

By the Committees on Governmental Oversight and Accountability;
and Judiciary; and Senator Joyner

585-03563-12

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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 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 written request; providing specified
16 duration of the exemption; providing for access by
17 state or federal agencies in furtherance of the
18 agencies' statutory duties; requiring that the clerk
19 inform 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
28 Section 1. Paragraph (c) of subsection (8) of section
29 741.30, Florida Statutes, is amended to read:

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

58 5.a. Subject to available funding, the Florida Association

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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
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

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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
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. 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
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

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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 Florida Association of Court Clerks and
189 Comptrollers under ss. 741.30 and 784.046, Florida Statutes, by
190 which a petitioner may request notification of service of an
191 injunction for protection against domestic violence, repeat
192 violence, sexual violence, or dating violence and other court
193 actions related to the injunction for protection be held exempt
194 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
195 the State Constitution upon written request by the petitioner.
196 Such information, if publicly available, could expose the
197 victims of domestic violence, repeat violence, sexual violence,
198 and dating violence to public humiliation and shame and could
199 inhibit the victim from availing herself or himself of relief
200 provided under state law. Additionally, if such information were
201 publicly available, it could be used by the partner or former
202 partner of the victim of domestic violence, repeat violence,
203 sexual violence, or dating violence to determine the location of

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204 the victim, thus placing the victim in jeopardy.

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