

FOR CONSIDERATION By the Committee on Judiciary

590-00603-18

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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, relating to the exemptions from public records
5 requirements for personal identifying and location
6 information of a petitioner who requests notification
7 of service of an injunction for protection against
8 domestic violence, repeat violence, sexual violence,
9 and dating violence and for other court actions
10 related to the injunction which are held by clerks of
11 the court and law enforcement agencies; removing the
12 scheduled repeal of the exemptions; providing an
13 effective date.

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

16
17 Section 1. Paragraph (c) of subsection (8) of section
18 741.30, Florida Statutes, is amended to read:

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

23 (8)

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

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30 injunction must be served in accordance with this subsection.

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

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

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

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

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59 that the information specified in sub-subparagraph b. be held
60 exempt from public records requirements for 5 years. The Florida
61 Association of Court Clerks and Comptrollers may apply for any
62 available grants to fund the development of the automated
63 process.

64 b. Upon implementation of the automated process,
65 information held by clerks and law enforcement agencies in
66 conjunction with the automated process developed under sub-
67 subparagraph a. which reveals the home or employment telephone
68 number, cellular telephone number, home or employment address,
69 electronic mail address, or other electronic means of
70 identification of a petitioner requesting notification of
71 service of an injunction for protection against domestic
72 violence and other court actions related to the injunction for
73 protection is exempt from s. 119.07(1) and s. 24(a), Art. I of
74 the State Constitution, upon written request by the petitioner.
75 Such information shall cease to be exempt 5 years after the
76 receipt of the written request. Any state or federal agency that
77 is authorized to have access to such documents by any provision
78 of law shall be granted such access in the furtherance of such
79 agency's statutory duties, notwithstanding this sub-
80 subparagraph. ~~This sub-subparagraph is subject to the Open
81 Government Sunset Review Act in accordance with s. 119.15 and
82 shall stand repealed on October 2, 2018, unless reviewed and
83 saved from repeal through reenactment by the Legislature.~~

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

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88 notification of the injunction as provided in subparagraph 2.
89 That agency shall, within 24 hours after receiving such
90 notification from the clerk of the court, notify the department
91 of such action of the court.

92 Section 2. Paragraph (c) of subsection (8) of section
93 784.046, Florida Statutes, is amended to read:

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

98 (8)

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

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

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

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117 information to the department.

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

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

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

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146 number, cellular telephone number, home or employment address,
147 electronic mail address, or other electronic means of
148 identification of a petitioner requesting notification of
149 service of an injunction for protection against repeat violence,
150 sexual violence, or dating violence and other court actions
151 related to the injunction for protection is exempt from s.
152 119.07(1) and s. 24(a), Art. I of the State Constitution, upon
153 written request by the petitioner. Such information shall cease
154 to be exempt 5 years after the receipt of the written request.
155 Any state or federal agency that is authorized to have access to
156 such documents by any provision of law shall be granted such
157 access in the furtherance of such agency's statutory duties,
158 notwithstanding this sub-subparagraph. ~~This sub-subparagraph is~~
159 ~~subject to the Open Government Sunset Review Act in accordance~~
160 ~~with s. 119.15 and shall stand repealed on October 2, 2018,~~
161 ~~unless reviewed and saved from repeal through reenactment by the~~
162 ~~Legislature.~~

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

172 Section 3. This act shall take effect October 1, 2018.