Florida Senate - 2005

CS for SB 2178

By the Committee on Ethics and Elections; and Senator Posey

582-1919-05

1	A bill to be entitled
2	An act relating to public records; amending s.
3	97.0585, F.S.; revising an exemption from the
4	public-records law which is provided for
5	information concerning persons who decline to
6	register to vote, information relating to the
7	place where a person registered to vote or
8	updated a registration, and a voter's signature
9	and social security number; creating exemptions
10	from disclosure for a voter's driver's license
11	number and Florida identification number;
12	deleting an exemption from disclosure provided
13	for the voter's telephone number; providing
14	certain exceptions; providing for future
15	legislative review and repeal under the Open
16	Government Sunset Review Act; providing a
17	finding of public necessity; providing a
18	contingent effective date.
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20	Be It Enacted by the Legislature of the State of Florida:
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22	Section 1. Section 97.0585, Florida Statutes, is
23	amended to read:
24	97.0585 Public-records exemption; information
25	regarding voters and voter registration Declinations to
26	register; place of registration and registration information;
27	confidentiality
28	(1) The following information concerning voters and
29	voter registration is confidential and exempt from s.
30	119.07(1) and s. 24(a), Art. I of the State Constitution and
31	may be used only for purposes of voter registration:
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1 (a) All declinations to register to vote made pursuant 2 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 3 4 Constitution and may be used only for voter registration 5 purposes. б (b) (b) (2) Information relating to the place where a 7 person registered to vote or where a person updated a voter 8 registration. (c) The social security number, driver's license 9 10 number, and Florida identification number of a voter registration applicant or voter. 11 12 (2) The signature of a voter registration applicant or 13 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 14 a voter's signature, social security number, and telephone 15 16 number may not be copied and is are exempt for that purpose 17 from the provisions of s. 119.07(1) and s. 24(a), Art. I of 18 the State Constitution. Section 2. Section 97.0585, Florida Statutes, as 19 amended by this act, is subject to the Open Government Sunset 20 21 Review Act of 1995 in accordance with section 119.15, Florida 2.2 Statutes, and shall stand repealed on October 2, 2010, unless 23 reviewed and saved from repeal through reenactment by the 2.4 Legislature. 25 Section 3. (1) The Legislature recognizes that the Help America Vote Act of 2002 requires the implementation of a 26 27 new single, uniform, centralized, interactive, and 2.8 computerized statewide voter registration system by January 1, 2006. The Florida Voter Registration System (FVRS) will 29 replace the existing state's voter registration system. The 30 FVRS will interface with and integrate voter registration 31

2supervisors of elections. The FVRS will contain the name and3other registration information of every legally registered4voter in the state. The FVRS will be the official list of5registered voters in the state and will be used as the6registration system for federal and state elections. Any such7system must keep information concerning a person's decision8not to register or information concerning the place where a9person registers to vote confidential in accordance with the10National Voter Registration Act. Therefore, the Legislature11finds it necessary to continue the existing public-records12exemption to keep such information confidential and exempt in13order to conform with the requirements of the National Voter14Registration Act. Additionally, because persons may register15to vote or update voter registration information at designated16voter registration agencies that may include any office that17provides public assistance, this exemption is also necessary18to protect from disclosure personal information concerning19these offices.21(2) The Legislature also finds it necessary to broaden22the existing exemption from public-records access to social23security numbers of voters and voter registration applicants24to include driver's license numbers and Florida identification25numbers. The Legislature finds that access to such information26can lead to fraud, personal identity theft,	1	information and records from the offices of the 67 county
4voter in the state. The FVRS will be the official list of5registered voters in the state and will be used as the6registration system for federal and state elections. Any such7system must keep information concerning a person's decision8not to register or information concerning the place where a9person registers to vote confidential in accordance with the10National Voter Registration Act. Therefore, the Legislature11finds it necessary to continue the existing public-records12exemption to keep such information confidential and exempt in13order to conform with the requirements of the National Voter14Registration Act. Additionally, because persons may register15to vote or update voter registration information at designated16voter registration agencies that may include any office that17provides public assistance, this exemption is also necessary18to protect from disclosure personal information concerning19those persons who apply for or receive public assistance at20the existing exemption from public-records access to social21(2) The Legislature also finds it necessary to broaden22the existing exemption from public-records access to social23security numbers of voters and voter registration applicants24to include driver's license numbers and Florida identification25numbers. The Legislature finds that access to such information26an lead to fraud, personal identity theft, and invasion of27<	2	supervisors of elections. The FVRS will contain the name and
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29 <u>of the most comprehensive and up-to-date databases of persons</u> 30 <u>in this state. The Legislature finds it not only necessary to</u>	27	privacy. The Florida Voter Statewide Voter Registration
30 in this state. The Legislature finds it not only necessary to	28	System, once implemented and maintained, will constitute one
	29	of the most comprehensive and up-to-date databases of persons
31 exempt from copying social security numbers, driver's license	30	in this state. The Legislature finds it not only necessary to
	31	exempt from copying social security numbers, driver's license

1	numbers, and Florida identification numbers of those persons
2	in the Florida Voter Registration System but also to exempt
3	those numbers from inspection. Even the memorization of a
4	single person's social security number, driver's license
5	number, or Florida identification number could result in
б	economic and personal harm to that individual whose numbers
7	may be used to perpetuate fraud or may be coupled with other
8	readily available public information to commit personal
9	identity theft or to gain access to records, such as
10	financial, educational, or medical records. The Legislature
11	also finds it necessary to keep the social security numbers,
12	driver's license numbers, and Florida identification numbers
13	in the Florida Voter Registration System confidential and
14	exempt in order to encourage voter registration and remove
15	disincentives to registering to vote.
16	(3) The Legislature also finds it necessary to
17	continue and to expand the existing exemption that precludes
18	the copying of a voter's signature. Currently, a voter's
19	signature is exempt from copying but only if contained on a
20	voter registration application or precinct register. Two
21	advisory opinions from the Attorney General issued in 2001
22	stated that a voter's signature on an absentee ballot
23	certificate is not part of the voter registration record and
24	therefore not exempt from copying. Because express exemption
25	from copying did not exist for absentee ballot certificates,
26	any person or entity may request and obtain copies of all
27	signatures of voters who voted absentee in any particular
28	<u>election. Consequently, any person or entity may also request</u>
29	and obtain copies of all signatures of voters who signed
30	provisional ballot envelopes, early voting certificates, or
31	any other voting-related documents other than a voter
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1	registration application or a precinct register. The
2	Legislature intends that a voter's signature be protected in
3	order to prevent fraud, identity theft, or invasion of privacy
4	in all instances. Nonetheless, the Legislature finds that any
5	exemption for such signatures must be balanced against the
б	continuing administrative need to allow for public inspection
7	of the signatures of voters or voter registration applicants
8	for purposes of voter verification, matching, or authenticity
9	as may occur in a voter's challenge or canvassing of an
10	absentee ballot. Therefore, the Legislature finds that it is a
11	public necessity to continue the existing exemption solely
12	from copying of voters' signatures and to expand that
13	exemption to apply to voters' signatures as may also appear on
14	absentee ballot certificate envelopes, provisional ballot
15	envelopes, early-voting certificates, or any other
16	voting-related document that must be executed for purposes of
17	voting or voter registration.
18	Section 4. This act shall take effect on the same date
19	that Senate Bill 2176 or similar legislation takes effect, if
20	such legislation is enacted in the same legislative session or
21	an extension thereof and becomes law.
22	
23	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
24	Senate Bill 2178
25	
26	The committee substitute makes a voter's driver's license number and Florida identification number confidential and
27	exempt from public disclosure. It also removes a limited public-records exemption for a voter's telephone number.
28	public-records exemption for a voter's terephone number.
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