



508384

LEGISLATIVE ACTION

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| Senate | . | House |
| Comm: RCS | . | |
| 01/26/2012 | . | |
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The Committee on Judiciary (Joyner) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

(8)

(c)1. Within 24 hours after the court issues an injunction
for protection against domestic violence or changes, continues,



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14 extends, or vacates an injunction for protection against
15 domestic violence, the clerk of the court must forward a
16 certified copy of the injunction for service to the sheriff with
17 jurisdiction over the residence of the petitioner. The
18 injunction must be served in accordance with this subsection.

19 2. Within 24 hours after service of process of an
20 injunction for protection against domestic violence upon a
21 respondent, the law enforcement officer must forward the written
22 proof of service of process to the sheriff with jurisdiction
23 over the residence of the petitioner.

24 3. Within 24 hours after the sheriff receives a certified
25 copy of the injunction for protection against domestic violence,
26 the sheriff must make information relating to the injunction
27 available to other law enforcement agencies by electronically
28 transmitting such information to the department.

29 4. Within 24 hours after the sheriff or other law
30 enforcement officer has made service upon the respondent and the
31 sheriff has been so notified, the sheriff must make information
32 relating to the service available to other law enforcement
33 agencies by electronically transmitting such information to the
34 department.

35 5.a. Subject to available funding, the Florida Association
36 of Court Clerks and Comptrollers shall develop an automated
37 process by which a petitioner may request notification of
38 service of the injunction for protection against domestic
39 violence and other court actions related to the injunction for
40 protection. The automated notice shall be made within 12 hours
41 after the sheriff or other law enforcement officer serves the
42 injunction upon the respondent. The notification must include,



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43 at a minimum, the date, time, and location where the injunction
44 for protection against domestic violence was served. When a
45 petitioner makes a request for notification, the Florida
46 Association of Court Clerks and Comptrollers must apprise the
47 petitioner of her or his right to request in writing that the
48 information specified in sub-subparagraph b. be held exempt from
49 public records requirements for 5 years. The Florida Association
50 of Court Clerks and Comptrollers may apply for any available
51 grants to fund the development of the automated process.

52 b. Information held by the Florida Association of Court
53 Clerks and Comptrollers and law enforcement agencies in
54 conjunction with the automated process developed under sub-
55 subparagraph a. which reveals the home or employment telephone
56 number, cellular telephone number, home or employment address,
57 electronic mail address, or other electronic means of
58 identification of a petitioner requesting notification of
59 service of an injunction for protection against domestic
60 violence and other court actions related to the injunction for
61 protection is exempt from s. 119.07(1) and s. 24(a), Art. I of
62 the State Constitution, upon written request by the petitioner.
63 Such information shall cease to be exempt 5 years after the
64 receipt of the written request. Any state or federal agency that
65 is authorized to have access to such documents by any provision
66 of law shall be granted such access in the furtherance of such
67 agency's statutory duties, notwithstanding this sub-
68 subparagraph. This sub-subparagraph is subject to the Open
69 Government Sunset Review Act in accordance with s. 119.15 and
70 shall stand repealed on October 2, 2017, unless reviewed and
71 saved from repeal through reenactment by the Legislature.



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72 6. Within 24 hours after an injunction for protection
73 against domestic violence is vacated, terminated, or otherwise
74 rendered no longer effective by ruling of the court, the clerk
75 of the court must notify the sheriff receiving original
76 notification of the injunction as provided in subparagraph 2.
77 That agency shall, within 24 hours after receiving such
78 notification from the clerk of the court, notify the department
79 of such action of the court.

80 Section 2. Paragraph (c) of subsection (8) of section
81 784.046, Florida Statutes, is amended to read:

82 784.046 Action by victim of repeat violence, sexual
83 violence, or dating violence for protective injunction; dating
84 violence investigations, notice to victims, and reporting;
85 pretrial release violations; public records exemption.-

86 (8)

87 (c)1. Within 24 hours after the court issues an injunction
88 for protection against repeat violence, sexual violence, or
89 dating violence or changes or vacates an injunction for
90 protection against repeat violence, sexual violence, or dating
91 violence, the clerk of the court must forward a copy of the
92 injunction to the sheriff with jurisdiction over the residence
93 of the petitioner.

94 2. Within 24 hours after service of process of an
95 injunction for protection against repeat violence, sexual
96 violence, or dating violence upon a respondent, the law
97 enforcement officer must forward the written proof of service of
98 process to the sheriff with jurisdiction over the residence of
99 the petitioner.

100 3. Within 24 hours after the sheriff receives a certified



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101 copy of the injunction for protection against repeat violence,
102 sexual violence, or dating violence, the sheriff must make
103 information relating to the injunction available to other law
104 enforcement agencies by electronically transmitting such
105 information to the department.

106 4. Within 24 hours after the sheriff or other law
107 enforcement officer has made service upon the respondent and the
108 sheriff has been so notified, the sheriff must make information
109 relating to the service available to other law enforcement
110 agencies by electronically transmitting such information to the
111 department.

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



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130 process.

131 b. Information held by the Florida Association of Court
132 Clerks and Comptrollers and law enforcement agencies in
133 conjunction with the automated process developed under sub-
134 subparagraph a. which reveals the home or employment telephone
135 number, cellular telephone number, home or employment address,
136 electronic mail address, or other electronic means of
137 identification of a petitioner requesting notification of
138 service of an injunction for protection against repeat violence,
139 sexual violence, or dating violence and other court actions
140 related to the injunction for protection is exempt from s.
141 119.07(1) and s. 24(a), Art. I of the State Constitution, upon
142 written request by the petitioner. Such information shall cease
143 to be exempt 5 years after the receipt of the written request.
144 Any state or federal agency that is authorized to have access to
145 such documents by any provision of law shall be granted such
146 access in the furtherance of such agency's statutory duties,
147 notwithstanding this sub-subparagraph. This sub-subparagraph is
148 subject to the Open Government Sunset Review Act in accordance
149 with s. 119.15 and shall stand repealed on October 2, 2017,
150 unless reviewed and saved from repeal through reenactment by the
151 Legislature.

152 6. Within 24 hours after an injunction for protection
153 against repeat violence, sexual violence, or dating violence is
154 lifted, terminated, or otherwise rendered no longer effective by
155 ruling of the court, the clerk of the court must notify the
156 sheriff or local law enforcement agency receiving original
157 notification of the injunction as provided in subparagraph 2.
158 That agency shall, within 24 hours after receiving such



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159 notification from the clerk of the court, notify the department
160 of such action of the court.

161 Section 3. It is the finding of the Legislature that it is
162 a public necessity that personal identifying and location
163 information of victims of domestic violence, repeat violence,
164 sexual violence, and dating violence held by the Florida
165 Association of Court Clerks and Comptrollers and law enforcement
166 agencies in conjunction with the automated process developed by
167 the association under ss. 741.30 and 784.046, Florida Statutes,
168 by which a petitioner may request notification of service of an
169 injunction for protection against domestic violence, repeat
170 violence, sexual violence, or dating violence and other court
171 actions related to the injunction for protection be held exempt
172 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
173 the State Constitution upon written request by the petitioner.
174 Such information, if publicly available, could expose the
175 victims of domestic violence, repeat violence, sexual violence,
176 and dating violence to public humiliation and shame and could
177 inhibit the victim from availing herself or himself of relief
178 provided under state law. Additionally, if such information were
179 publicly available, it could be used by the partner or former
180 partner of the victim of domestic violence, repeat violence,
181 sexual violence, or dating violence to determine the location of
182 the victim, thus placing the victim in jeopardy.

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

184
185 ===== T I T L E A M E N D M E N T =====

186 And the title is amended as follows:

187



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188 Delete everything before the enacting clause
189 and insert:

190 A bill to be entitled
191 An act relating to public records; amending ss. 741.30
192 and 784.046, F.S.; providing exemptions from public
193 records requirements for personal identifying and
194 location information of victims of domestic violence,
195 repeat violence, sexual violence, and dating violence
196 held by the Florida Association of Court Clerks and
197 Comptrollers and law enforcement agencies in
198 conjunction with the automated process developed by
199 the association by which a petitioner may request
200 notification of service of an injunction for
201 protection against domestic violence, repeat violence,
202 sexual violence, or dating violence and other court
203 actions related to the injunction for protection;
204 providing that the exemption is conditional upon the
205 petitioner's request; providing specified duration of
206 the exemption; providing for access by state or
207 federal agencies in furtherance of the agencies'
208 statutory duties; providing that the Florida
209 Association of Court Clerks and Comptrollers must
210 inform the petitioner of the right to request that the
211 identifying and location information be held exempt
212 from public records requirements; providing for future
213 legislative review and repeal of the exemptions;
214 providing a statement of public necessity; providing
215 an effective date.