

House Bill No. 1699

An act relating to review under the Open Government Sunset Review Act; amending s. 787.03, F.S., which provides a public records exemption for information provided to a sheriff or state attorney in specified domestic violence cases in which a person seeks shelter from an act or possible act of domestic violence and takes with him or her any child 17 years of age or younger; extending the repeal date scheduled under the Open Government Sunset Review Act; narrowing the exemption; providing an effective date.

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

Section 1. Subsection (6) of section 787.03, Florida Statutes, is amended to read:

787.03 Interference with custody.—

(6)(a) This section does not apply in cases where a spouse who is the victim of any act of domestic violence or who has reasonable cause to believe he or she is about to become the victim of any act of domestic violence, as defined in s. 741.28, or believes that his or her action was necessary to preserve the child or the incompetent person from danger to his or her welfare seeks shelter from such acts or possible acts and takes with him or her any child 17 years of age or younger.

(b) In order to gain the exemption conferred by paragraph (a), a person who takes a child pursuant to this subsection must:

1. Within 10 days after taking the child, make a report to the sheriff's office or state attorney's office for the county in which the child resided at the time he or she was taken, which report must include the name of the person taking the child, the current address and telephone number of the person and child, and the reasons the child was taken.

2. Within a reasonable time after taking the child, commence a custody proceeding that is consistent with the federal Parental Kidnapping Prevention Act, 28 U.S.C. s. 1738A, or the Uniform Child Custody Jurisdiction and Enforcement Act, ss. 61.501-61.542.

3. Inform the sheriff's office or state attorney's office for the county in which the child resided at the time he or she was taken of any change of address or telephone number of the person and child.

(c) The name of the person taking the child and the current address and telephone number of the person and child that are contained in the report made ~~Information provided~~ to a sheriff or state attorney under paragraph (b) ~~are~~ is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(7)(a) This ~~section paragraph~~ is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 and is repealed on October

2, ~~2006~~ 2005, unless reviewed and saved from repeal through reenactment by the Legislature ~~before that date~~.

(b) Pursuant to s. 119.15, the Division of Statutory Revision is directed to certify this section, in its entirety, in the list of Open Government Sunset Review exemptions to be certified by June 1, 2005.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor May 26, 2005.

Filed in Office Secretary of State May 26, 2005.