

ENROLLED  
CS/CS/HB 1193

2012 Legislature

1  
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 clerks and law enforcement agencies in  
8 conjunction with the automated process developed by  
9 the association by which a petitioner may request  
10 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 the clerk must inform  
19 the petitioner of the right to request that the  
20 identifying and location information be held exempt  
21 from public records requirements; providing for future  
22 legislative review and repeal of the exemptions;  
23 providing a statement of public necessity; providing  
24 an effective date.

25  
26 Be It Enacted by the Legislature of the State of Florida:  
27

ENROLLED  
CS/CS/HB 1193

2012 Legislature

28 Section 1. Paragraph (c) of subsection (8) of section  
29 741.30, Florida Statutes, is amended to read:

30 741.30 Domestic violence; injunction; powers and duties of  
31 court and clerk; petition; notice and hearing; temporary  
32 injunction; issuance of injunction; statewide verification  
33 system; enforcement; public records exemption.-

34 (8)

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

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

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

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

ENROLLED  
CS/CS/HB 1193

2012 Legislature

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

58 5.a. Subject to available funding, the Florida Association  
59 of Court Clerks and Comptrollers shall develop an automated  
60 process by which a petitioner may request notification of  
61 service of the injunction for protection against domestic  
62 violence and other court actions related to the injunction for  
63 protection. The automated notice shall be made within 12 hours  
64 after the sheriff or other law enforcement officer serves the  
65 injunction upon the respondent. The notification must include,  
66 at a minimum, the date, time, and location where the injunction  
67 for protection against domestic violence was served. When a  
68 petitioner makes a request for notification, the clerk 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. The Florida  
72 Association of Court Clerks and Comptrollers may apply for any  
73 available grants to fund the development of the automated  
74 process.

75 b. Upon implementation of the automated process,  
76 information held by clerks and law enforcement agencies in  
77 conjunction with the automated process developed under sub-  
78 subparagraph a. which reveals the home or employment telephone  
79 number, cellular telephone number, home or employment address,  
80 electronic mail address, or other electronic means of  
81 identification of a petitioner requesting notification of  
82 service of an injunction for protection against domestic  
83 violence and other court actions related to the injunction for

ENROLLED  
CS/CS/HB 1193

2012 Legislature

84 protection is exempt from s. 119.07(1) and s. 24(a), Art. I of  
 85 the State Constitution, upon written request by the petitioner.  
 86 Such information shall cease to be exempt 5 years after the  
 87 receipt of the written request. Any state or federal agency that  
 88 is authorized to have access to such documents by any provision  
 89 of law shall be granted such access in the furtherance of such  
 90 agency's statutory duties, notwithstanding this sub-  
 91 subparagraph. This sub-subparagraph is subject to the Open  
 92 Government Sunset Review Act in accordance with s. 119.15 and  
 93 shall stand repealed on October 2, 2017, unless reviewed and  
 94 saved from repeal through reenactment by the 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

ENROLLED  
CS/CS/HB 1193

2012 Legislature

112 dating violence or changes or vacates an injunction for  
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

ENROLLED  
CS/CS/HB 1193

2012 Legislature

140 actions related to the injunction for protection. The automated  
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. When a petitioner makes a request for notification, the  
147 clerk must apprise the petitioner of her or his right to request  
148 in writing that the information specified in sub-subparagraph b.  
149 be held exempt from public records requirements for 5 years. 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. Upon implementation of the automated process,  
154 information held by clerks and law enforcement agencies in  
155 conjunction with the automated process developed under sub-  
156 subparagraph a. which reveals the home or employment telephone  
157 number, cellular telephone number, home or employment address,  
158 electronic mail address, or other electronic means of  
159 identification of a petitioner requesting notification of  
160 service of an injunction for protection against repeat violence,  
161 sexual violence, or dating violence and other court actions  
162 related to the injunction for protection is exempt from s.  
163 119.07(1) and s. 24(a), Art. I of the State Constitution, upon  
164 written request by the petitioner. Such information shall cease  
165 to be exempt 5 years after the receipt of the written request.  
166 Any state or federal agency that is authorized to have access to  
167 such documents by any provision of law shall be granted such

ENROLLED  
CS/CS/HB 1193

2012 Legislature

168 access in the furtherance of such agency's statutory duties,  
169 notwithstanding this sub-subparagraph. This sub-subparagraph is  
170 subject to the Open Government Sunset Review Act in accordance  
171 with s. 119.15 and shall stand repealed on October 2, 2017,  
172 unless reviewed and saved from repeal through reenactment by the  
173 Legislature.

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

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

ENROLLED  
CS/CS/HB 1193

2012 Legislature

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

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