

House Bill No. 1591

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

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

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

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

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

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

~~(b)(2) Information relating to the place where a person registered to vote or where a person updated a voter registration.~~

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

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

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

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

741.465 Public records exemption for the Address Confidentiality Program for Victims of Domestic Violence.—

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

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

Section 4. (1) The Legislature recognizes that the Help America Vote Act of 2002 requires the implementation of a new single, uniform, centralized, interactive, and computerized statewide voter registration system by January 1, 2006. The Florida Voter Registration System (FVRS) will replace the existing state's voter registration system. The FVRS will interface with and integrate voter registration information and records from the offices of the 67 county supervisors of elections. The FVRS will contain the name and other registration information of every legally registered voter in the state. The FVRS will be the official list of registered voters in the state and will be used as the registration system for federal and state elections. Any such system must keep information concerning a person's decision not to register or information concerning the place where a person registers to vote confidential in accordance with the National Voter Registration Act. Therefore, the Legislature finds it necessary to continue the existing public-records exemption to keep such information confidential and exempt in order to conform with the requirements of the National Voter Registration Act. Additionally, because persons may register to vote or update voter registration information at designated voter registration agencies that may include any office that provides public assistance, this exemption is also necessary to protect from disclosure personal information concerning those persons who apply for or receive public assistance at these offices.

(2) The Legislature also finds it necessary to broaden the existing exemption from public-records access to social security numbers of voters and voter registration applicants to include driver's license numbers and Florida identification numbers. The Legislature finds that access to such information can lead to fraud, personal identity theft, and invasion of privacy. The

Florida Voter Statewide Voter Registration System, once implemented and maintained, will constitute one of the most comprehensive and up-to-date databases of persons in this state. The Legislature finds it not only necessary to exempt from copying social security numbers, driver's license numbers, and Florida identification numbers of those persons in the Florida Voter Registration System but also to exempt those numbers from inspection. Even the memorization of a single person's social security number, driver's license number, or Florida identification number could result in economic and personal harm to that individual whose numbers may be used to perpetrate fraud or may be coupled with other readily available public information to commit personal identity theft or to gain access to records, such as financial, educational, or medical records. The Legislature also finds it necessary to keep the social security numbers, driver's license numbers, and Florida identification numbers in the Florida Voter Registration System confidential and exempt in order to encourage voter registration and remove disincentives to registering to vote.

(3) The Legislature also finds it necessary to continue and to expand the existing exemption that precludes the copying of a voter's signature. Currently, a voter's signature is exempt from copying but only if contained on a voter registration application or precinct register. Two advisory opinions from the Attorney General issued in 2001 stated that a voter's signature on an absentee ballot certificate is not part of the voter registration record and therefore not exempt from copying. Because express exemption from copying did not exist for absentee ballot certificates, any person or entity may request and obtain copies of all signatures of voters who voted absentee in any particular election. Consequently, any person or entity may also request and obtain copies of all signatures of voters who signed provisional ballot envelopes, early voting certificates, or any other voting-related documents other than a voter registration application or a precinct register. The Legislature intends that a voter's signature be protected in order to prevent fraud, identity theft, or invasion of privacy in all instances. Nonetheless, the Legislature finds that any exemption for such signatures must be balanced against the continuing administrative need to allow for public inspection of the signatures of voters or voter registration applicants for purposes of voter verification, matching, or authenticity as may occur in a voter's challenge or canvassing of an absentee ballot. Therefore, the Legislature finds that it is a public necessity to continue the existing exemption solely from copying of voters' signatures and to expand that exemption to apply to voters' signatures as may also appear on absentee ballot certificate envelopes, provisional ballot envelopes, early-voting certificates, or any other voting-related document that must be executed for purposes of voting or voter registration.

(4) The Legislature also finds that it is a public necessity that the names, addresses, and telephone numbers of participants in the Address Confidentiality Program for Victims of Domestic Violence which are contained in voter registration and voting records held by the supervisor of elections and the Department of State be made exempt from public-records requirements. Participants in the program have demonstrated to the Office of the Attorney General that there exists a risk to their physical safety and security. Nonetheless, program participants must be afforded the ability to participate in society and cast a vote in elections. However, the supervisor of elections and

the Department of State must have a verifiable address for a program participant in order to place that participant in the proper voting district and to maintain accurate records for compliance with state and federal requirements. The public-records exemption for the participant's name is a public necessity because access to such name narrows the location of that participant to his or her voting area. In addition, access to the participant's address and telephone number provides specific location and contact information for the participant. Therefore, access to the participant's name, address, and telephone number defeats the sole purpose of the Address Confidentiality Program for Victims of Domestic Violence, which is to provide safety and security for each participant.

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

Approved by the Governor June 20, 2005.

Filed in Office Secretary of State June 20, 2005.