

ENROLLED

HB 1699

2005 Legislature

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A bill to be entitled
 An act relating to review under the Open Government Sunset
 Review Act; amending s. 787.03, F.S., which provides a
 public records exemption for information provided to a
 sheriff or state attorney in specified domestic violence
 cases in which a person seeks shelter from an act or
 possible act of domestic violence and takes with him or
 her any child 17 years of age or younger; extending the
 repeal date scheduled under the Open Government Sunset
 Review Act; narrowing the exemption; providing an
 effective date.

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

Section 1. Subsection (6) of section 787.03, Florida
 Statutes, is amended to read:

787.03 Interference with custody.--

(6) (a) This section does not apply in cases where a spouse
 who is the victim of any act of domestic violence or who has
 reasonable cause to believe he or she is about to become the
 victim of any act of domestic violence, as defined in s. 741.28,
 or believes that his or her action was necessary to preserve the
 child or the incompetent person from danger to his or her welfare
 seeks shelter from such acts or possible acts and takes with him
 or her any child 17 years of age or younger.

(b) In order to gain the exemption conferred by paragraph
 (a), a person who takes a child pursuant to this subsection must:

1. Within 10 days after taking the child, make a report to
 the sheriff's office or state attorney's office for the county in

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30 | which the child resided at the time he or she was taken, which
31 | report must include the name of the person taking the child, the
32 | current address and telephone number of the person and child, and
33 | the reasons the child was taken.

34 | 2. Within a reasonable time after taking the child,
35 | commence a custody proceeding that is consistent with the federal
36 | Parental Kidnapping Prevention Act, 28 U.S.C. s. 1738A, or the
37 | Uniform Child Custody Jurisdiction and Enforcement Act, ss.
38 | 61.501-61.542.

39 | 3. Inform the sheriff's office or state attorney's office
40 | for the county in which the child resided at the time he or she
41 | was taken of any change of address or telephone number of the
42 | person and child.

43 | (c) The name of the person taking the child and the current
44 | address and telephone number of the person and child that are
45 | contained in the report made ~~information provided~~ to a sheriff or
46 | state attorney under paragraph (b) are ~~is~~ confidential and exempt
47 | from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

48 | (7)(a) This section ~~paragraph~~ is subject to the Open
49 | Government Sunset Review Act of 1995 in accordance with s. 119.15
50 | and is repealed on October 2, 2006 ~~2005~~, unless reviewed and
51 | saved from repeal through reenactment by the Legislature ~~before~~
52 | ~~that date~~.

53 | (b) Pursuant to s. 119.15, the Division of Statutory
54 | Revision is directed to certify this section, in its entirety, in
55 | the list of Open Government Sunset Review exemptions to be
56 | certified by June 1, 2005.

57 | Section 2. This act shall take effect upon becoming a law.