

590-671A-05

1 A bill to be entitled
2 An act relating to a review under the Open
3 Government Sunset Review Act; amending s.
4 787.03, F.S., relating to a public-records
5 exemption provided for information submitted to
6 the sheriff or state attorney for the purpose
7 of obtaining immunity from prosecution for the
8 offense of interference with custody; limiting
9 the information covered by the public-records
10 exemption; saving the exemption from repeal
11 under the Open Government Sunset Review Act;
12 deleting provisions providing for the repeal of
13 the exemption; providing an effective date.

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

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

19 787.03 Interference with custody.--

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

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

1 1. Within 10 days after taking the child, make a
2 report to the sheriff's office or state attorney's office for
3 the county in which the child resided at the time he or she
4 was taken, which report must include the name of the person
5 taking the child, the current address and telephone number of
6 the person and child, and the reasons the child was taken.

7 2. Within a reasonable time after taking the child,
8 commence a custody proceeding that is consistent with the
9 federal Parental Kidnapping Prevention Act, 28 U.S.C. s.
10 1738A, or the Uniform Child Custody Jurisdiction and
11 Enforcement Act, ss. 61.501-61.542.

12 3. Inform the sheriff's office or state attorney's
13 office for the county in which the child resided at the time
14 he or she was taken of any change of address or telephone
15 number of the person and child.

16 (c) The name of the person taking the child and the
17 current address and telephone number of the person and child
18 which are contained in the report made ~~Information provided to~~
19 a sheriff or state attorney under paragraph (b) are is
20 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
21 of the State Constitution. ~~This paragraph is subject to the~~
22 ~~Open Government Sunset Review Act of 1995 in accordance with~~
23 ~~s. 119.15 and is repealed on October 2, 2005, unless reviewed~~
24 ~~and saved from repeal through reenactment by the Legislature~~
25 ~~before that date.~~

26 Section 2. This act shall take effect October 1, 2005.
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SENATE SUMMARY

Revises an exemption from the public records law provided for information submitted to the sheriff or state attorney for the purpose of obtaining immunity from prosecution for the offense of interference with custody. Removes the repeal of the exemption scheduled on October 2, 2005, under the Open Government Sunset Review Act.