procedures set
197 forth in this section. Notwithstanding any other ~~provision of~~
198 law to the contrary, the chief judge of each circuit, in
199 consultation with the appropriate sheriff, may authorize a law
200 enforcement agency within the chief judge's jurisdiction to
201 effect this type of service and to receive a portion of the
202 service fee. A ~~No~~ person may not ~~shall be authorized or~~
203 ~~permitted to~~ serve or execute an injunction issued under this

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204 section unless the person is a law enforcement officer as
205 defined in chapter 943.

206 2. When an injunction is issued, if the petitioner requests
207 the assistance of a law enforcement agency, the court may order
208 that an officer from the appropriate law enforcement agency
209 accompany the petitioner and assist in the execution or service
210 of the injunction. A law enforcement officer must ~~shall~~ accept a
211 copy of an injunction for protection against repeat violence,
212 sexual violence, or dating violence, certified by the clerk of
213 the court, from the petitioner and immediately serve it upon a
214 respondent who has been located but not yet served.

215 (b) ~~There shall be created~~ A Domestic, Dating, Sexual, and
216 Repeat Violence Injunction Statewide Verification System is
217 created within the Department of Law Enforcement. The department
218 shall establish, implement, and maintain a statewide
219 communication system capable of electronically transmitting
220 information to and between criminal justice agencies relating to
221 domestic violence injunctions, dating violence injunctions,
222 sexual violence injunctions, and repeat violence injunctions
223 issued by the courts throughout the state. Such information must
224 include, but is not limited to, information as to the existence
225 and status of any injunction for verification purposes.

226 (c)1. Within 24 hours after the court issues an injunction
227 for protection against repeat violence, sexual violence, or
228 dating violence or changes or vacates an injunction for
229 protection against repeat violence, sexual violence, or dating
230 violence, the clerk of the court must electronically transmit
231 ~~forward~~ a copy of the injunction to the sheriff with
232 jurisdiction over the residence of the petitioner.

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233 2. Within 24 hours after service of process of an
234 injunction for protection against repeat violence, sexual
235 violence, or dating violence upon a respondent, the law
236 enforcement officer must electronically transmit ~~forward~~ the
237 written proof of service of process to the sheriff with
238 jurisdiction over the residence of the petitioner.

239 3. Within 24 hours after the sheriff receives a certified
240 copy of the injunction for protection against repeat violence,
241 sexual violence, or dating violence, the sheriff must make
242 information relating to the injunction available to other law
243 enforcement agencies by electronically transmitting such
244 information to the department.

245 4. Within 24 hours after the sheriff or other law
246 enforcement officer has made service upon the respondent and the
247 sheriff has been so notified, the sheriff must make information
248 relating to the service available to other law enforcement
249 agencies by electronically transmitting such information to the
250 department.

251 5. Subject to available funding, the Florida Association of
252 Court Clerks and Comptrollers shall develop an automated process
253 by which a petitioner may request notification of service of the
254 injunction for protection against repeat violence, sexual
255 violence, or dating violence and other court actions related to
256 the injunction for protection. The automated notice must ~~shall~~
257 be made within 12 hours after the sheriff or other law
258 enforcement officer serves the injunction upon the respondent.
259 The notification must include, at a minimum, the date, time, and
260 location where the injunction for protection against repeat
261 violence, sexual violence, or dating violence was served. The

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262 Florida Association of Court Clerks and Comptrollers may apply
263 for any available grants to fund the development of the
264 automated process.

265 6. Within 24 hours after an injunction for protection
266 against repeat violence, sexual violence, or dating violence is
267 lifted, terminated, or otherwise rendered no longer effective by
268 ruling of the court, the clerk of the court must notify the
269 sheriff or local law enforcement agency receiving original
270 notification of the injunction as provided in subparagraph 2.
271 That agency shall, within 24 hours after receiving such
272 notification from the clerk of the court, notify the department
273 of such action of the court.

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

276 784.0485 Stalking; injunction; powers and duties of court
277 and clerk; petition; notice and hearing; temporary injunction;
278 issuance of injunction; statewide verification system;
279 enforcement.—

280 (8) (a) 1. Within 24 hours after the court issues an
281 injunction for protection against stalking, the clerk of the
282 court shall electronically transmit ~~furnish~~ a copy of the
283 petition, notice of hearing, and temporary injunction, if any,
284 to the sheriff or a law enforcement agency of the county where
285 the respondent resides or can be found, who shall serve it upon
286 the respondent as soon thereafter as possible on any day of the
287 week and at any time of the day or night. An electronic ~~When~~
288 ~~requested by the sheriff, the clerk of the court may transmit a~~
289 ~~facsimile~~ copy of an injunction must be that has been certified
290 by the clerk of the court, and the electronic ~~this facsimile~~

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291 copy must ~~may~~ be served in the same manner as a certified copy.
292 Upon receiving an electronic ~~a facsimile~~ copy of the injunction,
293 the sheriff must verify receipt with the sender before
294 attempting to serve it on the respondent. In addition, if the
295 sheriff is in possession of an injunction for protection that
296 has been certified by the clerk of the court, the sheriff may
297 electronically transmit a ~~facsimile~~ copy of that injunction to a
298 law enforcement officer who shall serve it in the same manner as
299 a certified copy. The clerk of the court shall furnish to the
300 sheriff such information concerning the respondent's physical
301 description and location as is required by the Department of Law
302 Enforcement to comply with the verification procedures set forth
303 in this section. Notwithstanding any other law, the chief judge
304 of each circuit, in consultation with the appropriate sheriff,
305 may authorize a law enforcement agency within the jurisdiction
306 to effect service. A law enforcement agency serving injunctions
307 pursuant to this section must ~~shall~~ use service and verification
308 procedures consistent with those of the sheriff.

309 2. If an injunction is issued and the petitioner requests
310 the assistance of a law enforcement agency, the court may order
311 that an officer from the appropriate law enforcement agency
312 accompany the petitioner to assist in the execution or service
313 of the injunction. A law enforcement officer must ~~shall~~ accept a
314 copy of an injunction for protection against stalking, certified
315 by the clerk of the court, from the petitioner and immediately
316 serve it upon a respondent who has been located but not yet
317 served.

318 3. An order issued, changed, continued, extended, or
319 vacated subsequent to the original service of documents

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320 enumerated under subparagraph 1. must ~~shall~~ be certified by the
321 clerk of the court and delivered to the parties at the time of
322 the entry of the order. The parties may acknowledge receipt of
323 such order in writing on the face of the original order. If a
324 party fails or refuses to acknowledge the receipt of a certified
325 copy of an order, the clerk shall note on the original order
326 that service was effected. If delivery at the hearing is not
327 possible, the clerk shall mail certified copies of the order to
328 the parties at the last known address of each party. Service by
329 mail is complete upon mailing. When an order is served pursuant
330 to this subsection, the clerk shall prepare a written
331 certification to be placed in the court file specifying the
332 time, date, and method of service and shall notify the sheriff.

333 4. If the respondent has been served previously with a
334 temporary injunction and has failed to appear at the initial
335 hearing on the temporary injunction, any subsequent petition for
336 injunction seeking an extension of time may be served on the
337 respondent by the clerk of the court by certified mail in lieu
338 of personal service by a law enforcement officer.

339 (b)1. Within 24 hours after the court issues an injunction
340 for protection against stalking or changes, continues, extends,
341 or vacates an injunction for protection against stalking, the
342 clerk of the court must electronically transmit ~~forward~~ a
343 certified copy of the injunction for service to the sheriff
344 having jurisdiction over the residence of the petitioner. The
345 injunction must be served in accordance with this subsection.

346 2. Within 24 hours after service of process of an
347 injunction for protection against stalking upon a respondent,
348 the law enforcement officer must electronically transmit ~~forward~~

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349 the written proof of service of process to the sheriff having
350 jurisdiction over the residence of the petitioner.

351 3. Within 24 hours after the sheriff receives a certified
352 copy of the injunction for protection against stalking, the
353 sheriff must make information relating to the injunction
354 available to other law enforcement agencies by electronically
355 transmitting such information to the Department of Law
356 Enforcement.

357 4. Within 24 hours after the sheriff or other law
358 enforcement officer has made service upon the respondent and the
359 sheriff has been so notified, the sheriff must make information
360 relating to the service available to other law enforcement
361 agencies by electronically transmitting such information to the
362 Department of Law Enforcement.

363 5. Within 24 hours after an injunction for protection
364 against stalking is vacated, terminated, or otherwise rendered
365 no longer effective by ruling of the court, the clerk of the
366 court must notify the sheriff receiving original notification of
367 the injunction as provided in subparagraph 2. That agency shall,
368 within 24 hours after receiving such notification from the clerk
369 of the court, notify the Department of Law Enforcement of such
370 action of the court.

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