

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Criminal Justice  
 2 Subcommittee

3 Representative Harrell offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 68-154 and insert:

7 for protection against domestic violence was served. When a  
 8 petitioner makes a request for notification, the Florida  
 9 Association of Court Clerks and Comptrollers must apprise the  
 10 petitioner of her or his right to request in writing that the  
 11 information specified in sub-subparagraph b. be held exempt from  
 12 public records requirements for 5 years. The Florida Association  
 13 of Court Clerks and Comptrollers may apply for any available  
 14 grants to fund the development of the automated process.

15 b. Information held by the Florida Association of Court  
 16 Clerks and Comptrollers and law enforcement agencies in  
 17 conjunction with the automated process developed under sub-  
 18 subparagraph a. which reveals the home or employment telephone  
 19 number, cellular telephone number, home or employment address,

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20 electronic mail address, or other electronic means of  
21 identification of a petitioner requesting notification of  
22 service of an injunction for protection against domestic  
23 violence and other court actions related to the injunction for  
24 protection is exempt from s. 119.07(1) and s. 24(a), Art. I of  
25 the State Constitution, upon written request by the petitioner.  
26 Such information shall cease to be exempt 5 years after the  
27 receipt of the written request. Any state or federal agency that  
28 is authorized to have access to such documents by any provision  
29 of law shall be granted such access in the furtherance of such  
30 agency's statutory duties, notwithstanding this sub-  
31 subparagraph. This sub-subparagraph is subject to the Open  
32 Government Sunset Review Act in accordance with s. 119.15 and  
33 shall stand repealed on October 2, 2017, unless reviewed and  
34 saved from repeal through reenactment by the Legislature.

35 6. Within 24 hours after an injunction for protection  
36 against domestic violence is vacated, terminated, or otherwise  
37 rendered no longer effective by ruling of the court, the clerk  
38 of the court must notify the sheriff receiving original  
39 notification of the injunction as provided in subparagraph 2.  
40 That agency shall, within 24 hours after receiving such  
41 notification from the clerk of the court, notify the department  
42 of such action of the court.

43 Section 2. Paragraph (c) of subsection (8) of section  
44 784.046, Florida Statutes, is amended to read:

45 784.046 Action by victim of repeat violence, sexual  
46 violence, or dating violence for protective injunction; dating

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47 | violence investigations, notice to victims, and reporting;  
48 | pretrial release violations; public records exemption.-

49 | (8)

50 | (c)1. Within 24 hours after the court issues an injunction  
51 | for protection against repeat violence, sexual violence, or  
52 | dating violence or changes or vacates an injunction for  
53 | protection against repeat violence, sexual violence, or dating  
54 | violence, the clerk of the court must forward a copy of the  
55 | injunction to the sheriff with jurisdiction over the residence  
56 | of the petitioner.

57 | 2. Within 24 hours after service of process of an  
58 | injunction for protection against repeat violence, sexual  
59 | violence, or dating violence upon a respondent, the law  
60 | enforcement officer must forward the written proof of service of  
61 | process to the sheriff with jurisdiction over the residence of  
62 | the petitioner.

63 | 3. Within 24 hours after the sheriff receives a certified  
64 | copy of the injunction for protection against repeat violence,  
65 | sexual violence, or dating violence, the sheriff must make  
66 | information relating to the injunction available to other law  
67 | enforcement agencies by electronically transmitting such  
68 | information to the department.

69 | 4. Within 24 hours after the sheriff or other law  
70 | enforcement officer has made service upon the respondent and the  
71 | sheriff has been so notified, the sheriff must make information  
72 | relating to the service available to other law enforcement  
73 | agencies by electronically transmitting such information to the  
74 | department.

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75       5.a. Subject to available funding, the Florida Association  
76 of Court Clerks and Comptrollers shall develop an automated  
77 process by which a petitioner may request notification of  
78 service of the injunction for protection against repeat  
79 violence, sexual violence, or dating violence and other court  
80 actions related to the injunction for protection. The automated  
81 notice shall be made within 12 hours after the sheriff or other  
82 law enforcement officer serves the injunction upon the  
83 respondent. The notification must include, at a minimum, the  
84 date, time, and location where the injunction for protection  
85 against repeat violence, sexual violence, or dating violence was  
86 served. When a petitioner makes a request for notification, the  
87 Florida Association of Court Clerks and Comptrollers must  
88 apprise the petitioner of her or his right to request in writing  
89 that the information specified in sub-subparagraph b. be held  
90 exempt from public records requirements for 5 years. The Florida  
91 Association of Court Clerks and Comptrollers may apply for any  
92 available grants to fund the development of the automated  
93 process.

94       b. Information held by the Florida Association of Court  
95 Clerks and Comptrollers and law enforcement agencies in  
96 conjunction with the automated

97  
98 -----  
99                   **T I T L E   A M E N D M E N T**

100       Remove lines 8-19 and insert:

101       Comptrollers and law enforcement agencies in conjunction with  
102       the automated process developed by the association by which a  
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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1193 (2012)

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103 petitioner may request notification of service of an injunction  
104 for protection against domestic violence, repeat violence,  
105 sexual violence, or dating violence and other court actions  
106 related to the injunction for protection; providing that the  
107 exemption is conditional upon the petitioner's request;  
108 providing specified duration of the exemption; providing for  
109 access by state or federal agencies in furtherance of the  
110 agencies' statutory duties; providing that the Florida  
111 Association of Court Clerks and Comptrollers

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