

By the Committee on Judiciary

590-03017-17

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1                   A bill to be entitled  
2       An act relating to a review under the Open Government  
3       Sunset Review Act; amending ss. 741.30 and 784.046,  
4       F.S.; extending the repeal dates for exemptions from  
5       public records requirements for personal identifying  
6       and location information of a petitioner who requests  
7       notification of service of an injunction for  
8       protection against domestic violence, repeat violence,  
9       sexual violence, and dating violence and other court  
10      actions related to the injunction held by clerks of  
11      the court and law enforcement agencies; providing an  
12      effective date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

15  
16       Section 1. Paragraph (c) of subsection (8) of section  
17       741.30, Florida Statutes, is amended to read:

18       741.30 Domestic violence; injunction; powers and duties of  
19       court and clerk; petition; notice and hearing; temporary  
20       injunction; issuance of injunction; statewide verification  
21       system; enforcement; public records exemption.—

22       (8)

23       (c)1. Within 24 hours after the court issues an injunction  
24       for protection against domestic violence or changes, continues,  
25       extends, or vacates an injunction for protection against  
26       domestic violence, the clerk of the court must forward a  
27       certified copy of the injunction for service to the sheriff with  
28       jurisdiction over the residence of the petitioner. The  
29       injunction must be served in accordance with this subsection.

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30           2. Within 24 hours after service of process of an  
31 injunction for protection against domestic violence upon a  
32 respondent, the law enforcement officer must forward the written  
33 proof of service of process to the sheriff with jurisdiction  
34 over the residence of the petitioner.

35           3. Within 24 hours after the sheriff receives a certified  
36 copy of the injunction for protection against domestic violence,  
37 the sheriff must make information relating to the injunction  
38 available to other law enforcement agencies by electronically  
39 transmitting such information to the department.

40           4. Within 24 hours after the sheriff or other law  
41 enforcement officer has made service upon the respondent and the  
42 sheriff has been so notified, the sheriff must make information  
43 relating to the service available to other law enforcement  
44 agencies by electronically transmitting such information to the  
45 department.

46           5.a. Subject to available funding, the Florida Association  
47 of Court Clerks and Comptrollers shall develop an automated  
48 process by which a petitioner may request notification of  
49 service of the injunction for protection against domestic  
50 violence and other court actions related to the injunction for  
51 protection. The automated notice shall be made within 12 hours  
52 after the sheriff or other law enforcement officer serves the  
53 injunction upon the respondent. The notification must include,  
54 at a minimum, the date, time, and location where the injunction  
55 for protection against domestic violence was served. When a  
56 petitioner makes a request for notification, the clerk must  
57 apprise the petitioner of her or his right to request in writing  
58 that the information specified in sub-subparagraph b. be held

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59 exempt from public records requirements for 5 years. The Florida  
60 Association of Court Clerks and Comptrollers may apply for any  
61 available grants to fund the development of the automated  
62 process.

63 b. Upon implementation of the automated process,  
64 information held by clerks and law enforcement agencies in  
65 conjunction with the automated process developed under sub-  
66 subparagraph a. which reveals the home or employment telephone  
67 number, cellular telephone number, home or employment address,  
68 electronic mail address, or other electronic means of  
69 identification of a petitioner requesting notification of  
70 service of an injunction for protection against domestic  
71 violence and other court actions related to the injunction for  
72 protection is exempt from s. 119.07(1) and s. 24(a), Art. I of  
73 the State Constitution, upon written request by the petitioner.  
74 Such information shall cease to be exempt 5 years after the  
75 receipt of the written request. Any state or federal agency that  
76 is authorized to have access to such documents by any provision  
77 of law shall be granted such access in the furtherance of such  
78 agency's statutory duties, notwithstanding this sub-  
79 subparagraph. This sub-subparagraph is subject to the Open  
80 Government Sunset Review Act in accordance with s. 119.15 and  
81 shall stand repealed on October 2, 2019 ~~2017~~, unless reviewed  
82 and saved from repeal through reenactment by the Legislature.

83 6. Within 24 hours after an injunction for protection  
84 against domestic violence is vacated, terminated, or otherwise  
85 rendered no longer effective by ruling of the court, the clerk  
86 of the court must notify the sheriff receiving original  
87 notification of the injunction as provided in subparagraph 2.

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88 That agency shall, within 24 hours after receiving such  
89 notification from the clerk of the court, notify the department  
90 of such action of the court.

91 Section 2. Paragraph (c) of subsection (8) of section  
92 784.046, Florida Statutes, is amended to read:

93 784.046 Action by victim of repeat violence, sexual  
94 violence, or dating violence for protective injunction; dating  
95 violence investigations, notice to victims, and reporting;  
96 pretrial release violations; public records exemption.—

97 (8)

98 (c)1. Within 24 hours after the court issues an injunction  
99 for protection against repeat violence, sexual violence, or  
100 dating violence or changes or vacates an injunction for  
101 protection against repeat violence, sexual violence, or dating  
102 violence, the clerk of the court must forward a copy of the  
103 injunction to the sheriff with jurisdiction over the residence  
104 of the petitioner.

105 2. Within 24 hours after service of process of an  
106 injunction for protection against repeat violence, sexual  
107 violence, or dating violence upon a respondent, the law  
108 enforcement officer must forward the written proof of service of  
109 process to the sheriff with jurisdiction over the residence of  
110 the petitioner.

111 3. Within 24 hours after the sheriff receives a certified  
112 copy of the injunction for protection against repeat violence,  
113 sexual violence, or dating violence, the sheriff must make  
114 information relating to the injunction available to other law  
115 enforcement agencies by electronically transmitting such  
116 information to the department.

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117           4. Within 24 hours after the sheriff or other law  
118 enforcement officer has made service upon the respondent and the  
119 sheriff has been so notified, the sheriff must make information  
120 relating to the service available to other law enforcement  
121 agencies by electronically transmitting such information to the  
122 department.

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

141           b. Upon implementation of the automated process,  
142 information held by clerks and law enforcement agencies in  
143 conjunction with the automated process developed under sub-  
144 subparagraph a. which reveals the home or employment telephone  
145 number, cellular telephone number, home or employment address,

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146 electronic mail address, or other electronic means of  
147 identification of a petitioner requesting notification of  
148 service of an injunction for protection against repeat violence,  
149 sexual violence, or dating violence and other court actions  
150 related to the injunction for protection is exempt from s.  
151 119.07(1) and s. 24(a), Art. I of the State Constitution, upon  
152 written request by the petitioner. Such information shall cease  
153 to be exempt 5 years after the receipt of the written request.  
154 Any state or federal agency that is authorized to have access to  
155 such documents by any provision of law shall be granted such  
156 access in the furtherance of such agency's statutory duties,  
157 notwithstanding this sub-subparagraph. This sub-subparagraph is  
158 subject to the Open Government Sunset Review Act in accordance  
159 with s. 119.15 and shall stand repealed on October 2, 2019 ~~2017~~,  
160 unless reviewed and saved from repeal through reenactment by the  
161 Legislature.

162         6. Within 24 hours after an injunction for protection  
163 against repeat violence, sexual violence, or dating violence is  
164 lifted, terminated, or otherwise rendered no longer effective by  
165 ruling of the court, the clerk of the court must notify the  
166 sheriff or local law enforcement agency receiving original  
167 notification of the injunction as provided in subparagraph 2.  
168 That agency shall, within 24 hours after receiving such  
169 notification from the clerk of the court, notify the department  
170 of such action of the court.

171         Section 3. This act shall take effect July 1, 2017.