



965348

LEGISLATIVE ACTION

| | | |
|------------|---|-------|
| Senate | . | House |
| Comm: RCS | . | |
| 03/18/2010 | . | |
| | . | |
| | . | |
| | . | |

The Committee on Ethics and Elections (Gardiner) recommended the following:

Senate Amendment (with title amendment)

Delete lines 36 - 40
and insert:

(3) (a) The names, addresses, and telephone numbers of persons filing a sworn statement indicating that they or someone residing with them are victims of stalking or aggravated stalking, which are contained in voter registration and voting records held by the Department of State and supervisor of elections, are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. However, the information may be disclosed to a law enforcement agency for purposes of assisting



965348

13 in the execution of an arrest warrant or, if directed by a court
14 order, to a person identified in the order. The statement must
15 be filed with the department, the supervisor of elections, or
16 the voter registration agent. It must incorporate the text of s.
17 784.048, and otherwise be in substantially the following form:

18
19 State of Florida
20 County of

21
22 I, ...(Print name)..., do swear (or affirm) that I have
23 good reason to believe that: I, or someone residing with me, is
24 a victim of the offense of stalking or aggravated stalking as
25 described in s. 784.048, Florida Statutes; as a result, I fear
26 for my safety or the safety of such person; and, neither I nor
27 such person is a participant in the Address Confidentiality
28 Program for Victims of Domestic Violence pursuant to s. 741.465,
29 Florida Statutes.

30
31 ...(Signature)...

32 ...(Address)...

33
34 (b) The exemption expires 2 years after the date the
35 statement is filed or upon the department's or a supervisor's
36 receipt of written notice from the person requesting the
37 exemption that the stalking situation has ceased or that the
38 confidentiality protection is no longer necessary or desired,
39 whichever occurs earlier.

40 (c) During the 90-day period immediately preceding the
41 expiration of the exemption, the person may file a new statement



965348

42 that meets the requirements of paragraph (a), which will extend
43 the original exemption for an additional two years from the date
44 it is due to expire. At least 90 days before the expiration
45 date, the department must provide written notice to the person
46 of the pending expiration of the exemption, along with a blank
47 statement and instructions for renewal.

48 (d) The department must make a blank, printable version of
49 the sworn statement generally available on the department's web
50 site for download by a voter or voter registration agent.

51 (4)(3) This section applies to information held by an
52 agency before, on, or after the effective date of this
53 exemption.

54 Section 2. The Legislature finds that it is a public
55 necessity that the names, addresses, and telephone numbers of
56 victims of stalking or aggravated stalking and persons residing
57 with such victims, which are contained in voter registration
58 records and voting records held by the Department of State or
59 the supervisor of elections, be made exempt from public-records
60 requirements. The victims and persons residing with them, who
61 may be members of the voting public, must be afforded the
62 ability to participate in the election process. However, the
63 department and supervisor of elections must maintain a
64 verifiable address in order to place the voter in the proper
65 voting precinct and to maintain accurate records for compliance
66 with state and federal requirements. The public-records
67 exemption for the name is a public necessity because access to
68 such name narrows the location of a stalking victim to a
69 specific, geographic voting precinct. In addition, access to the
70 address and telephone number provides specific location and



965348

71 contact information for the victim. The same considerations
72 apply with respect to the name, address, and telephone number of
73 persons residing with stalking victims, as a stalker who is
74 aware of a familial or other relationship between such persons
75 could use the information as a means to locate or contact the
76 victim. Therefore, access to the name, address, and telephone
77 number defeats the goal of providing safety and security. Thus,
78 the Legislature finds that it is a public necessity to make
79 exempt from public-records disclosure information held by the
80 department or supervisor which would identify a person who is a
81 victim of stalking or aggravated stalking and persons residing
82 with such victims.

83 Section 3. Subsection (3) of section 97.0585, Florida
84 Statutes, as created by this act, is subject to the Open
85 Government Sunset Review Act of 1995 in accordance with section
86 119.15, Florida Statutes, and shall stand repealed on October 2,
87 2015, unless reviewed and saved from repeal through reenactment
88 by the Legislature.

89 Section 4. Section 3 of Chapter 2005-279, Laws of Florida,
90 is repealed.

91 Section 5. This act shall take effect upon becoming a law.

92
93 ===== T I T L E A M E N D M E N T =====

94 And the title is amended as follows:

95 Delete lines 2 - 9

96 and insert:

97 An act relating to public records; amending s.

98 97.0585, F.S., relating to an exemption from public-

99 records requirements for certain information regarding



965348

100 voters and voter registration and for signatures of
101 voters and voter registration applicants; saving the
102 exemption from repeal under the Open Government Sunset
103 Review Act; creating a public-records exemption for
104 certain information contained in voter registration
105 and voting records held by the supervisor of elections
106 or the Department of State with respect to stalking
107 victims and persons residing with stalking victims;
108 providing implementation procedures; providing a
109 statement of public necessity; repealing the newly-
110 created exemption on October 2, 2015, if not reenacted
111 by the Legislature; repealing s. 3, ch. 2005-279, Laws
112 of Florida, which