Florida Senate - 2006

By the Committee on Judiciary

590-596C-06

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.; revising the public-records
5	exemption for certain information submitted to
6	a sheriff or state attorney as part of a
7	statutory exception to the offense of
8	interference with custody; narrowing the
9	public-records exemption to exclude the name of
10	the person who effects the taking; specifying
11	that the information covered by the
12	public-records exemption relates to the taking
13	of a minor; expanding the exemption to provide
14	confidentiality for information related to the
15	taking of an incompetent person; authorizing
16	disclosure of information under certain
17	conditions; providing for agencies to inspect
18	and copy confidential and exempt information in
19	the transaction of official business; providing
20	for future legislative review and repeal of the
21	public-records exemption under the Open
22	Government Sunset Review Act; deleting obsolete
23	provisions; providing a statement of public
24	necessity; providing a contingent effective
25	date.
26	
27	Be It Enacted by the Legislature of the State of Florida:
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29	Section 1. Paragraph (c) of subsection (6) and
30	subsection (7) of section 787.03, Florida Statutes, are
31	amended to read:

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1 787.03 Interference with custody.--2 (6) 3 (c)1. The name of the person taking the child and The 4 current address and telephone number of the person and the 5 minor or incompetent person which are child that are contained 6 in the report made to a sheriff or state attorney under 7 paragraph (b) are confidential and exempt from s. 119.07(1) 8 and s. 24(a), Art. I of the State Constitution until the sheriff or state attorney completes his or her investigation 9 10 and determines that releasing the information would not jeopardize the safety of the person or the minor or 11 12 incompetent person. 13 2. A sheriff or state attorney may allow an agency, as defined in s. 119.011, to inspect and copy records or 14 information made confidential and exempt under this paragraph 15 exclusively for the purpose of the transaction of official 16 17 business by, or on behalf of, an agency. An agency that 18 receives the confidential and exempt information must maintain the confidentiality of that information. 19 20 21 This paragraph(7)(a) This section is subject to the Open 2.2 Government Sunset Review Act of 1995 in accordance with s. 23 119.15 and is repealed on October 2, 2011 2006, unless reviewed and saved from repeal through reenactment by the 2.4 25 Legislature. (b) Pursuant to s. 119.15, the Division of Statutory 26 27 Revision is directed to certify this section, in its entirety, in the list of Open Government Sunset Review exemptions to be 2.8 certified by June 1, 2005. 29 30 Section 2. The Legislature finds that it is a public necessity to expand an existing public-records exemption under 31

SB 710

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2Statutes, for certain information contained in a report to a3sheriff or state attorney made by a person who takes a minor4in order to escape domestic violence, avoid domestic violence,5or preserve the welfare of the minor. The6interference-with-custody statute does not apply if a person7who takes a minor under these circumstances reports his or her8and the minor's whereabouts to the sheriff or state attorney.9The statutory exception and prescribed procedures balance the10state's interest in protecting individuals from harm and11protecting individuals' custody rights by encouraging those12seeking shelter from these acts to report their location and13contact information to proper authorities. If the alleged14perpetrator of domestic violence were able to obtain the15address and telephone information contained in a report to the16sheriff or state attorney, he or she could locate or contact17the person who takes a minor and the minor exempt and19telephone number of that person and the minor exempt and20confidential protects their safety. For the same reasons, the21Legislature finds that it is a public necessity to expand this22public-records exemption to include the taking of an23incompetent person as well as to the taking of a24person younger than 18 years of age. In addition, the safety25taking of an incompetent person as well as the safety of a minor and26person seeking shelter	1	the interference-with-custody statute, s. 787.03, Florida
4in order to escape domestic violence, avoid domestic violence,5or preserve the welfare of the minor. The6interference-with-custody statute does not apply if a person7who takes a minor under these circumstances reports his or her8and the minor's whereabouts to the sheriff or state attorney.9The statutory exception and prescribed procedures balance the10state's interest in protecting individuals from harm and11protecting individuals' custody rights by encouraging those12seeking shelter from these acts to report their location and13contact information to proper authorities. If the alleged14perpetrator of domestic violence were able to obtain the15address and telephone information contained in a report to the16sheriff or state attorney, he or she could locate or contact17the person who takes a minor and the minor exempt and19telephone number of that person and the minor exempt and10confidential protects their safety. For the same reasons, the13incompetent person within the coverage of the exemption. The14underlying offense of interference with custody applies to the15taking of an incompetent person as well as to the taking of a16person younger than 18 years of age. In addition, the safety17of an incompetent person as wital as the safety of a minor and18a person seeking shelter with a minor. The underlying offense	2	Statutes, for certain information contained in a report to a
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19 telephone number of that person and the minor exempt and 20 confidential protects their safety. For the same reasons, the 21 Leqislature finds that it is a public necessity to expand this 22 public-records exemption to include the taking of an 3 incompetent person within the coverage of the exemption. The 4 underlying offense of interference with custody applies to the 5 taking of an incompetent person as well as to the taking of a 26 person younger than 18 years of age. In addition, the safety 27 of an incompetent person and the person seeking shelter with 28 an incompetent person is as vital as the safety of a minor and 29 a person seeking shelter with a minor. The underlying offense	17	the person who takes a minor and the minor, thus exposing them
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28 an incompetent person is as vital as the safety of a minor and 29 a person seeking shelter with a minor. The underlying offense	26	person younger than 18 years of age. In addition, the safety
29 <u>a person seeking shelter with a minor. The underlying offense</u>	27	of an incompetent person and the person seeking shelter with
	28	an incompetent person is as vital as the safety of a minor and
30 of interference with custody envisions that an incompetent	29	a person seeking shelter with a minor. The underlying offense
	30	of interference with custody envisions that an incompetent
31 person is as vulnerable as a minor. Therefore, the Legislature	31	person is as vulnerable as a minor. Therefore, the Legislature

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CODING: Words stricken are deletions; words <u>underlined</u> are additions.

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finds that the public-records exemption should apply to the
address and telephone number of the person who takes an
incompetent person and the incompetent person which are
contained in a report submitted to a sheriff or state attorney
as prescribed in the interference-with-custody statute.
Including information concerning the taking of incompetent
persons within the coverage of the public-records exemption is
necessary to avoid jeopardizing the safety of incompetent
persons and those who seek shelter with incompetent persons in
order to escape domestic violence or to preserve the welfare
of the incompetent persons. If persons seeking shelter with
minors or incompetent persons knew that their addresses or

4 contained in a report su Y 5 as prescribed in the int б Including information co 7 persons within the cover .s 8 necessary to avoid jeopa 9 persons and those who se n 10 order to escape domestic of the incompetent perso 11 12 minors or incompetent pe 13 telephone numbers could be obtained through the reports to the sheriff or state attorney, they would fear for their safety 14 and be unlikely to make the reports, as provided under the 15 statute, thereby thwarting the public policy of encouraging 16 17 the resolution of allegations of interference with custody while also protecting individuals from harm. The 18 public-records exemption, therefore, principally protects the 19 safety of individuals, but also promotes the effective and 20 21 efficient administration of the interference-with-custody 22 statute. 23 Section 3. This act shall take effect October 1, 2006, if Senate Bill ____, or similar legislation amending section 2.4 787.03, Florida Statutes, is adopted in the same legislative 25 session, or an extension thereof, and becomes law. 26 27 28 29 30 31

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Florida Senate - 2006 590-596C-06

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2	SENATE SUMMARY
3	Revises the exemption from public-records requirements provided for information reported to a sheriff or state
 4 attorney under the interference-with-custody statut Eliminates an exemption provided for the name of th 5 person who effects the taking. Includes within the exemption certain information that is reported purs 6 to the taking of an incompetent person. Provides for 	attorney under the interference-with-custody statute.
	person who effects the taking. Includes within the
	to the taking of an incompetent person. Provides for future legislative review and repeal of the exemption
7	under the Open Government Sunset Review Act.
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SB 710

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