

By Senator Gardiner

9-00797-09

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1 A bill to be entitled
2 An act relating to public records; creating an
3 exemption from public-records requirements for the
4 names, addresses, and telephone numbers of persons who
5 are victims of stalking or aggravated stalking which
6 are contained in voter registration and voting records
7 held by the supervisor of elections or the Department
8 of State; providing for an exception under certain
9 circumstances; providing for future review and repeal
10 of the exemption under the Open Government Sunset
11 Review Act; providing a statement of public necessity;
12 providing an effective date.

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

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16 Section 1. Public-records exemption for stalking victims.-

17 (1) The names, addresses, and telephone numbers of victims
18 of the offense of stalking or aggravated stalking as described
19 in s. 784.048, Florida Statutes, which are contained in voter
20 registration and voting records held by the supervisor of
21 elections or the Department of State are exempt from s.
22 119.07(1), Florida Statutes, and s. 24(a), Article I of the
23 State Constitution. However, the information may be disclosed to
24 a law enforcement agency for purposes of assisting in the
25 execution of an arrest warrant or, if directed by a court order,
26 to a person identified in the order. This exemption applies to
27 information received by the supervisor of elections or the
28 Department of State before, on, or after the effective date of
29 the exemption.

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30 (2) This section is subject to the Open Government Sunset
31 Review Act in accordance with s. 119.15, Florida Statutes, and
32 shall stand repealed on October 2, 2014, unless reviewed and
33 saved from repeal through reenactment by the Legislature.

34 Section 2. The Legislature finds that it is a public
35 necessity that the names, addresses, and telephone numbers of
36 victims of stalking or aggravated stalking which are contained
37 in voter registration records and voting records held by the
38 supervisor of elections or the Department of State be made
39 exempt from public-records requirements. The victims, who may be
40 members of the voting public, must be afforded the ability to
41 participate in the election process. However, the supervisor of
42 elections has a verifiable address for a stalking victim in
43 order to place that person in the proper voting precinct and to
44 maintain accurate records for compliance with state and federal
45 requirements. The public-records exemption for the victim's name
46 is a public necessity because access to such name narrows the
47 location of that victim to his or her voting precinct. In
48 addition, access to the victim's address and telephone number
49 provides specific location and contact information for the
50 victim. Therefore, access to the victim's name, address, and
51 telephone number defeats the goal of providing safety and
52 security. Thus, the Legislature finds that it is a public
53 necessity to make confidential and exempt from public-records
54 requirements information held by the supervisor of elections or
55 the Department of State which would identify a person who is a
56 victim of stalking or aggravated stalking.

57 Section 3. This act shall take effect upon becoming a law.