

## House Bill No. 7113

An act relating to a review under the Open Government Sunset Review Act regarding the public records exemption for the interference with custody statute; amending s. 787.03, F.S.; expanding the public records exemption for specified information contained in a report made to a sheriff or state attorney as part of a statutory exception to the offense of interference with custody; providing that the address and telephone number of a minor or incompetent person contained in such report is confidential and exempt from public records requirements; providing an exception to the exemption; providing for review and repeal; providing a statement of public necessity; providing a contingent effective date.

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

Section 1. Paragraph (c) of subsection (6) and subsection (7) of section 787.03, Florida Statutes, are amended to read:

787.03 Interference with custody.—

(6)

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

2. A sheriff or state attorney may allow an agency, as defined in s. 119.011, to inspect and copy records made confidential and exempt under this paragraph in the furtherance of that agency's duties and responsibilities.

~~3.(7)(a) This paragraph section~~ is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 and is repealed on October 2, 2011 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

~~(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. The Legislature finds that it is a public necessity to expand the public records exemption for certain information contained in a report to a sheriff or state attorney made by a person who takes a minor in order to escape domestic violence, avoid domestic violence, or preserve the welfare of the minor. If an alleged perpetrator of domestic violence were able to obtain the address and telephone information contained in a report to the sheriff or state attorney under s. 787.03, Florida Statutes, he or she could locate or contact the minor and the person who removes the minor from a

situation of actual or imminent domestic violence or jeopardized welfare, thus exposing them to potential additional harm. Keeping the address and telephone number of that person and the minor confidential and exempt protects their safety. For the same reasons, the Legislature finds that it is a public necessity to expand this public records exemption to include the taking of an incompetent person within the coverage of the exemption. The underlying offense of interference with custody applies to the taking of an incompetent person as well as to the taking of a person younger than 18 years of age. In addition, the safety of an incompetent person and the person seeking shelter with an incompetent person is as vital as the safety of a minor and a person seeking shelter with a minor. The underlying offense of interference with custody envisions that an incompetent person is as vulnerable as a minor. Therefore, the Legislature finds that the public records exemption should apply to the address and telephone number of the incompetent person and the person who removes the incompetent person from a situation of actual or imminent domestic violence or jeopardized welfare contained in a report submitted to a sheriff or state attorney as prescribed in s. 787.03, Florida Statutes. If persons seeking shelter with minors or incompetent persons to escape domestic violence knew that their addresses or telephone numbers could be obtained through the reports to the sheriff or state attorney, they would fear for their safety and would most likely refrain from making the required reports, thereby thwarting the public policy of encouraging the resolution of allegations of interference with custody while also protecting individuals from harm. The public records exemption, therefore, principally protects the safety of individuals but also promotes the effective and efficient administration of the interference with custody statute.

Section 3. This act shall take effect October 1, 2006, if House Bill 7111 or similar legislation amending section 787.03, Florida Statutes, is adopted in the same legislative session or an extension thereof and becomes law.

Approved by the Governor June 7, 2006.

Filed in Office Secretary of State June 7, 2006.