

ENROLLED

CS/HB 239

2017 Legislature

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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 certain protective injunctions that are dismissed in certain circumstances; providing a statement of public necessity; providing an effective date.

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

Section 1. Paragraph (k) is added to subsection (1) of section 119.0714, Florida Statutes, 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, stalking, or cyberstalking 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

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26 | issued on or after July 1, 2017, is exempt from s. 119.07(1) and
27 | s. 24(a), Art. I of the State Constitution.

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

43 | Section 2. The Legislature finds that it is a public
44 | necessity that a petition, and the contents thereof, for an
45 | injunction for protection against domestic violence, repeat
46 | violence, dating violence, sexual violence, stalking, or
47 | cyberstalking that is dismissed without a hearing, dismissed at
48 | an ex parte hearing due to failure to state a claim or lack of
49 | jurisdiction, or dismissed for any reason having to do with the
50 | sufficiency of the petition itself without an injunction being

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51 issued be made exempt from s. 119.07(1), Florida Statutes, and
52 s. 24(a), Article I of the State Constitution. The Legislature
53 finds that the existence of, and the unverified allegations
54 contained in, such a petition may be defamatory to an individual
55 named in it and cause unwarranted damage to the reputation of
56 such individual. The Legislature further finds that removing
57 such a record from public disclosure is the sole means of
58 protecting the reputation of such an individual.

59 Section 3. This act shall take effect July 1, 2017.