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HB 7087

2017 Legislature

1
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., which provide exemptions from public record
5 requirements for personal identifying and location
6 information of a petitioner requesting notification of
7 service of an injunction for protection against
8 domestic violence, repeat violence, sexual violence,
9 and dating violence and other court actions related to
10 the injunction held by the clerks and law enforcement
11 agencies; extending the repeal dates; 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

ENROLLED

HB 7087

2017 Legislature

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.

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

ENROLLED

HB 7087

2017 Legislature

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
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

ENROLLED

HB 7087

2017 Legislature

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, 2018 ~~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.
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

ENROLLED

HB 7087

2017 Legislature

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.

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

ENROLLED

HB 7087

2017 Legislature

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,
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.

ENROLLED

HB 7087

2017 Legislature

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, 2018 ~~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 October 1, 2017.