

By Senator Joyner

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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:

28
29 Section 1. Paragraph (c) of subsection (8) of section

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

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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

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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
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.

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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
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

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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 exempt
162 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-
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

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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), Article 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
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.

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