

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 97.0585, F.S.; providing an exemption from public
 4 records requirements for the e-mail addresses of voter
 5 registration applicants and voters; providing for
 6 future legislative review and repeal of the exemption
 7 under the Open Government Sunset Review Act; providing
 8 a statement of public necessity; providing a
 9 contingent effective date.

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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 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.

29 (d) The e-mail address of a voter registration applicant
 30 or voter.

31 (2) The signature of a voter registration applicant or a
 32 voter is exempt from the copying requirements of s. 119.07(1)
 33 and s. 24(a), Art. I of the State Constitution.

34 (3) The names, addresses, and telephone numbers of persons
 35 who are victims of stalking or aggravated stalking are exempt
 36 from s. 119.071(1) and s. 24(a), Art. I of the State
 37 Constitution in the same manner that the names, addresses, and
 38 telephone numbers of participants in the Address Confidentiality
 39 Program for Victims of Domestic Violence which are held by the
 40 Attorney General under s. 741.465 are exempt from disclosure,
 41 provided that the victim files a sworn statement of stalking
 42 with the Office of the Attorney General and otherwise complies
 43 with the procedures in ss. 741.401-741.409.

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

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 48 repealed on October 2, 2015, unless reviewed and saved from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

50 (b) Paragraph (d) of subsection (1) is subject to the Open
 51 Government Sunset Review Act in accordance with s. 119.15 and
 52 shall stand repealed on October 2, 2018, unless reviewed and
 53 saved from repeal through reenactment by the Legislature.

54 Section 2. The Legislature finds that it is a public
 55 necessity that the e-mail address of a voter registration
 56 applicant or voter that is held by an agency be made

57 confidential and exempt from public record requirements. E-mail
58 addresses are personal information that could be misused and
59 could result in voter fraud if released. A voter may request an
60 absentee ballot using an e-mail address. Public access to that
61 e-mail address could make others aware of those voters intending
62 to vote using an absentee ballot and could result in
63 confiscation and misuse of a mailed absentee ballot by a person
64 other than the registered voter before the registered voter
65 receives the requested absentee ballot. In addition, collection
66 of the e-mail address of a voter registration applicant or a
67 registered voter would allow the supervisors of elections to
68 send sample ballots electronically, thereby saving counties
69 money. If a voter registration applicant or a registered voter
70 knows that his or her e-mail address is subject to public
71 disclosure, he or she may be less willing to provide the address
72 to the supervisor of elections. Accordingly, the effective and
73 efficient administration of a government program would be
74 significantly impaired.

75 Section 3. This act shall take effect on the same date
76 that HB 247 or similar legislation takes effect, if such
77 legislation is adopted in the same legislative session or an
78 extension thereof and becomes law.