

ENROLLED  
 HB 7079, Engrossed 1

2010 Legislature

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., which  
 4           provides an exemption from public records requirements for  
 5           certain information regarding voters and voter  
 6           registration and which provides an exemption from the  
 7           copying requirements for signatures of voters and voter  
 8           registrants; making clarifying changes; creating a public-  
 9           records exemption for specified personal identifying  
 10          information of stalking victims held by the Attorney  
 11          General or contained in voter registration and voting  
 12          records held by the supervisor of elections or the  
 13          Department of State; providing for future legislative  
 14          review and repeal of the exemption under the Open  
 15          Government Sunset Review Act; providing a statement of  
 16          public necessity; repealing s. 3, ch. 2005-279, Laws of  
 17          Florida, which provides for repeal of the exemption;  
 18          providing an effective date.

19  
 20 Be It Enacted by the Legislature of the State of Florida:

21  
 22           Section 1. Section 97.0585, Florida Statutes, is amended  
 23           to read:

24           97.0585 Public records exemption; information regarding  
 25           voters and voter registration; confidentiality.-

26           (1) The following information ~~concerning voters and voter~~  
 27           ~~registration~~ held by an agency as defined in s. 119.011 is  
 28           confidential and exempt from s. 119.07(1) and s. 24(a), Art. I

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29 | of the State Constitution and may be used only for purposes of  
 30 | voter registration:

31 |       (a) All declinations to register to vote made pursuant to  
 32 | ss. 97.057 and 97.058.

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

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

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

43 |       (3) The names, addresses, and telephone numbers of persons  
 44 | who are victims of stalking or aggravated stalking are exempt  
 45 | from s. 119.071(1) and s. 24(a), Art. I of the State  
 46 | Constitution in the same manner that the names, addresses, and  
 47 | telephone numbers of participants in the Address Confidentiality  
 48 | Program for Victims of Domestic Violence which are held by the  
 49 | Attorney General under s. 741.465 are exempt from disclosure,  
 50 | provided that the victim files a sworn statement of stalking  
 51 | with the Office of the Attorney General and otherwise complies  
 52 | with the procedures in ss. 741.401-741.409.

53 |       ~~(4)~~(3) This section applies to information held by an  
 54 | agency before, on, or after the effective date of this  
 55 | exemption.

56 |       (5) Subsection (3) is subject to the Open Government

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

60 Section 2. Section 3 of chapter 2005-279, Laws of Florida,  
61 is repealed.

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

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85 necessity to make exempt from public disclosure the names,  
86 addresses, and telephone numbers of victims of stalking or  
87 aggravated stalking held by the Office of the Attorney General,  
88 by the department, or by a supervisor of elections.

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