

By the Committee on Children and Families

300-887B-03

1 A bill to be entitled
2 An act relating to public records; amending s.
3 741.465, F.S.; providing for the
4 confidentiality of information held by the
5 Office of the Attorney General which identifies
6 participants in the Address Confidentiality
7 Program for Victims of Domestic Violence;
8 providing for retroactive application; removing
9 the repeal thereof scheduled under the Open
10 Government Sunset Review Act of 1995; providing
11 for the confidentiality of information
12 contained in voter registration records held by
13 the supervisors of elections which identifies
14 participants in the Address Confidentiality
15 Program for Victims of Domestic Violence;
16 providing for retroactive application;
17 providing for future legislative review and
18 repeal of the exemption; providing a statement
19 of public necessity; repealing ss. 741.406(2)
20 and 741.407, F.S., relating to an exemption
21 from public-records requirements for
22 information held by the supervisors of
23 elections and the Attorney General which
24 identifies participants in the Address
25 Confidentiality Program for Victims of Domestic
26 Violence; providing an effective date.

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

29
30 Section 1. Notwithstanding the repeal scheduled on
31 October 2, 2003, under the Open Government Sunset Review Act

1 of 1995, section 741.465, Florida Statutes, is reenacted and
2 amended to read:

3 741.465 Public-record exemption for the Address
4 Confidentiality Program for Victims of Domestic Violence~~†~~
5 ~~certain information exempt from disclosure.--~~

6 (1) The addresses, corresponding telephone numbers,
7 and social security numbers of program participants in the
8 Address Confidentiality Program for Victims of Domestic
9 Violence held by the Office of the Attorney General are exempt
10 from s. 119.07(1) and s. 24(a), Art. I of the State
11 Constitution, except that the information may be disclosed
12 under the following circumstances: to a law enforcement agency
13 for purposes of assisting in the execution of a valid arrest
14 warrant; if directed by a court order, to a person identified
15 in the order; or if the certification has been canceled. For
16 purposes of this section, the term "address" means a
17 residential street address, school address, or work address~~†~~
18 as specified on the individual's application to be a program
19 participant in the Address Confidentiality Program for Victims
20 of Domestic Violence. This exemption applies to information
21 made exempt by this subsection before, on, or after October 1,
22 2003.

23 (2) The names, addresses, or telephone numbers of
24 program participants in the Address Confidentiality Program
25 for Victims of Domestic Violence contained in voter
26 registration records held by the supervisors of elections are
27 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
28 Constitution, except that the information may be disclosed to
29 a law enforcement agency for purposes of assisting in the
30 execution of an arrest warrant; if directed by a court order,
31 to a person identified in the order; or if the certification

1 of a program participant has been cancelled. This exemption
2 applies to information made exempt by this subsection before,
3 on, or after October 1, 2003.~~This section is subject to the~~
4 ~~Open Government Sunset Review Act of 1995 in accordance with~~
5 ~~s. 119.15, and shall stand repealed on October 2, 2003, unless~~
6 ~~reviewed and saved from repeal through reenactment by the~~
7 ~~legislature.~~

8 Section 2. Subsection (2) of section 741.465, Florida
9 Statutes, is subject to the Open Government Sunset Review Act
10 of 1995 in accordance with section 119.15, Florida Statutes,
11 and shall stand repealed on October 2, 2008, unless reviewed
12 and saved from repeal through reenactment by the Legislature.

13 Section 3. The Legislature finds that it is a public
14 necessity that names, addresses, and telephone numbers of
15 participants in the Address Confidentiality Program for
16 Victims of Domestic Violence contained in voter registration
17 records held by the supervisor of elections be made exempt
18 from public-records requirements. Participants in such program
19 have demonstrated to the Office of the Attorney General that
20 there exists a risk to their physical safety and security.
21 Nonetheless, these program participants must be afforded the
22 ability to participate in society and cast a vote in
23 elections. However, the supervisor of elections must have a
24 verifiable address for such participant in order to place that
25 participant in the proper voting district and to maintain
26 accurate records for compliance with state and federal
27 requirements. The public records exemption for the
28 participant's name is a public necessity because access to
29 such name narrows the location of that participant to his or
30 her voting area. In addition, access to the address and
31 telephone number provides specific location and contact

1 information for such participant. Therefore, access to such
2 participant's name, address, and telephone number defeats the
3 sole purpose of the Address Confidentiality Program for
4 Victims of Domestic Violence, which is to provide safety and
5 security for such participants.

6 Section 4. Subsection (2) of section 741.406 and
7 section 741.407, Florida Statutes, are repealed.

8 Section 5. This act shall take effect October 1, 2003.

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11 SENATE SUMMARY

12 Provides an exemption from the public-records law for
13 information held by the Office of the Attorney General or
14 the supervisors of elections which identifies
15 participants in the Address Confidentiality Program for
16 Victims of Domestic Violence. Provides for retroactive
17 application. Provides for future legislative review and
18 repeal under the Open Government Sunset Review Act.
19 Provides a statement of public necessity. Repeals
20 provisions made obsolete by the act.