

By the Committee on Judiciary; and Senator Joyner

590-02323-12

20121390c1

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 and law enforcement agencies in
9 conjunction with the automated process developed by
10 the association by which a petitioner may request
11 notification of service of an injunction for
12 protection against domestic violence, repeat violence,
13 sexual violence, or dating violence and other court
14 actions related to the injunction for protection;
15 providing that the exemption is conditional upon the
16 petitioner's request; providing specified duration of
17 the exemption; providing for access by state or
18 federal agencies in furtherance of the agencies'
19 statutory duties; providing that the Florida
20 Association of Court Clerks and Comptrollers must
21 inform the petitioner of the right to request that the
22 identifying and location information be held exempt
23 from public records requirements; providing for future
24 legislative review and repeal of the exemptions;
25 providing a statement of public necessity; providing
26 an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
29

590-02323-12

20121390c1

30 Section 1. Paragraph (c) of subsection (8) of section
31 741.30, Florida Statutes, is amended to read:

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

36 (8)

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

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

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

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

590-02323-12

20121390c1

59 department.

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

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

590-02323-12

20121390c1

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

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

105 Section 2. Paragraph (c) of subsection (8) of section
106 784.046, Florida Statutes, is amended to read:

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

111 (8)

112 (c)1. Within 24 hours after the court issues an injunction
113 for protection against repeat violence, sexual violence, or
114 dating violence or changes or vacates an injunction for
115 protection against repeat violence, sexual violence, or dating
116 violence, the clerk of the court must forward a copy of the

590-02323-12

20121390c1

117 injunction to the sheriff with jurisdiction over the residence
118 of the petitioner.

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

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

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

137 5.a. Subject to available funding, the Florida Association
138 of Court Clerks and Comptrollers shall develop an automated
139 process by which a petitioner may request notification of
140 service of the injunction for protection against repeat
141 violence, sexual violence, or dating violence and other court
142 actions related to the injunction for protection. The automated
143 notice shall be made within 12 hours after the sheriff or other
144 law enforcement officer serves the injunction upon the
145 respondent. The notification must include, at a minimum, the

590-02323-12

20121390c1

146 date, time, and location where the injunction for protection
147 against repeat violence, sexual violence, or dating violence was
148 served. When a petitioner makes a request for notification, the
149 Florida Association of Court Clerks and Comptrollers must
150 apprise the petitioner of her or his right to request in writing
151 that the information specified in sub-subparagraph b. be held
152 exempt from public records requirements for 5 years. The Florida
153 Association of Court Clerks and Comptrollers may apply for any
154 available grants to fund the development of the automated
155 process.

156 b. Information held by the Florida Association of Court
157 Clerks and Comptrollers and law enforcement agencies in
158 conjunction with the automated process developed under sub-
159 subparagraph a. which reveals the home or employment telephone
160 number, cellular telephone number, home or employment address,
161 electronic mail address, or other electronic means of
162 identification of a petitioner requesting notification of
163 service of an injunction for protection against repeat violence,
164 sexual violence, or dating violence and other court actions
165 related to the injunction for protection is exempt from s.
166 119.07(1) and s. 24(a), Art. I of the State Constitution, upon
167 written request by the petitioner. Such information shall cease
168 to be exempt 5 years after the receipt of the written request.
169 Any state or federal agency that is authorized to have access to
170 such documents by any provision of law shall be granted such
171 access in the furtherance of such agency's statutory duties,
172 notwithstanding this sub-subparagraph. This sub-subparagraph is
173 subject to the Open Government Sunset Review Act in accordance
174 with s. 119.15 and shall stand repealed on October 2, 2017,

590-02323-12

20121390c1

175 unless reviewed and saved from repeal through reenactment by the
176 Legislature.

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

186 Section 3. It is the finding of the Legislature that it is
187 a public necessity that personal identifying and location
188 information of victims of domestic violence, repeat violence,
189 sexual violence, and dating violence held by the Florida
190 Association of Court Clerks and Comptrollers and law enforcement
191 agencies in conjunction with the automated process developed by
192 the association under ss. 741.30 and 784.046, Florida Statutes,
193 by which a petitioner may request notification of service of an
194 injunction for protection against domestic violence, repeat
195 violence, sexual violence, or dating violence and other court
196 actions related to the injunction for protection be held exempt
197 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
198 the State Constitution upon written request by the petitioner.
199 Such information, if publicly available, could expose the
200 victims of domestic violence, repeat violence, sexual violence,
201 and dating violence to public humiliation and shame and could
202 inhibit the victim from availing herself or himself of relief
203 provided under state law. Additionally, if such information were

590-02323-12

20121390c1

204 publicly available, it could be used by the partner or former
205 partner of the victim of domestic violence, repeat violence,
206 sexual violence, or dating violence to determine the location of
207 the victim, thus placing the victim in jeopardy.

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