

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  
 14 to 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  
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 s. 119.07(1) and s. 24(a), Article  
58 I of the State Constitution. E-mail addresses are personal  
59 information that could be misused and could result in voter  
60 fraud if released. A voter may request an absentee ballot using  
61 an e-mail address. Public access to that e-mail address could  
62 make others aware of those voters intending to vote using an  
63 absentee ballot and could result in confiscation and misuse of a  
64 mailed absentee ballot by a person other than the registered  
65 voter before the registered voter receives the requested  
66 absentee ballot. In addition, collection of the e-mail address  
67 of a voter registration applicant or a registered voter would  
68 allow the supervisors of elections to send sample ballots  
69 electronically, thereby saving counties money. If a voter  
70 registration applicant or a registered voter knows that his or  
71 her e-mail address is subject to public disclosure, he or she  
72 may be less willing to provide the address to the supervisor of  
73 elections. Accordingly, the effective and efficient  
74 administration of a government program would be significantly  
75 impaired.

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