



ENROLLED

CS/HB 249, Engrossed 1

2013 Legislature

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 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.

10

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

12

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 and obtained for the purpose of voter registration  
 19 is confidential and exempt from s. 119.07(1) and s. 24(a), Art.  
 20 I of the State Constitution and may be used only for purposes of  
 21 voter registration:

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

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

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



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29 applicant or voter.

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

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

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

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

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 49 repealed on October 2, 2015, unless reviewed and saved from  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

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 53 shall stand repealed on October 2, 2018, unless reviewed and  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

55 Section 2. The Legislature finds that it is a public  
 56 necessity that the e-mail address of a voter registration



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

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