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HB 1591, Engrossed 2

2005 Legislature

1 A bill to be entitled

2 An act relating to public records; amending s. 97.0585,
3 F.S.; revising an exemption from the public-records law
4 which is provided for information concerning persons who
5 decline to register to vote, information relating to the
6 place where a person registered to vote or updated a
7 registration, and a voter's signature and social security
8 number; creating exemptions from disclosure for a voter's
9 driver's license number and Florida identification number;
10 deleting an exemption from disclosure provided for the
11 voter's telephone number; providing certain exceptions;
12 providing for retroactive application of the exemption;
13 amending s. 741.465, F.S.; expanding a public-records
14 exemption for the names, addresses, and telephone numbers
15 of participants in the Address Confidentiality Program for
16 Victims of Domestic Violence contained in certain voter
17 records held by the supervisor of elections and the
18 Department of State; providing for future legislative
19 review and repeal under the Open Government Sunset Review
20 Act; providing a finding of public necessity; providing a
21 contingent effective date.

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

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

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

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

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

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

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

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

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

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

57 741.465 Public records exemption for the Address
58 Confidentiality Program for Victims of Domestic Violence.--

59 (2) The names, addresses, and telephone numbers of
60 participants in the Address Confidentiality Program for Victims
61 of Domestic Violence contained in voter registration and voting
62 records held by the supervisor of elections and the Department
63 of State are exempt from s. 119.07(1) and s. 24(a), Art. I of
64 the State Constitution, except the information may be disclosed
65 under the following circumstances: to a law enforcement agency
66 for purposes of assisting in the execution of an arrest warrant
67 or, if directed by a court order, to a person identified in the
68 order. This exemption applies to information made exempt by this
69 subsection before, on, or after the effective date of the
70 exemption.

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

77 Section 4. (1) The Legislature recognizes that the Help
78 America Vote Act of 2002 requires the implementation of a new
79 single, uniform, centralized, interactive, and computerized
80 statewide voter registration system by January 1, 2006. The
81 Florida Voter Registration System (FVRS) will replace the
82 existing state's voter registration system. The FVRS will

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83 interface with and integrate voter registration information and
84 records from the offices of the 67 county supervisors of
85 elections. The FVRS will contain the name and other registration
86 information of every legally registered voter in the state. The
87 FVRS will be the official list of registered voters in the state
88 and will be used as the registration system for federal and
89 state elections. Any such system must keep information
90 concerning a person's decision not to register or information
91 concerning the place where a person registers to vote
92 confidential in accordance with the National Voter Registration
93 Act. Therefore, the Legislature finds it necessary to continue
94 the existing public-records exemption to keep such information
95 confidential and exempt in order to conform with the
96 requirements of the National Voter Registration Act.
97 Additionally, because persons may register to vote or update
98 voter registration information at designated voter registration
99 agencies that may include any office that provides public
100 assistance, this exemption is also necessary to protect from
101 disclosure personal information concerning those persons who
102 apply for or receive public assistance at these offices.

103 (2) The Legislature also finds it necessary to broaden the
104 existing exemption from public-records access to social security
105 numbers of voters and voter registration applicants to include
106 driver's license numbers and Florida identification numbers. The
107 Legislature finds that access to such information can lead to
108 fraud, personal identity theft, and invasion of privacy. The
109 Florida Voter Statewide Voter Registration System, once
110 implemented and maintained, will constitute one of the most

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111 comprehensive and up-to-date databases of persons in this state.
112 The Legislature finds it not only necessary to exempt from
113 copying social security numbers, driver's license numbers, and
114 Florida identification numbers of those persons in the Florida
115 Voter Registration System but also to exempt those numbers from
116 inspection. Even the memorization of a single person's social
117 security number, driver's license number, or Florida
118 identification number could result in economic and personal harm
119 to that individual whose numbers may be used to perpetrate fraud
120 or may be coupled with other readily available public
121 information to commit personal identity theft or to gain access
122 to records, such as financial, educational, or medical records.
123 The Legislature also finds it necessary to keep the social
124 security numbers, driver's license numbers, and Florida
125 identification numbers in the Florida Voter Registration System
126 confidential and exempt in order to encourage voter registration
127 and remove disincentives to registering to vote.

128 (3) The Legislature also finds it necessary to continue
129 and to expand the existing exemption that precludes the copying
130 of a voter's signature. Currently, a voter's signature is exempt
131 from copying but only if contained on a voter registration
132 application or precinct register. Two advisory opinions from the
133 Attorney General issued in 2001 stated that a voter's signature
134 on an absentee ballot certificate is not part of the voter
135 registration record and therefore not exempt from copying.
136 Because express exemption from copying did not exist for
137 absentee ballot certificates, any person or entity may request
138 and obtain copies of all signatures of voters who voted absentee

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139 in any particular election. Consequently, any person or entity
140 may also request and obtain copies of all signatures of voters
141 who signed provisional ballot envelopes, early voting
142 certificates, or any other voting-related documents other than a
143 voter registration application or a precinct register. The
144 Legislature intends that a voter's signature be protected in
145 order to prevent fraud, identity theft, or invasion of privacy
146 in all instances. Nonetheless, the Legislature finds that any
147 exemption for such signatures must be balanced against the
148 continuing administrative need to allow for public inspection of
149 the signatures of voters or voter registration applicants for
150 purposes of voter verification, matching, or authenticity as may
151 occur in a voter's challenge or canvassing of an absentee
152 ballot. Therefore, the Legislature finds that it is a public
153 necessity to continue the existing exemption solely from copying
154 of voters' signatures and to expand that exemption to apply to
155 voters' signatures as may also appear on absentee ballot
156 certificate envelopes, provisional ballot envelopes, early-
157 voting certificates, or any other voting-related document that
158 must be executed for purposes of voting or voter registration.

159 (4) The Legislature also finds that it is a public
160 necessity that the names, addresses, and telephone numbers of
161 participants in the Address Confidentiality Program for Victims
162 of Domestic Violence which are contained in voter registration
163 and voting records held by the supervisor of elections and the
164 Department of State be made exempt from public-records
165 requirements. Participants in the program have demonstrated to
166 the Office of the Attorney General that there exists a risk to

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167 their physical safety and security. Nonetheless, program
168 participants must be afforded the ability to participate in
169 society and cast a vote in elections. However, the supervisor of
170 elections and the Department of State must have a verifiable
171 address for a program participant in order to place that
172 participant in the proper voting district and to maintain
173 accurate records for compliance with state and federal
174 requirements. The public-records exemption for the participant's
175 name is a public necessity because access to such name narrows
176 the location of that participant to his or her voting area. In
177 addition, access to the participant's address and telephone
178 number provides specific location and contact information for
179 the participant. Therefore, access to the participant's name,
180 address, and telephone number defeats the sole purpose of the
181 Address Confidentiality Program for Victims of Domestic
182 Violence, which is to provide safety and security for each
183 participant.

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