

By the Committees on Ethics and Elections; and Ethics and Elections

582-03165-10

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 97.0585, F.S., relating to an exemption from public-
4 records requirements for certain information regarding
5 voters and voter registration and for signatures of
6 voters and voter registration applicants; saving the
7 exemption from repeal under the Open Government Sunset
8 Review Act; creating a public-records exemption for
9 certain information contained in voter registration
10 and voting records held by the supervisor of elections
11 or the Department of State with respect to stalking
12 victims and persons residing with stalking victims;
13 providing implementation procedures; providing a
14 statement of public necessity; providing for future
15 legislative review and repeal of the exemption under
16 the Open Government Sunset Review Act; repealing s. 3,
17 ch. 2005-279, Laws of Florida, which provides for
18 repeal of the exemption for information regarding
19 voters and voter registration; providing an effective
20 date.

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

23
24 Section 1. Section 97.0585, Florida Statutes, is amended to
25 read:

26 97.0585 Public records exemption; information regarding
27 voters and voter registration; confidentiality.-

28 (1) The following information ~~concerning voters and voter~~
29 ~~registration~~ held by an agency as defined in s. 119.011 is

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30 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
31 of the State Constitution and may be used only for purposes of
32 voter registration:

33 (a) All declinations to register to vote made pursuant to
34 ss. 97.057 and 97.058.

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

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

41 (2) The signature of a voter registration applicant or a
42 voter is exempt from the copying requirements ~~may not be copied~~
43 ~~and is exempt for that purpose from the provisions~~ of s.
44 119.07(1) and s. 24(a), Art. I of the State Constitution.

45 (3) (a) The names, addresses, and telephone numbers of
46 persons filing a sworn statement indicating that they or someone
47 residing with them are victims of stalking or aggravated
48 stalking, which are contained in voter registration and voting
49 records held by the Department of State and supervisor of
50 elections, are exempt from s. 119.07(1) and s. 24(a), Art. I of
51 the State Constitution. However, the information may be
52 disclosed to a law enforcement agency for purposes of assisting
53 in the execution of an arrest warrant or, if directed by a court
54 order, to a person identified in the order. The statement must
55 be filed with the department, the supervisor of elections, or
56 the voter registration agent. It must incorporate the text of s.
57 784.048, and otherwise be in substantially the following form:
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59 State of Florida
 60 County of
 61

62 I, ...(Print name)..., do swear (or affirm) that I have
 63 good reason to believe that: I, or someone residing with me, is
 64 a victim of the offense of stalking or aggravated stalking as
 65 described in s. 784.048, Florida Statutes; as a result, I fear
 66 for my safety or the safety of such person; and, neither I nor
 67 such person is a participant in the Address Confidentiality
 68 Program for Victims of Domestic Violence pursuant to s. 741.465,
 69 Florida Statutes.
 70

71 ...(Signature)...

72 ...(Address)...
 73

74 (b) The exemption expires 2 years after the date the
 75 statement is filed or upon the department's or a supervisor's
 76 receipt of written notice from the person requesting the
 77 exemption that the stalking situation has ceased or that the
 78 confidentiality protection is no longer necessary or desired,
 79 whichever occurs earlier.

80 (c) During the 90-day period immediately preceding the
 81 expiration of the exemption, the person may file a new statement
 82 that meets the requirements of paragraph (a), which will extend
 83 the original exemption for an additional 2 years following the
 84 date it is due to expire. At least 90 days before the expiration
 85 date, the department must provide written notice to the person
 86 of the pending expiration of the exemption, along with a blank
 87 statement and instructions for renewal.

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88 (d) The department must make a blank, printable version of
89 the sworn statement generally available on the department's
90 website for download by a voter or voter registration agent.

91 (4)~~(3)~~ This section applies to information held by an
92 agency before, on, or after the effective date of this
93 exemption.

94 Section 2. The Legislature finds that it is a public
95 necessity that the names, addresses, and telephone numbers of
96 victims of stalking or aggravated stalking and persons residing
97 with such victims, which are contained in voter registration
98 records and voting records held by the Department of State or
99 the supervisor of elections, be made exempt from public-records
100 requirements. The victims and persons residing with them, who
101 may be members of the voting public, must be afforded the
102 ability to participate in the election process. However, the
103 department and supervisor of elections must maintain a
104 verifiable address in order to place the voter in the proper
105 voting precinct and to maintain accurate records for compliance
106 with state and federal requirements. The public-records
107 exemption for the name is a public necessity because access to
108 such name narrows the location of a stalking victim to a
109 specific, geographic voting precinct. In addition, access to the
110 address and telephone number provides specific location and
111 contact information for the victim. The same considerations
112 apply with respect to the name, address, and telephone number of
113 persons residing with stalking victims, as a stalker who is
114 aware of a familial or other relationship between such persons
115 could use the information as a means to locate or contact the
116 victim. Therefore, access to the name, address, and telephone

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117 number defeats the goal of providing safety and security. Thus,
118 the Legislature finds that it is a public necessity to make
119 exempt from public-records disclosure information held by the
120 department or supervisor which would identify a person who is a
121 victim of stalking or aggravated stalking and persons residing
122 with such victims.

123 Section 3. Subsection (3) of section 97.0585, Florida
124 Statutes, as created by this act, is subject to the Open
125 Government Sunset Review Act in accordance with section 119.15,
126 Florida Statutes, and shall stand repealed on October 2, 2015,
127 unless reviewed and saved from repeal through reenactment by the
128 Legislature.

129 Section 4. Section 3 of chapter 2005-279, Laws of Florida,
130 is repealed.

131 Section 5. This act shall take effect upon becoming a law.