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1                   A bill to be entitled  
2           An act relating to public records; amending ss. 741.30  
3           and 784.046, F.S.; providing exemptions from public  
4           records requirements for personal identifying and  
5           location information of victims of domestic violence,  
6           repeat violence, sexual violence, and dating violence  
7           held by the Florida Association of Court Clerks and  
8           Comptrollers in conjunction with the automated process  
9           developed by the association by which a petitioner may  
10          request notification of service of an injunction for  
11          protection against domestic violence, repeat violence,  
12          sexual violence, or dating violence and other court  
13          actions related to the injunction for protection;  
14          providing that the exemption is conditional upon the  
15          petitioner's request; providing specified duration of  
16          the exemption; providing for access by state or  
17          federal agencies in furtherance of the agencies'  
18          statutory duties; providing that notification to the  
19          petitioner of service of the injunction for protection  
20          must inform the petitioner of the right to request  
21          that the identifying and location information be held  
22          exempt from public records requirements; providing for  
23          future legislative review and repeal of the  
24          exemptions; providing a statement of public necessity;  
25          providing an effective 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 (8) of section  
30 741.30, Florida Statutes, is amended to read:

31 741.30 Domestic violence; injunction; powers and duties of  
32 court and clerk; petition; notice and hearing; temporary  
33 injunction; issuance of injunction; statewide verification  
34 system; enforcement; public records exemption.-

35 (8)

36 (c)1. Within 24 hours after the court issues an injunction  
37 for protection against domestic violence or changes, continues,  
38 extends, or vacates an injunction for protection against  
39 domestic violence, the clerk of the court must forward a  
40 certified copy of the injunction for service to the sheriff with  
41 jurisdiction over the residence of the petitioner. The  
42 injunction must be served in accordance with this subsection.

43 2. Within 24 hours after service of process of an  
44 injunction for protection against domestic violence upon a  
45 respondent, the law enforcement officer must forward the written  
46 proof of service of process to the sheriff with jurisdiction  
47 over the residence of the petitioner.

48 3. Within 24 hours after the sheriff receives a certified  
49 copy of the injunction for protection against domestic violence,  
50 the sheriff must make information relating to the injunction  
51 available to other law enforcement agencies by electronically  
52 transmitting such information to the department.

53 4. Within 24 hours after the sheriff or other law  
54 enforcement officer has made service upon the respondent and the  
55 sheriff has been so notified, the sheriff must make information  
56 relating to the service available to other law enforcement

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57 agencies by electronically transmitting such information to the  
58 department.

59 5.a. Subject to available funding, the Florida Association  
60 of Court Clerks and Comptrollers shall develop an automated  
61 process by which a petitioner may request notification of  
62 service of the injunction for protection against domestic  
63 violence and other court actions related to the injunction for  
64 protection. The automated notice shall be made within 12 hours  
65 after the sheriff or other law enforcement officer serves the  
66 injunction upon the respondent. The notification must include,  
67 at a minimum, the date, time, and location where the injunction  
68 for protection against domestic violence was served, and must  
69 apprise the petitioner of her or his right to request in writing  
70 that the information specified in sub-subparagraph b. be held  
71 exempt from public records requirements for 5 years after the  
72 receipt of the written request. The Florida Association of Court  
73 Clerks and Comptrollers may apply for any available grants to  
74 fund the development of the automated process.

75 b. Information held by the Florida Association of Court  
76 Clerks and Comptrollers in conjunction with the automated  
77 process developed under sub-subparagraph a. which reveals the  
78 home or employment telephone number, cellular telephone number,  
79 home or employment address, electronic mail address, or other  
80 electronic means of identification of a petitioner requesting  
81 notification of service of an injunction for protection against  
82 domestic violence and other court actions related to the  
83 injunction for protection is exempt from s. 119.07(1) and s.  
84 24(a), Art. I of the State Constitution, upon written request by

85 the petitioner. Such information shall cease to be exempt 5  
 86 years after the receipt of the written request. Any state or  
 87 federal agency that is authorized to have access to such  
 88 documents by any provision of law shall be granted such access  
 89 in the furtherance of such agency's statutory duties,  
 90 notwithstanding this sub-subparagraph. This sub-subparagraph is  
 91 subject to the Open Government Sunset Review Act in accordance  
 92 with s. 119.15 and shall stand repealed on October 2, 2017,  
 93 unless reviewed and saved from repeal through reenactment by the  
 94 Legislature.

95 6. Within 24 hours after an injunction for protection  
 96 against domestic violence is vacated, terminated, or otherwise  
 97 rendered no longer effective by ruling of the court, the clerk  
 98 of the court must notify the sheriff receiving original  
 99 notification of the injunction as provided in subparagraph 2.  
 100 That agency shall, within 24 hours after receiving such  
 101 notification from the clerk of the court, notify the department  
 102 of such action of the court.

103 Section 2. Paragraph (c) of subsection (8) of section  
 104 784.046, Florida Statutes, is amended to read:

105 784.046 Action by victim of repeat violence, sexual  
 106 violence, or dating violence for protective injunction; dating  
 107 violence investigations, notice to victims, and reporting;  
 108 pretrial release violations; public records exemption.—

109 (8)

110 (c)1. Within 24 hours after the court issues an injunction  
 111 for protection against repeat violence, sexual violence, or  
 112 dating violence or changes or vacates an injunction for

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113 protection against repeat violence, sexual violence, or dating  
114 violence, the clerk of the court must forward a copy of the  
115 injunction to the sheriff with jurisdiction over the residence  
116 of the petitioner.

117 2. Within 24 hours after service of process of an  
118 injunction for protection against repeat violence, sexual  
119 violence, or dating violence upon a respondent, the law  
120 enforcement officer must forward the written proof of service of  
121 process to the sheriff with jurisdiction over the residence of  
122 the petitioner.

123 3. Within 24 hours after the sheriff receives a certified  
124 copy of the injunction for protection against repeat violence,  
125 sexual violence, or dating violence, the sheriff must make  
126 information relating to the injunction available to other law  
127 enforcement agencies by electronically transmitting such  
128 information to the department.

129 4. Within 24 hours after the sheriff or other law  
130 enforcement officer has made service upon the respondent and the  
131 sheriff has been so notified, the sheriff must make information  
132 relating to the service available to other law enforcement  
133 agencies by electronically transmitting such information to the  
134 department.

135 5.a. Subject to available funding, the Florida Association  
136 of Court Clerks and Comptrollers shall develop an automated  
137 process by which a petitioner may request notification of  
138 service of the injunction for protection against repeat  
139 violence, sexual violence, or dating violence and other court  
140 actions related to the injunction for protection. The automated

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141 notice shall be made within 12 hours after the sheriff or other  
142 law enforcement officer serves the injunction upon the  
143 respondent. The notification must include, at a minimum, the  
144 date, time, and location where the injunction for protection  
145 against repeat violence, sexual violence, or dating violence was  
146 served, and must apprise the petitioner of her or his right to  
147 request in writing that the information specified in sub-  
148 subparagraph b. be held exempt from public records requirements  
149 for 5 years after the receipt of the written request. The  
150 Florida Association of Court Clerks and Comptrollers may apply  
151 for any available grants to fund the development of the  
152 automated process.

153 b. Information held by the Florida Association of Court  
154 Clerks and Comptrollers in conjunction with the automated  
155 process developed under sub-subparagraph a. which reveals the  
156 home or employment telephone number, cellular telephone number,  
157 home or employment address, electronic mail address, or other  
158 electronic means of identification of a petitioner requesting  
159 notification of service of an injunction for protection against  
160 repeat violence, sexual violence, or dating violence and other  
161 court actions related to the injunction for protection is  
162 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
163 Constitution, upon written request by the petitioner. Such  
164 information shall cease to be exempt 5 years after the receipt  
165 of the written request. Any state or federal agency that is  
166 authorized to have access to such documents by any provision of  
167 law shall be granted such access in the furtherance of such  
168 agency's statutory duties, notwithstanding this sub-

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169 subparagraph. This sub-subparagraph is subject to the Open  
170 Government Sunset Review Act in accordance with s. 119.15 and  
171 shall stand repealed on October 2, 2017, unless reviewed and  
172 saved from repeal through reenactment by the Legislature.

173 6. Within 24 hours after an injunction for protection  
174 against repeat violence, sexual violence, or dating violence is  
175 lifted, terminated, or otherwise rendered no longer effective by  
176 ruling of the court, the clerk of the court must notify the  
177 sheriff or local law enforcement agency receiving original  
178 notification of the injunction as provided in subparagraph 2.  
179 That agency shall, within 24 hours after receiving such  
180 notification from the clerk of the court, notify the department  
181 of such action of the court.

182 Section 3. It is the finding of the Legislature that it is  
183 a public necessity that personal identifying and location  
184 information of victims of domestic violence, repeat violence,  
185 sexual violence, and dating violence held by the Florida  
186 Association of Court Clerks and Comptrollers in conjunction with  
187 the automated process developed by the association under ss.  
188 741.30 and 784.046, Florida Statutes, by which a petitioner may  
189 request notification of service of an injunction for protection  
190 against domestic violence, repeat violence, sexual violence, or  
191 dating violence and other court actions related to the  
192 injunction for protection be held confidential and exempt from  
193 s. 119.07(1), Florida Statutes, and s. 24(a), Art. I of the  
194 State Constitution upon written request by the petitioner. Such  
195 information, if publicly available, could expose the victims of  
196 domestic violence, repeat violence, sexual violence, and dating

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197 violence to public humiliation and shame and could inhibit the  
198 victim from availing herself or himself of relief provided under  
199 state law. Additionally, if such information were publicly  
200 available, it could be used by the partner or former partner of  
201 the victim of domestic violence, repeat violence, sexual  
202 violence, or dating violence to determine the location of the  
203 victim, thus placing the victim in jeopardy.

204 Section 4. This act shall take effect October 1, 2012.