



HB 1763

2003

1 A bill to be entitled

2 An act relating to the public records exemption for the
3 Address Confidentiality Program for Victims of Domestic
4 Violence; amending s. 741.406, F.S.; repealing provisions
5 which prohibit a supervisor of elections from making
6 certain program participant information available;
7 repealing s. 741.407, F.S., which prohibits the Attorney
8 General from disclosing specified program participant
9 information; amending s. 741.465, F.S., which provides an
10 exemption from public records requirements for specified
11 information of participants in the Address Confidentiality
12 Program for Victims of Domestic Violence; adding
13 clarifying language; removing the October 2, 2003, repeal
14 thereof scheduled under the Open Government Sunset Review
15 Act of 1995; creating a public records exemption for the
16 names, addresses, and telephone numbers of participants in
17 the Address Confidentiality Program for Victims of
18 Domestic Violence contained in voter registration records
19 held by the supervisor of elections; providing for
20 retroactive application of the exemption; providing for
21 future review and repeal of exemption; providing a
22 statement of public necessity; providing an effective
23 date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Section 741.406, Florida Statutes, is amended
28 to read:

29 741.406 Voting by program participant; use of designated
30 address by supervisor of elections.--



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31 ~~(1)~~ A program participant who is otherwise qualified to
 32 vote may request an absentee ballot pursuant to s. 101.62. The
 33 program participant shall automatically receive absentee ballots
 34 for all elections in the jurisdictions in which that individual
 35 resides in the same manner as absentee voters. The supervisor of
 36 elections shall transmit the absentee ballot to the program
 37 participant at the address designated by the participant in his
 38 or her application as an absentee voter. The name, address, and
 39 telephone number of a program participant may not be included in
 40 any list of registered voters available to the public.

41 ~~(2) The supervisor of elections may not make the~~
 42 ~~participant's name, address, or telephone number contained in~~
 43 ~~voter registration records available for public inspection or~~
 44 ~~copying except:~~

45 ~~(a) To a law enforcement agency for purposes of assisting~~
 46 ~~in the execution of an arrest warrant.~~

47 ~~(b) If directed by a court order, to a person identified~~
 48 ~~in the order.~~

49 Section 2. Section 741.407, Florida Statutes, is repealed.

50 Section 3. Notwithstanding the October 2, 2003, repeal of
 51 said section scheduled pursuant to the Open Government Sunset
 52 Review Act of 1995, section 741.465, Florida Statutes, is
 53 amended to read:

54 741.465 Public records exemption for the Address
 55 Confidentiality Program for Victims of Domestic Violence
 56 ~~certain information exempt from disclosure.--~~

57 (1) The addresses, corresponding telephone numbers, and
 58 social security numbers of program participants in the Address
 59 Confidentiality Program for Victims of Domestic Violence held by
 60 the Office of the Attorney General are exempt from s. 119.07(1)



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61 and s. 24(a), Art. I of the State Constitution, except the
62 information may be disclosed under the following circumstances:
63 to a law enforcement agency for purposes of assisting in the
64 execution of a valid arrest warrant; if directed by a court
65 order, to a person identified in the order; or if the
66 certification has been canceled. For purposes of this section,
67 the term "address" means a residential street address, school
68 address, or work address, as specified on the individual's
69 application to be a program participant in the Address
70 Confidentiality Program for Victims of Domestic Violence. ~~This~~
71 ~~section is subject to the Open Government Sunset Review Act of~~
72 ~~1995 in accordance with s. 119.15, and shall stand repealed on~~
73 ~~October 2, 2003, unless reviewed and saved from repeal through~~
74 ~~reenactment by the Legislature.~~

75 (2) The names, addresses, and telephone numbers of
76 participants in the Address Confidentiality Program for Victims
77 of Domestic Violence contained in voter registration records
78 held by the supervisor of elections are exempt from s. 119.07(1)
79 and s. 24(a), Art. I of the State Constitution, except the
80 information may be disclosed under the following circumstances:
81 to a law enforcement agency for purposes of assisting in the
82 execution of an arrest warrant or, if directed by a court order,
83 to a person identified in the order. This exemption applies to
84 information made exempt by this subsection before, on, or after
85 the effective date of the exemption.

86 Section 4. Subsection (2) of s. 741.465, Florida Statutes,
87 is subject to the Open Government Sunset Review Act of 1995 in
88 accordance with s. 119.15, Florida Statutes, and shall stand
89 repealed on October 2, 2008, unless reviewed and saved from
90 repeal through reenactment by the Legislature.



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91 Section 5. The Legislature finds that it is a public
92 necessity that names, addresses, and telephone numbers of
93 participants in the Address Confidentiality Program for Victims
94 of Domestic Violence contained in voter registration records
95 held by the supervisor of elections be made exempt from public
96 records requirements. Participants in the program have
97 demonstrated to the Office of the Attorney General that there
98 exists a risk to their physical safety and security.
99 Nonetheless, the program participants must be afforded the
100 ability to participate in society and cast a vote in elections.
101 However, the supervisor of elections must have a verifiable
102 address for a program participant in order to place that
103 participant in the proper voting district and to maintain
104 accurate records for compliance with state and federal
105 requirements. The public records exemption for the
106 participant's name is a public necessity because access to such
107 name narrows the location of that participant to his or her
108 voting area. In addition, access to the participant's address
109 and telephone number provides specific location and contact
110 information for the participant. Therefore, access to the
111 participant's name, address, and telephone number defeats the
112 sole purpose of the Address Confidentiality Program for Victims
113 of Domestic Violence, which is to provide safety and security
114 for every participant.

115 Section 6. This act shall take effect upon becoming a law.