

By the Committees on Governmental Oversight and Accountability;
Ethics and Elections; and Ethics and Elections

585-04246-10

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1 A bill to be entitled
2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 97.0585, F.S., relating
4 to an exemption from public-records requirements for
5 certain information regarding voters and voter
6 registration and for signatures of voters and voter
7 registration applicants; saving the exemption from
8 repeal under the Open Government Sunset Review Act;
9 creating a public-records exemption for specified
10 personal identifying information of stalking victims
11 held by the Attorney General or contained in voter
12 registration and voting records held by the supervisor
13 of elections or the Department of State; providing for
14 future legislative review and repeal of the exemption
15 under the Open Government Sunset Review Act; providing
16 a statement of public necessity; repealing s. 3 of
17 chapter 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) The names, addresses, and telephone numbers of persons
46 who are victims of stalking or aggravated stalking are exempt
47 from s. 119.071(1) and s. 24(a), Art. I of the State
48 Constitution in the same manner that the names, addresses, and
49 telephone numbers of participants in the Address Confidentiality
50 Program for Victims of Domestic Violence which are held by the
51 Attorney General under s. 741.465 are exempt from disclosure,
52 provided that the victim files a sworn statement of stalking
53 with the Office of the Attorney General and otherwise complies
54 with the procedures in ss. 741.401-741.409.

55 (4)~~(3)~~ This section applies to information held by an
56 agency before, on, or after the effective date of this
57 exemption.

58 (5) Subsection (3) is subject to the Open Government Sunset

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59 Review Act in accordance with s. 119.15 and shall stand repealed
60 on October 2, 2015, unless reviewed and saved from repeal
61 through reenactment by the Legislature.

62 Section 2. Section 3 of chapter 2005-279, Laws of Florida,
63 is repealed.

64 Section 3. The Legislature finds that it is a public
65 necessity that the names, addresses, and telephone numbers of
66 victims of stalking or aggravated stalking, which are held by
67 the Office of the Attorney General or contained in voter
68 registration records and voting records held by the Department
69 of State or the supervisor of elections, be made exempt from
70 public-records requirements. The victims, who may be members of
71 the voting public, must be afforded the ability to participate
72 in the election process. However, the department and supervisor
73 of elections must maintain a verifiable address in order to
74 place the voter in the proper voting precinct and to maintain
75 accurate records for compliance with state and federal
76 requirements. The public-records exemption for the name is a
77 public necessity because access to such name narrows the
78 location of a stalking victim to a specific, geographic voting
79 precinct. In addition, access to the address and telephone
80 number provides specific location and contact information for
81 the victim. Therefore, access to the name, address, and
82 telephone number defeats the goal of providing safety and
83 security. Allowing victims of stalking or aggravated stalking to
84 use a substitute mailing address designated by the Office of the
85 Attorney General facilitates the goal of providing safety and
86 security. Thus, the Legislature finds that it is a public
87 necessity to make exempt from public disclosure the names,

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88 addresses, and telephone numbers of victims of stalking or
89 aggravated stalking held by the Office of the Attorney General,
90 by the department, or by a supervisor of elections.

91 Section 4. This act shall take effect upon becoming a law.