

HB 7113

2006

1                                   A bill to be entitled  
 2           An act relating to a review under the Open Government  
 3           Sunset Review Act regarding the public records exemption  
 4           for the interference with custody statute; amending s.  
 5           787.03, F.S.; expanding the public records exemption for  
 6           specified information contained in a report made to a  
 7           sheriff or state attorney as part of a statutory exception  
 8           to the offense of interference with custody; providing  
 9           that the address and telephone number of a minor or  
 10          incompetent person contained in such report is  
 11          confidential and exempt from public records requirements;  
 12          providing an exception to the exemption; providing for  
 13          review and repeal; providing a statement of public  
 14          necessity; providing a contingent effective date.

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

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 18           Section 1. Paragraph (c) of subsection (6) and subsection  
 19           (7) of section 787.03, Florida Statutes, are amended to read:

20           787.03 Interference with custody.--

21           (6)

22           (c)1. ~~The name of the person taking the child and~~ The  
 23           current address and telephone number of the person and the minor  
 24           or incompetent person which are ~~child that are~~ contained in the  
 25           report made to a sheriff or state attorney under paragraph (b)  
 26           are confidential and exempt from s. 119.07(1) and s. 24(a), Art.  
 27           I of the State Constitution.

28           2. A sheriff or state attorney may allow an agency, as

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29 defined in s. 119.011, to inspect and copy records made  
30 confidential and exempt under this paragraph in the furtherance  
31 of that agency's duties and responsibilities.

32 ~~3.(7)(a)~~ This paragraph ~~section~~ is subject to the Open  
33 Government Sunset Review Act ~~of 1995~~ in accordance with s.  
34 119.15 and is repealed on October 2, ~~2011~~ 2006, unless reviewed  
35 and saved from repeal through reenactment by the Legislature.

36 ~~(b) Pursuant to s. 119.15, the Division of Statutory~~  
37 ~~Revision is directed to certify this section, in its entirety,~~  
38 ~~in the list of Open Government Sunset Review exemptions to be~~  
39 ~~certified by June 1, 2005.~~

40 Section 2. The Legislature finds that it is a public  
41 necessity to expand the public records exemption for certain  
42 information contained in a report to a sheriff or state attorney  
43 made by a person who takes a minor in order to escape domestic  
44 violence, avoid domestic violence, or preserve the welfare of  
45 the minor. If an alleged perpetrator of domestic violence were  
46 able to obtain the address and telephone information contained  
47 in a report to the sheriff or state attorney under s. 787.03,  
48 Florida Statutes, he or she could locate or contact the minor  
49 and the person who removes the minor from a situation of actual  
50 or imminent domestic violence or jeopardized welfare, thus  
51 exposing them to potential additional harm. Keeping the address  
52 and telephone number of that person and the minor confidential  
53 and exempt protects their safety. For the same reasons, the  
54 Legislature finds that it is a public necessity to expand this  
55 public records exemption to include the taking of an incompetent  
56 person within the coverage of the exemption. The underlying

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57 offense of interference with custody applies to the taking of an  
58 incompetent person as well as to the taking of a person younger  
59 than 18 years of age. In addition, the safety of an incompetent  
60 person and the person seeking shelter with an incompetent person  
61 is as vital as the safety of a minor and a person seeking  
62 shelter with a minor. The underlying offense of interference  
63 with custody envisions that an incompetent person is as  
64 vulnerable as a minor. Therefore, the Legislature finds that the  
65 public records exemption should apply to the address and  
66 telephone number of the incompetent person and the person who  
67 removes the incompetent person from a situation of actual or  
68 imminent domestic violence or jeopardized welfare contained in a  
69 report submitted to a sheriff or state attorney as prescribed in  
70 s. 787.03, Florida Statutes. If persons seeking shelter with  
71 minors or incompetent persons to escape domestic violence knew  
72 that their addresses or telephone numbers could be obtained  
73 through the reports to the sheriff or state attorney, they would  
74 fear for their safety and would most likely refrain from making  
75 the required reports, thereby thwarting the public policy of  
76 encouraging the resolution of allegations of interference with  
77 custody while also protecting individuals from harm. The public  
78 records exemption, therefore, principally protects the safety of  
79 individuals but also promotes the effective and efficient  
80 administration of the interference with custody statute.

81 Section 3. This act shall take effect October 1, 2006, if  
82 House Bill 7111 or similar legislation amending section 787.03,  
83 Florida Statutes, is adopted in the same legislative session or  
84 an extension thereof and becomes law.