

By Senator Margolis

35-964-06

1                                   A bill to be entitled  
2            An act relating to public records; amending s.  
3            119.071, F.S.; creating an exemption from  
4            public-records requirements for e-mail  
5            addresses of individuals which are held by  
6            state agencies; providing for future  
7            legislative review and repeal of the exemption  
8            under the Open Government Sunset Review Act;  
9            providing a finding of public necessity;  
10           providing an effective date.

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

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14           Section 1. Paragraph (g) is added to subsection (5) of  
15 section 119.071, Florida Statutes, to read:

16           119.071 General exemptions from inspection or copying  
17 of public records.--

18           (5) OTHER PERSONAL INFORMATION.--

19           (g) E-mail addresses of individuals which are held by  
20 an agency are exempt from s. 119.07(1) and s. 24(a), Art. I of  
21 the State Constitution. This paragraph is subject to the Open  
22 Government Sunset Review Act in accordance with s. 119.15, and  
23 shall stand repealed on October 2, 2011, unless reviewed and  
24 saved from repeal through reenactment by the Legislature.

25           Section 2. The Legislature finds that it is a public  
26 necessity to exempt from public-records requirements the  
27 e-mail addresses of individuals which are held by state  
28 agencies. In an attempt to provide better service to the  
29 public, state agencies often collect e-mail addresses of  
30 individuals in order to contact them regarding a variety of  
31 issues. An agency may contact individuals to provide notice of

1 public events or meetings, to make individuals aware of  
2 certain programs or opportunities, or for a variety of other  
3 purposes. Use of e-mail by state agencies, as opposed to the  
4 United States mail, is more efficient and saves agency funds.  
5 However, these e-mail addresses, if obtained by a solicitor,  
6 can be used to send advertisements or "spam" to the addresses.  
7 The e-mail addresses could also be sold for a variety of  
8 economic purposes and for a variety of reasons, causing even  
9 more solicitations. As a result, the privacy of individuals  
10 who provide their e-mail addresses to a state agency is  
11 invaded. Therefore, the Legislature finds that it is a public  
12 necessity to exempt from public-records requirements the  
13 e-mail addresses of individuals which are held by a state  
14 agency.

15 Section 3. This act shall take effect October 1, 2006.

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18 SENATE SUMMARY

19 Exempts e-mail addresses of individuals which are held by  
20 state agencies from the public-records law. Provides for  
21 future legislative review and repeal of the exemption  
22 under the Open Government Sunset Review Act.  
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