

By Senator Ring

29-01783-13

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

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13 Section 1. Section 97.0585, Florida Statutes, is amended to
14 read:

15 97.0585 Public records exemption; information regarding
16 voters and voter registration; confidentiality.—

17 (1) The following information held by an agency as defined
18 in s. 119.011 is confidential and exempt from s. 119.07(1) and
19 s. 24(a), Art. I of the State Constitution and may be used only
20 for purposes of voter registration:

21 (a) All declinations to register to vote made pursuant to
22 ss. 97.057 and 97.058.

23 (b) Information relating to the place where a person
24 registered to vote or where a person updated a voter
25 registration.

26 (c) The social security number, driver's license number,
27 and Florida identification number of a voter registration
28 applicant or voter.

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

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30 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 (1)(d) is subject to the Open Government
51 Sunset Review Act in accordance with s. 119.15 and shall stand
52 repealed on October 2, 2018, unless reviewed and saved from
53 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

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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 that
76 SB _____ or similar legislation takes effect, if such
77 legislation is adopted in the same legislative session or an
78 extension thereof and becomes law.