

CHAPTER 2010-115

House Bill No. 7079

An act relating to a review under the Open Government Sunset Review Act; amending s. 97.0585, F.S., which provides an exemption from public records requirements for certain information regarding voters and voter registration and which provides an exemption from the copying requirements for signatures of voters and voter registrants; making clarifying changes; creating a public-records exemption for specified personal identifying information of stalking victims held by the Attorney General or contained in voter registration and voting records held by the supervisor of elections or the Department of State; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; repealing s. 3, ch. 2005-279, Laws of Florida, which provides for repeal of the exemption; providing an 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; 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.

(b) 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 exempt from the copying requirements may not be copied and is exempt for that purpose from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(3) The names, addresses, and telephone numbers of persons who are victims of stalking or aggravated stalking are exempt from s. 119.071(1) and s. 24(a), Art. I of the State Constitution in the same manner that the names, addresses, and telephone numbers of participants in the Address Confidentiality Program for Victims of Domestic Violence which are held by the Attorney General under s. 741.465 are exempt from disclosure, provided that

the victim files a sworn statement of stalking with the Office of the Attorney General and otherwise complies with the procedures in ss. 741.401-741.409.

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

(5) Subsection (3) is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2015, unless reviewed and saved from repeal through reenactment by the Legislature.

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 Section 3 of chapter 2005-279, Laws of Florida, is repealed.

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

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

Approved by the Governor May 26, 2010.

Filed in Office Secretary of State May 26, 2010.