

CHAMBER ACTION

1 The State Administration Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5
6 A bill to be entitled

7 An act relating to public records; amending s. 97.0585,
8 F.S.; revising an exemption from the public-records law
9 which is provided for information concerning persons who
10 decline to register to vote, information relating to the
11 place where a person registered to vote or updated a
12 registration, and a voter's signature and social security
13 number; creating exemptions from disclosure for a voter's
14 driver's license number and Florida identification number;
15 deleting an exemption from disclosure provided for the
16 voter's telephone number; providing certain exceptions;
17 providing for future legislative review and repeal under
18 the Open Government Sunset Review Act; providing a finding
19 of public necessity; providing a contingent effective
20 date.

21
22 Be It Enacted by the Legislature of the State of Florida:

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24 Section 1. Section 97.0585, Florida Statutes, is amended
25 to read:

26 97.0585 Public-records exemption; information regarding
27 voters and voter registration ~~Declinations to register; place of~~
28 ~~registration and registration information; confidentiality.--~~

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

34 (a) All declinations to register to vote made pursuant to
35 ss. 97.057 and 97.058 ~~are confidential and exempt from the~~
36 ~~provisions of s. 119.07(1) and s. 24(a), Art. I of the State~~
37 ~~Constitution and may be used only for voter registration~~
38 ~~purposes.~~

39 (b)~~(2)~~ Information relating to the place where a person
40 registered to vote or where a person updated a voter
41 registration.

42 (c) The social security number, driver's license number,
43 and Florida identification number of a voter registration
44 applicant or voter.

45 (2) The signature of a voter registration applicant or a
46 voter is confidential and exempt from the provisions of s.
47 119.07(1) and s. 24(a), Art. I of the State Constitution; and a
48 voter's signature, social security number, and telephone number
49 may not be copied and is are exempt for that purpose from the
50 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
51 Constitution.

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

54 Section 2. Section 97.0585, Florida Statutes, as amended
 55 by this act, is subject to the Open Government Sunset Review Act
 56 of 1995 in accordance with section 119.15, Florida Statutes, and
 57 shall stand repealed on October 2, 2010, unless reviewed and
 58 saved from repeal through reenactment by the Legislature.

59 Section 3. (1) The Legislature recognizes that the Help
 60 America Vote Act of 2002 requires the implementation of a new
 61 single, uniform, centralized, interactive, and computerized
 62 statewide voter registration system by January 1, 2006. The
 63 Florida Voter Registration System (FVRS) will replace the
 64 existing state's voter registration system. The FVRS will
 65 interface with and integrate voter registration information and
 66 records from the offices of the 67 county supervisors of
 67 elections. The FVRS will contain the name and other registration
 68 information of every legally registered voter in the state. The
 69 FVRS will be the official list of registered voters in the state
 70 and will be used as the registration system for federal and
 71 state elections. Any such system must keep information
 72 concerning a person's decision not to register or information
 73 concerning the place where a person registers to vote
 74 confidential in accordance with the National Voter Registration
 75 Act. Therefore, the Legislature finds it necessary to continue
 76 the existing public-records exemption to keep such information
 77 confidential and exempt in order to conform with the
 78 requirements of the National Voter Registration Act.
 79 Additionally, because persons may register to vote or update

80 voter registration information at designated voter registration
 81 agencies that may include any office that provides public
 82 assistance, this exemption is also necessary to protect from
 83 disclosure personal information concerning those persons who
 84 apply for or receive public assistance at these offices.

85 (2) The Legislature also finds it necessary to broaden the
 86 existing exemption from public-records access to social security
 87 numbers of voters and voter registration applicants to include
 88 driver's license numbers and Florida identification numbers. The
 89 Legislature finds that access to such information can lead to
 90 fraud, personal identity theft, and invasion of privacy. The
 91 Florida Voter Statewide Voter Registration System, once
 92 implemented and maintained, will constitute one of the most
 93 comprehensive and up-to-date databases of persons in this state.
 94 The Legislature finds it not only necessary to exempt from
 95 copying social security numbers, driver's license numbers, and
 96 Florida identification numbers of those persons in the Florida
 97 Voter Registration System but also to exempt those numbers from
 98 inspection. Even the memorization of a single person's social
 99 security number, driver's license number, or Florida
 100 identification number could result in economic and personal harm
 101 to that individual whose numbers may be used to perpetrate fraud
 102 or may be coupled with other readily available public
 103 information to commit personal identity theft or to gain access
 104 to records, such as financial, educational, or medical records.
 105 The Legislature also finds it necessary to keep the social
 106 security numbers, driver's license numbers, and Florida
 107 identification numbers in the Florida Voter Registration System

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108 confidential and exempt in order to encourage voter registration
109 and remove disincentives to registering to vote.

110 (3) The Legislature also finds it necessary to continue
111 and to expand the existing exemption that precludes the copying
112 of a voter's signature. Currently, a voter's signature is exempt
113 from copying but only if contained on a voter registration
114 application or precinct register. Two advisory opinions from the
115 Attorney General issued in 2001 stated that a voter's signature
116 on an absentee ballot certificate is not part of the voter
117 registration record and therefore not exempt from copying.
118 Because express exemption from copying did not exist for
119 absentee ballot certificates, any person or entity may request
120 and obtain copies of all signatures of voters who voted absentee
121 in any particular election. Consequently, any person or entity
122 may also request and obtain copies of all signatures of voters
123 who signed provisional ballot envelopes, early voting
124 certificates, or any other voting-related documents other than a
125 voter registration application or a precinct register. The
126 Legislature intends that a voter's signature be protected in
127 order to prevent fraud, identity theft, or invasion of privacy
128 in all instances. Nonetheless, the Legislature finds that any
129 exemption for such signatures must be balanced against the
130 continuing administrative need to allow for public inspection of
131 the signatures of voters or voter registration applicants for
132 purposes of voter verification, matching, or authenticity as may
133 occur in a voter's challenge or canvassing of an absentee
134 ballot. Therefore, the Legislature finds that it is a public
135 necessity to continue the existing exemption solely from copying

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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136 | of voters' signatures and to expand that exemption to apply to
137 | voters' signatures as may also appear on absentee ballot
138 | certificate envelopes, provisional ballot envelopes, early-
139 | voting certificates, or any other voting-related document that
140 | must be executed for purposes of voting or voter registration.

141 | Section 4. This act shall take effect on the same date
142 | that House Bill 1589 or similar legislation takes effect, if
143 | such legislation is enacted in the same legislative session or
144 | an extension thereof and becomes law.