

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1193 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN (Y/N)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

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Jones offered the following:

3
4 **Amendment (with title amendment)**

5 Remove lines 70-191 and insert:

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

13 b. Upon implementation of the automated process,
14 information held by clerks and law enforcement agencies in
15 conjunction with the automated process developed under sub-
16 subparagraph a. which reveals the home or employment telephone
17 number, cellular telephone number, home or employment address,
18 electronic mail address, or other electronic means of
19 identification of a petitioner requesting notification of

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31 shall stand repealed on October 2, 2017, unless reviewed and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

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

41 Section 2. Paragraph (c) of subsection (8) of section
42 784.046, Florida Statutes, is amended to read:

43 784.046 Action by victim of repeat violence, sexual
44 violence, or dating violence for protective injunction; dating
45 violence investigations, notice to victims, and reporting;
46 pretrial release violations; public records exemption.-

47 (8)

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

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

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

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

73 5.a. Subject to available funding, the Florida Association
74 of Court Clerks and Comptrollers shall develop an automated
75 process by which a petitioner may request notification of

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

91 b. Upon implementation of the automated process,
92 information held by clerks and law enforcement agencies in
93 conjunction with the automated process developed under sub-
94 subparagraph a. which reveals the home or employment telephone
95 number, cellular telephone number, home or employment address,
96 electronic mail address, or other electronic means of
97 identification of a petitioner requesting notification of
98 service of an injunction for protection against repeat violence,
99 sexual violence, or dating violence and other court actions
100 related to the injunction for protection is exempt from s.
101 119.07(1) and s. 24(a), Art. I of the State Constitution, upon
102 written request by the petitioner. Such information shall cease
103 to be exempt 5 years after the receipt of the written request.

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104 Any state or federal agency that is authorized to have access to
105 such documents by any provision of law shall be granted such
106 access in the furtherance of such agency's statutory duties,
107 notwithstanding this sub-subparagraph. This sub-subparagraph is
108 subject to the Open Government Sunset Review Act in accordance
109 with s. 119.15 and shall stand repealed on October 2, 2017,
110 unless reviewed and saved from repeal through reenactment by the
111 Legislature.

112 6. Within 24 hours after an injunction for protection
113 against repeat violence, sexual violence, or dating violence is
114 lifted, terminated, or otherwise rendered no longer effective by
115 ruling of the court, the clerk of the court must notify the
116 sheriff or local law enforcement agency receiving original
117 notification of the injunction as provided in subparagraph 2.
118 That agency shall, within 24 hours after receiving such
119 notification from the clerk of the court, notify the department
120 of such action of the court.

121 Section 3. It is the finding of the Legislature that it is
122 a public necessity that personal identifying and location
123 information of victims of domestic violence, repeat violence,
124 sexual violence, and dating violence held by the clerks and law
125 enforcement agencies in conjunction with the automated process
126 developed by

127 -----

128 **T I T L E A M E N D M E N T**

129 Remove lines 7-20 and insert:

130 held by the clerks and law enforcement agencies in conjunction
131 with the automated process developed by the association by which
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132 a petitioner may request notification of service of an
133 injunction for protection against domestic violence, repeat
134 violence, sexual violence, or dating violence and other court
135 actions related to the injunction for protection; providing that
136 the exemption is conditional upon the petitioner's request;
137 providing specified duration of the exemption; providing for
138 access by state or federal agencies in furtherance of the
139 agencies' statutory duties; providing that the clerk must

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