

ENROLLED
 HB 7113

2006 Legislature

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.

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 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 34 119.15 and is repealed on October 2, ~~2011~~ 2006, unless reviewed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.