

House Bill No. 1763

An act relating to the public records exemption for the Address Confidentiality Program for Victims of Domestic Violence; amending s. 741.406, F.S.; repealing provisions which prohibit a supervisor of elections from making certain program participant information available; repealing s. 741.407, F.S., which prohibits the Attorney General from disclosing specified program participant information; amending s. 741.465, F.S., which provides an exemption from public records requirements for specified information of participants in the Address Confidentiality Program for Victims of Domestic Violence; adding clarifying language; removing the October 2, 2003, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; creating 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 voter registration records held by the supervisor of elections; providing for retroactive application of the exemption; providing for future review and repeal of exemption; providing a statement of public necessity; providing an effective date.

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

Section 1. Section 741.406, Florida Statutes, is amended to read:

741.406 Voting by program participant; use of designated address by supervisor of elections.—

(1) A program participant who is otherwise qualified to vote may request an absentee ballot pursuant to s. 101.62. The program participant shall automatically receive absentee ballots for all elections in the jurisdictions in which that individual resides in the same manner as absentee voters. The supervisor of elections shall transmit the absentee ballot to the program participant at the address designated by the participant in his or her application as an absentee voter. The name, address, and telephone number of a program participant may not be included in any list of registered voters available to the public.

~~(2) The supervisor of elections may not make the participant's name, address, or telephone number contained in voter registration records available for public inspection or copying except:~~

~~(a) To a law enforcement agency for purposes of assisting in the execution of an arrest warrant.~~

~~(b) If directed by a court order, to a person identified in the order.~~

Section 2. Section 741.407, Florida Statutes, is repealed.

Section 3. Notwithstanding the October 2, 2003, repeal of said section scheduled pursuant to the Open Government Sunset Review Act of 1995, section 741.465, Florida Statutes, is amended to read:

741.465 Public records exemption for the Address Confidentiality Program for Victims of Domestic Violence; certain information exempt from disclosure.—

(1) The addresses, corresponding telephone numbers, and social security numbers of program participants in the Address Confidentiality Program for Victims of Domestic Violence held by the Office of the Attorney General 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 a valid arrest warrant; if directed by a court order, to a person identified in the order; or if the certification has been canceled. For purposes of this section, the term “address” means a residential street address, school address, or work address, as specified on the individual’s application to be a program participant in the Address Confidentiality Program for Victims of Domestic Violence. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2003, unless reviewed and saved from repeal through reenactment by the Legislature.

(2) The names, addresses, and telephone numbers of participants in the Address Confidentiality Program for Victims of Domestic Violence contained in voter registration records held by the supervisor of elections 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 4. Subsection (2) of s. 741.465, Florida Statutes, is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, Florida Statutes, and shall stand repealed on October 2, 2008, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 5. The Legislature finds that it is a public necessity that names, addresses, and telephone numbers of participants in the Address Confidentiality Program for Victims of Domestic Violence contained in voter registration records held by the supervisor of elections 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, the program participants must be afforded the ability to participate in society and cast a vote in elections. However, the supervisor of elections 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 every participant.

Section 6. This act shall take effect upon becoming a law.

Approved by the Governor June 23, 2003.

Filed in Office Secretary of State June 23, 2003.