

Bill No. HB 1591, 1st Eng.

Barcode 225150

CHAMBER ACTION

Senate

House

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11 Senator Posey moved the following amendment:

12

13 **Senate Amendment (with title amendment)**

14 Delete everything after the enacting clause

15

16 and insert:

17 Section 1. Section 97.0585, Florida Statutes, is
18 amended to read:

19 97.0585 Public-records exemption; information
20 regarding voters and voter registration ~~Declinations to~~
21 ~~register; place of registration and registration information;~~
22 confidentiality.--

23 (1) The following information concerning voters and
24 voter registration held by an agency as defined in s. 119.011
25 is confidential and exempt from s. 119.07(1) and s. 24(a),
26 Art. I of the State Constitution and may be used only for
27 purposes of voter registration:

28 (a) All declinations to register to vote pursuant
29 to ss. 97.057 and 97.058 ~~are confidential and exempt from the~~
30 ~~provisions of s. 119.07(1) and s. 24(a), Art. I of the State~~
31 ~~Constitution and may be used only for voter registration~~

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1 purposes.

2 (b)(2) Information relating to the place where a
3 person registered to vote or where a person updated a voter
4 registration.

5 (c) The social security number, driver's license
6 number, and Florida identification number of a voter
7 registration applicant or voter.

8 (2) The signature of a voter registration applicant or
9 a voter is confidential and exempt from the provisions of s.
10 119.07(1) and s. 24(a), Art. I of the State Constitution; and
11 a voter's signature, social security number, and telephone
12 number may not be copied and is are exempt for that purpose
13 from the provisions of s. 119.07(1) and s. 24(a), Art. I of
14 the State Constitution.

15 (3) This section applies to information held by an
16 agency before, on, or after the effective date of this
17 exemption.

18 Section 2. Subsection (2) of section 741.465, Florida
19 Statutes, is amended to read:

20 741.465 Public records exemption for the Address
21 Confidentiality Program for Victims of Domestic Violence.--

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

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1 information made exempt by this subsection before, on, or
2 after the effective date of the exemption.

3 Section 3. Sections 97.0585 and 741.465, Florida
4 Statutes, as amended by this act, are subject to the Open
5 Government Sunset Review Act of 1995 in accordance with
6 section 119.15, Florida Statutes, and shall stand repealed on
7 October 2, 2010, unless reviewed and saved from repeal through
8 reenactment by the Legislature.

9 Section 4. (1) The Legislature recognizes that the
10 Help America Vote Act of 2002 requires the implementation of a
11 new single, uniform, centralized, interactive, and
12 computerized statewide voter registration system by January 1,
13 2006. The Florida Voter Registration System (FVRS) will
14 replace the existing state's voter registration system. The
15 FVRS will interface with and integrate voter registration
16 information and records from the offices of the 67 county
17 supervisors of elections. The FVRS will contain the name and
18 other registration information of every legally registered
19 voter in the state. The FVRS will be the official list of
20 registered voters in the state and will be used as the
21 registration system for federal and state elections. Any such
22 system must keep information concerning a person's decision
23 not to register or information concerning the place where a
24 person registers to vote confidential in accordance with the
25 National Voter Registration Act. Therefore, the Legislature
26 finds it necessary to continue the existing public-records
27 exemption to keep such information confidential and exempt in
28 order to conform with the requirements of the National Voter
29 Registration Act. Additionally, because persons may register
30 to vote or update voter registration information at designated
31 voter registration agencies that may include any office that

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1 provides public assistance, this exemption is also necessary
2 to protect from disclosure personal information concerning
3 those persons who apply for or receive public assistance at
4 these offices.

5 (2) The Legislature also finds it necessary to broaden
6 the existing exemption from public-records access to social
7 security numbers of voters and voter registration applicants
8 to include driver's license numbers and Florida identification
9 numbers. The Legislature finds that access to such information
10 can lead to fraud, personal identity theft, and invasion of
11 privacy. The Florida Voter Statewide Voter Registration
12 System, once implemented and maintained, will constitute one
13 of the most comprehensive and up-to-date databases of persons
14 in this state. The Legislature finds it not only necessary to
15 exempt from copying social security numbers, driver's license
16 numbers, and Florida identification numbers of those persons
17 in the Florida Voter Registration System but also to exempt
18 those numbers from inspection. Even the memorization of a
19 single person's social security number, driver's license
20 number, or Florida identification number could result in
21 economic and personal harm to that individual whose numbers
22 may be used to perpetrate fraud or may be coupled with other
23 readily available public information to commit personal
24 identity theft or to gain access to records, such as
25 financial, educational, or medical records. The Legislature
26 also finds it necessary to keep the social security numbers,
27 driver's license numbers, and Florida identification numbers
28 in the Florida Voter Registration System confidential and
29 exempt in order to encourage voter registration and remove
30 disincentives to registering to vote.

31 (3) The Legislature also finds it necessary to

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1 continue and to expand the existing exemption that precludes
2 the copying of a voter's signature. Currently, a voter's
3 signature is exempt from copying but only if contained on a
4 voter registration application or precinct register. Two
5 advisory opinions from the Attorney General issued in 2001
6 stated that a voter's signature on an absentee ballot
7 certificate is not part of the voter registration record and
8 therefore not exempt from copying. Because express exemption
9 from copying did not exist for absentee ballot certificates,
10 any person or entity may request and obtain copies of all
11 signatures of voters who voted absentee in any particular
12 election. Consequently, any person or entity may also request
13 and obtain copies of all signatures of voters who signed
14 provisional ballot envelopes, early voting certificates, or
15 any other voting-related documents other than a voter
16 registration application or a precinct register. The
17 Legislature intends that a voter's signature be protected in
18 order to prevent fraud, identity theft, or invasion of privacy
19 in all instances. Nonetheless, the Legislature finds that any
20 exemption for such signatures must be balanced against the
21 continuing administrative need to allow for public inspection
22 of the signatures of voters or voter registration applicants
23 for purposes of voter verification, matching, or authenticity
24 as may occur in a voter's challenge or canvassing of an
25 absentee ballot. Therefore, the Legislature finds that it is a
26 public necessity to continue the existing exemption solely
27 from copying of voters' signatures and to expand that
28 exemption to apply to voters' signatures as may also appear on
29 absentee ballot certificate envelopes, provisional ballot
30 envelopes, early-voting certificates, or any other
31 voting-related document that must be executed for purposes of

1 voting or voter registration.

2 (4) The Legislature also finds that it is a public
3 necessity that the names, addresses, and telephone numbers of
4 participants in the Address Confidentiality Program for
5 Victims of Domestic Violence which are contained in voter
6 registration and voting records held by the supervisor of
7 elections and the Department of State be made exempt from
8 public-records requirements. Participants in the program have
9 demonstrated to the Office of the Attorney General that there
10 exists a risk to their physical safety and security.
11 Nonetheless, program participants must be afforded the ability
12 to participate in society and cast a vote in elections.
13 However, the supervisor of elections and the Department of
14 State must have a verifiable address for a program participant
15 in order to place that participant in the proper voting
16 district and to maintain accurate records for compliance with
17 state and federal requirements. The public-records exemption
18 for the participant's name is a public necessity because
19 access to such name narrows the location of that participant
20 to his or her voting area. In addition, access to the
21 participant's address and telephone number provides specific
22 location and contact information for the participant.
23 Therefore, access to the participant's name, address, and
24 telephone number defeats the sole purpose of the Address
25 Confidentiality Program for Victims of Domestic Violence,
26 which is to provide safety and security for each participant.

27 Section 5. This act shall take effect on the same date
28 that Senate Bill 2176 or similar legislation takes effect, if
29 such legislation is enacted in the same legislative session or
30 an extension thereof and becomes law.

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 Delete everything before the enacting clause

4

5 and insert:

6 A bill to be entitled

7 An act relating to public records; amending s.

8 97.0585, F.S.; revising an exemption from the

9 public-records law which is provided for

10 information concerning persons who decline to

11 register to vote, information relating to the

12 place where a person registered to vote or

13 updated a registration, and a voter's signature

14 and social security number; creating exemptions

15 from disclosure for a voter's driver's license

16 number and Florida identification number;

17 deleting an exemption from disclosure provided

18 for the voter's telephone number; providing

19 certain exceptions; providing for retroactive

20 application of the exemption; amending s.

21 741.465, F.S.; expanding a public-records

22 exemption for the names, addresses, and

23 telephone numbers of participants in the

24 Address Confidentiality Program for Victims of

25 Domestic Violence contained in certain voter

26 records held by the supervisor of elections and

27 the Department of State; providing for future

28 legislative review and repeal under the Open

29 Government Sunset Review Act; providing a

30 finding of public necessity; providing a

31 contingent effective date.