

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 specified information
 5 regarding a voter or voter registration applicant and
 6 information concerning preregistered voter
 7 registration applicants; authorizing disclosure of
 8 confidential and exempt information under certain
 9 circumstances; providing for future legislative review
 10 and repeal; providing a statement of public necessity;
 11 providing an effective date.

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 13 Be It Enacted by the Legislature of the State of Florida:
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15 Section 1. Section 97.0585, Florida Statutes, is amended
 16 to read:

17 97.0585 Public records exemption; information regarding
 18 voters and voter registration; confidentiality.—

19 (1) The following information held by an agency as defined
 20 in s. 119.011, and obtained for the purpose of voter
 21 registration, is confidential and exempt from s. 119.07(1) and
 22 s. 24(a), Art. I of the State Constitution and may be used only
 23 for purposes of voter registration, unless disclosure is
 24 authorized under subsection (2):

25 (a) All declinations to register to vote made pursuant to

26 ss. 97.057 and 97.058.

27 (b) Information relating to the place where a person
28 registered to vote or where a person updated a voter
29 registration.

30 (c) The social security number, driver license number, and
31 Florida identification number of a voter registration applicant
32 or voter.

33 (d) The address of legal residence, date of birth,
34 telephone number, and e-mail address of a preregistered voter
35 registration applicant, voter registration applicant, or voter.

36 (2) A person's information made confidential and exempt
37 under paragraph (1) (d) shall only be made available to or
38 reproduced for:

39 (a) The individual whose information was made confidential
40 and exempt.

41 (b) A canvassing board or an election official in his or
42 her official capacity.

43 (c) A political party or official thereof, a candidate who
44 has filed qualification papers, an elected official, or a
45 registered political committee, for political purposes only.

46 (3)-(2) The signature of a voter registration applicant or
47 a voter is exempt from the copying requirements of s. 119.07(1)
48 and s. 24(a), Art. I of the State Constitution.

49 (4)-(3) This section applies to information held by an
50 agency before, on, or after the effective date of this

51 exemption.

52 (5) Paragraph (1)(d) and subsection (2) are subject to the
53 Open Government Sunset Review Act in accordance with s. 119.15
54 and shall stand repealed on October 2, 2023, unless reviewed and
55 saved from repeal through reenactment by the Legislature.

56 Section 2. (1) The Legislature finds it a public
57 necessity that the following information held by an agency, and
58 obtained for the purpose of voter registration, be confidential
59 and exempt from public records requirements and used only for
60 purposes of voter registration:

61 (a) The address of legal residence, date of birth,
62 telephone number, and e-mail address of a voter registration
63 applicant or voter.

64 (b) The address of legal residence, date of birth,
65 telephone number, and e-mail address of a preregistered voter
66 registration applicant who is 16 or 17 years of age.

67 (2) Information such as a voter registration applicant's
68 or a voter's address of legal residence, date of birth,
69 telephone number, and e-mail address are personal and sensitive
70 and could be misused by a dishonest person if placed in the
71 public domain with the applicant's or the voter's name. By
72 matching a name and address of legal residence, date of birth,
73 telephone number, or e-mail address, a dishonest person could
74 commit identity theft, which could result in financial harm to a
75 voter registration applicant or a voter. The potential for harm

76 | that results from unfettered access to a voter registration
77 | applicant's or a voter's address of legal residence, date of
78 | birth, telephone number, and e-mail address, accompanied by the
79 | person's name, exceeds any public benefit that may be derived
80 | from disclosure of such information. In addition, such
81 | information may be used for consumer scams, unwanted
82 | solicitations, or other forms of invasive contacts.

83 | (3) The Legislature also finds that e-mail addresses are
84 | personal information that could be misused and could result in
85 | voter fraud if released. A voter may request a vote-by-mail
86 | ballot using an e-mail address. Unrestricted access to such e-
87 | mail addresses may enable others to determine which voters are
88 | intending to vote by vote-by-mail ballot and result in the
89 | confiscation and misuse of a mailed vote-by-mail ballot by a
90 | person other than the requesting voter. In addition, collection
91 | of the e-mail address of a voter registration applicant or a
92 | voter would give supervisors of elections the opportunity to
93 | employ the cost-saving measure of electronically transmitting
94 | sample ballots. If a voter registration applicant or a voter
95 | knows that his or her e-mail address is subject to public
96 | disclosure, he or she may be less willing to provide the e-mail
97 | address to the supervisor of elections. Accordingly, the
98 | effective and efficient administration of a government program
99 | would be significantly impaired.

100 | (4) The Legislature also finds that information concerning

101 preregistered registration applicants who are 16 or 17 years of
102 age could be misused if released. Minors are more vulnerable
103 members of society, and the widespread release of information
104 acquired through preregistration activities may be used to
105 solicit, harass, stalk, or intimidate such individuals. Without
106 such protection, a minor may be less likely to take advantage of
107 preregistering to vote, thus hindering the effective and
108 efficient administration of a program that otherwise encourages
109 greater participation in the democratic process.

110 Section 3. This act shall take effect July 1, 2018.