

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.0714, F.S.; providing an exemption from public
 4 records requirements for a petition for an injunction
 5 that is dismissed and the petition's contents;
 6 providing for removal of petitions dismissed before
 7 the effective date of the act from publicly accessible
 8 records; providing for future legislative review and
 9 repeal of the exemption; providing a statement of
 10 public necessity; providing a directive to the
 11 Division of Law Revision and Information; providing an
 12 effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

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

18 119.0714 Court files; court records; official records.—

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

23 (k)1. A petition for an injunction against domestic
 24 violence, repeat violence, dating violence, sexual violence,
 25 stalking, or cyberstalking that is dismissed without a hearing
 26 or at an ex parte hearing due to failure to state a claim, lack

27 of jurisdiction, or any reason having to do with the sufficiency
 28 of the petition itself without an injunction being issued, and
 29 the contents of such a petition, is confidential and exempt from
 30 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

31 2.a. A petition described in subparagraph 1. dismissed on
 32 or after July 1, 2016, and the contents thereof must be removed
 33 from all publically accessible records upon dismissal.

34 b. A petition described in subparagraph 1. dismissed
 35 before July 1, 2016, and the contents thereof shall be removed
 36 upon request by an individual named in the petition as a
 37 respondent. The request must be in the form of a signed, legibly
 38 written request specifying the case name, case number, document
 39 heading, and page number. The request must be delivered by mail,
 40 facsimile, electronic transmission, or in person to the clerk of
 41 the court. A fee may not be charged for the removal pursuant to
 42 the request.

43 3. This paragraph is subject to the Open Government Sunset
 44 Review Act in accordance with s. 119.15 and shall stand repealed
 45 on October 2, 2021, unless reviewed and saved from repeal
 46 through reenactment by the Legislature.

47 Section 2. The Legislature finds that it is a public
 48 necessity that a petition for an injunction against domestic
 49 violence, repeat violence, dating violence, sexual violence,
 50 stalking, or cyberstalking that is dismissed without a hearing
 51 or at an ex parte hearing due to failure to state a claim, lack
 52 of jurisdiction, or any reason having to do with the sufficiency

53 of the petition itself without an injunction being issued, and
54 the contents of such a petition, be made confidential and exempt
55 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
56 the State Constitution. The Legislature finds that the existence
57 of such a petition and of the unverified allegations contained
58 in such a petition could be defamatory to an individual and
59 cause unwarranted damage to the reputation of such individual
60 and that correction of the public record by the removal of such
61 a petition is the sole means of protecting the reputation of an
62 individual named in such a petition.

63 Section 3. This act shall take effect July 1, 2016.