

A bill to be entitled

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

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

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

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

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

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

34 (b)(2) Information relating to the place where a person
 35 registered to vote or where a person updated a voter
 36 registration.

37 (c) The social security number, driver's license number,
 38 and Florida identification number of a voter registration
 39 applicant or voter.

40 (2) The signature of a voter registration applicant or a
 41 voter ~~is confidential and exempt from the provisions of s.~~
 42 ~~119.07(1) and s. 24(a), Art. I of the State Constitution; and a~~
 43 ~~voter's signature, social security number, and telephone number~~
 44 may not be copied and is ~~are~~ exempt for that purpose from the
 45 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 46 Constitution.

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

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

54 Section 3. (1) The Legislature recognizes that the Help
 55 America Vote Act of 2002 requires the implementation of a new
 56 single, uniform, centralized, interactive, and computerized

57 statewide voter registration system by January 1, 2006. The
58 Florida Voter Registration System (FVRS) will replace the
59 existing state's voter registration system. The FVRS will
60 interface with and integrate voter registration information and
61 records from the offices of the 67 county supervisors of
62 elections. The FVRS will contain the name and other registration
63 information of every legally registered voter in the state. The
64 FVRS will be the official list of registered voters in the state
65 and will be used as the registration system for federal and
66 state elections. Any such system must keep information
67 concerning a person's decision not to register or information
68 concerning the place where a person registers to vote
69 confidential in accordance with the National Voter Registration
70 Act. Therefore, the Legislature finds it necessary to continue
71 the existing public-records exemption to keep such information
72 confidential and exempt in order to conform with the
73 requirements of the National Voter Registration Act.
74 Additionally, because persons may register to vote or update
75 voter registration information at designated voter registration
76 agencies that may include any office that provides public
77 assistance, this exemption is also necessary to protect from
78 disclosure personal information concerning those persons who
79 apply for or receive public assistance at these offices.

80 (2) The Legislature also finds it necessary to broaden the
81 existing exemption from public-records access to social security
82 numbers of voters and voter registration applicants to include
83 driver's license numbers and Florida identification numbers. The
84 Legislature finds that access to such information can lead to

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

105 (3) The Legislature also finds it necessary to continue
106 and to expand the existing exemption that precludes the copying
107 of a voter's signature. Currently, a voter's signature is exempt
108 from copying but only if contained on a voter registration
109 application or precinct register. Two advisory opinions from the
110 Attorney General issued in 2001 stated that a voter's signature
111 on an absentee ballot certificate is not part of the voter
112 registration record and therefore not exempt from copying.

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

136 Section 4. This act shall take effect on the same date
137 that House Bill 1589 or similar legislation takes effect, if
138 such legislation is enacted in the same legislative session or
139 an extension thereof and becomes law.