



890424

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/16/2012	.	
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The Committee on Governmental Oversight and Accountability
(Siplin) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

(8)

(c)1. Within 24 hours after the court issues an injunction



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13 for protection against domestic violence or changes, continues,
14 extends, or vacates an injunction for protection against
15 domestic violence, the clerk of the court must forward a
16 certified copy of the injunction for service to the sheriff with
17 jurisdiction over the residence of the petitioner. The
18 injunction must be served in accordance with this subsection.

19 2. Within 24 hours after service of process of an
20 injunction for protection against domestic violence upon a
21 respondent, the law enforcement officer must forward the written
22 proof of service of process to the sheriff with jurisdiction
23 over the residence of the petitioner.

24 3. Within 24 hours after the sheriff receives a certified
25 copy of the injunction for protection against domestic violence,
26 the sheriff must make information relating to the injunction
27 available to other law enforcement agencies by electronically
28 transmitting such information to the department.

29 4. Within 24 hours after the sheriff or other law
30 enforcement officer has made service upon the respondent and the
31 sheriff has been so notified, the sheriff must make information
32 relating to the service available to other law enforcement
33 agencies by electronically transmitting such information to the
34 department.

35 5.a. Subject to available funding, the Florida Association
36 of Court Clerks and Comptrollers shall develop an automated
37 process by which a petitioner may request notification of
38 service of the injunction for protection against domestic
39 violence and other court actions related to the injunction for
40 protection. The automated notice shall be made within 12 hours
41 after the sheriff or other law enforcement officer serves the



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42 injunction upon the respondent. The notification must include,
43 at a minimum, the date, time, and location where the injunction
44 for protection against domestic violence was served. When a
45 petitioner makes a request for notification, the clerk must
46 apprise the petitioner of her or his right to request in writing
47 that the information specified in sub-subparagraph b. be held
48 exempt from public records requirements for 5 years. The Florida
49 Association of Court Clerks and Comptrollers may apply for any
50 available grants to fund the development of the automated
51 process.

52 b. Upon implementation of the automated process,
53 information held by clerks and law enforcement agencies in
54 conjunction with the automated process developed under sub-
55 subparagraph a. which reveals the home or employment telephone
56 number, cellular telephone number, home or employment address,
57 electronic mail address, or other electronic means of
58 identification of a petitioner requesting notification of
59 service of an injunction for protection against domestic
60 violence and other court actions related to the injunction for
61 protection is exempt from s. 119.07(1) and s. 24(a), Art. I of
62 the State Constitution, upon written request by the petitioner.
63 Such information shall cease to be exempt 5 years after the
64 receipt of the written request. Any state or federal agency that
65 is authorized to have access to such documents by any provision
66 of law shall be granted such access in the furtherance of such
67 agency's statutory duties, notwithstanding this sub-
68 subparagraph. This sub-subparagraph is subject to the Open
69 Government Sunset Review Act in accordance with s. 119.15 and
70 shall stand repealed on October 2, 2017, unless reviewed and



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71 saved from repeal through reenactment by the Legislature.

72 6. Within 24 hours after an injunction for protection
73 against domestic violence is vacated, terminated, or otherwise
74 rendered no longer effective by ruling of the court, the clerk
75 of the court must notify the sheriff receiving original
76 notification of the injunction as provided in subparagraph 2.
77 That agency shall, within 24 hours after receiving such
78 notification from the clerk of the court, notify the department
79 of such action of the court.

80 Section 2. Paragraph (c) of subsection (8) of section
81 784.046, Florida Statutes, is amended to read:

82 784.046 Action by victim of repeat violence, sexual
83 violence, or dating violence for protective injunction; dating
84 violence investigations, notice to victims, and reporting;
85 pretrial release violations; public records exemption.—

86 (8)

87 (c)1. Within 24 hours after the court issues an injunction
88 for protection against repeat violence, sexual violence, or
89 dating violence or changes or vacates an injunction for
90 protection against repeat violence, sexual violence, or dating
91 violence, the clerk of the court must forward a copy of the
92 injunction to the sheriff with jurisdiction over the residence
93 of the petitioner.

94 2. Within 24 hours after service of process of an
95 injunction for protection against repeat violence, sexual
96 violence, or dating violence upon a respondent, the law
97 enforcement officer must forward the written proof of service of
98 process to the sheriff with jurisdiction over the residence of
99 the petitioner.



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100 3. Within 24 hours after the sheriff receives a certified
101 copy of the injunction for protection against repeat violence,
102 sexual violence, or dating violence, the sheriff must make
103 information relating to the injunction available to other law
104 enforcement agencies by electronically transmitting such
105 information to the department.

106 4. Within 24 hours after the sheriff or other law
107 enforcement officer has made service upon the respondent and the
108 sheriff has been so notified, the sheriff must make information
109 relating to the service available to other law enforcement
110 agencies by electronically transmitting such information to the
111 department.

112 5.a. Subject to available funding, the Florida Association
113 of Court Clerks and Comptrollers shall develop an automated
114 process by which a petitioner may request notification of
115 service of the injunction for protection against repeat
116 violence, sexual violence, or dating violence and other court
117 actions related to the injunction for protection. The automated
118 notice shall be made within 12 hours after the sheriff or other
119 law enforcement officer serves the injunction upon the
120 respondent. The notification must include, at a minimum, the
121 date, time, and location where the injunction for protection
122 against repeat violence, sexual violence, or dating violence was
123 served. When a petitioner makes a request for notification, the
124 clerk must apprise the petitioner of her or his right to request
125 in writing that the information specified in sub-subparagraph b.
126 be held exempt from public records requirements for 5 years. The
127 Florida Association of Court Clerks and Comptrollers may apply
128 for any available grants to fund the development of the



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129 automated process.

130 b. Upon implementation of the automated process,
131 information held by clerks and law enforcement agencies in
132 conjunction with the automated process developed under sub-
133 subparagraph a. which reveals the home or employment telephone
134 number, cellular telephone number, home or employment address,
135 electronic mail address, or other electronic means of
136 identification of a petitioner requesting notification of
137 service of an injunction for protection against repeat violence,
138 sexual violence, or dating violence and other court actions
139 related to the injunction for protection is exempt from s.
140 119.07(1) and s. 24(a), Art. I of the State Constitution, upon
141 written request by the petitioner. Such information shall cease
142 to be exempt 5 years after the receipt of the written request.
143 Any state or federal agency that is authorized to have access to
144 such documents by any provision of law shall be granted such
145 access in the furtherance of such agency's statutory duties,
146 notwithstanding this sub-subparagraph. This sub-subparagraph is
147 subject to the Open Government Sunset Review Act in accordance
148 with s. 119.15 and shall stand repealed on October 2, 2017,
149 unless reviewed and saved from repeal through reenactment by the
150 Legislature.

151 6. Within 24 hours after an injunction for protection
152 against repeat violence, sexual violence, or dating violence is
153 lifted, terminated, or otherwise rendered no longer effective by
154 ruling of the court, the clerk of the court must notify the
155 sheriff or local law enforcement agency receiving original
156 notification of the injunction as provided in subparagraph 2.
157 That agency shall, within 24 hours after receiving such



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158 notification from the clerk of the court, notify the department
159 of such action of the court.

160 Section 3. It is the finding of the Legislature that it is
161 a public necessity that personal identifying and location
162 information of victims of domestic violence, repeat violence,
163 sexual violence, and dating violence held by the clerks and law
164 enforcement agencies in conjunction with the automated process
165 developed by the Florida Association of Court Clerks and
166 Comptrollers under ss. 741.30 and 784.046, Florida Statutes, by
167 which a petitioner may request notification of service of an
168 injunction for protection against domestic violence, repeat
169 violence, sexual violence, or dating violence and other court
170 actions related to the injunction for protection be held exempt
171 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
172 the State Constitution upon written request by the petitioner.
173 Such information, if publicly available, could expose the
174 victims of domestic violence, repeat violence, sexual violence,
175 and dating violence to public humiliation and shame and could
176 inhibit the victim from availing herself or himself of relief
177 provided under state law. Additionally, if such information were
178 publicly available, it could be used by the partner or former
179 partner of the victim of domestic violence, repeat violence,
180 sexual violence, or dating violence to determine the location of
181 the victim, thus placing the victim in jeopardy.

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

183
184 ===== T I T L E A M E N D M E N T =====

185 And the title is amended as follows:

186 Delete everything before the enacting clause



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187 and insert:

188 A bill to be entitled
189 An act relating to public records; amending ss. 741.30
190 and 784.046, F.S.; providing exemptions from public
191 records requirements for personal identifying and
192 location information of victims of domestic violence,
193 repeat violence, sexual violence, and dating violence
194 held by the clerks and law enforcement agencies in
195 conjunction with the automated process developed by
196 the association by which a petitioner may request
197 notification of service of an injunction for
198 protection against domestic violence, repeat violence,
199 sexual violence, or dating violence and other court
200 actions related to the injunction for protection;
201 providing that the exemption is conditional upon the
202 petitioner's written request; providing specified
203 duration of the exemption; providing for access by
204 state or federal agencies in furtherance of the
205 agencies' statutory duties; requiring that the clerk
206 inform the petitioner of the right to request that the
207 identifying and location information be held exempt
208 from public records requirements; providing for future
209 legislative review and repeal of the exemptions;
210 providing a statement of public necessity; providing
211 an effective date.