

By Senator Broxson

1-01250-21

20211492\_\_

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;  
6       authorizing disclosure of confidential and exempt  
7       information under certain circumstances; providing for  
8       future legislative review and repeal; providing for  
9       retroactive application; providing statements of  
10      public necessity; providing an effective date.

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

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

16       97.0585 Public records exemption; information regarding  
17      voters and voter registration; confidentiality.-

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

24       (a) All declinations to register to vote made pursuant to  
25      ss. 97.057 and 97.058.

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

29       (c) The social security number, driver license number, and

1-01250-21

20211492\_\_

30 Florida identification number of a voter registration applicant  
31 or voter.

32 (d) Information related to a voter registration applicant's  
33 or voter's prior felony conviction and whether such person has  
34 had his or her voting rights restored by the Board of Executive  
35 Clemency or pursuant to s. 4, Art. VI of the State Constitution.

36 (e) All information concerning preregistered voter  
37 registration applicants who are 16 or 17 years of age.

38 (f) The address of legal residence, date of birth,  
39 telephone number, and e-mail address of a voter registration  
40 applicant or voter.

41 (g)~~(f)~~ Paragraphs (d) and (e) are subject to the Open  
42 Government Sunset Review Act in accordance with s. 119.15 and  
43 shall stand repealed on October 2, 2024, unless reviewed and  
44 saved from repeal through reenactment by the Legislature.

45 (h) Paragraph (f) is subject to the Open Government Sunset  
46 Review Act in accordance with s. 119.15 and shall stand repealed  
47 on October 2, 2026, unless reviewed and saved from repeal  
48 through reenactment by the Legislature.

49 (2) A person's information made confidential and exempt  
50 under paragraph (1)(f) shall only be made available to or  
51 reproduced for:

52 (a) The individual whose information was made confidential  
53 and exempt.

54 (b) A canvassing board or an election official in his or  
55 her official capacity.

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

1-01250-21

20211492\_\_

59        (3)~~(2)~~ The signature of a voter registration applicant or a  
60 voter is exempt from the copying requirements of s. 119.07(1)  
61 and s. 24(a), Art. I of the State Constitution.

62        (4)~~(3)~~ This section applies to information held by an  
63 agency before, on, or after the effective date of this  
64 exemption.

65        Section 2. (1) The Legislature finds it a public necessity  
66 that the address of legal residence, date of birth, telephone  
67 number, and e-mail address of a voter registration applicant or  
68 voter held by an agency, and obtained for the purpose of voter  
69 registration, be confidential and exempt from public records  
70 requirements and used only for purposes of voter registration.

71        (2) Information such as a voter registration applicant's or  
72 a voter's address of legal residence, date of birth, telephone  
73 number, and e-mail address are personal and sensitive and could  
74 be misused by a dishonest person if placed in the public domain  
75 with the applicant's or the voter's name. By matching a name and  
76 address of legal residence, date of birth, telephone number, or  
77 e-mail address, a dishonest person could commit identity theft,  
78 which could result in financial harm to a voter registration  
79 applicant or a voter. The potential for harm that results from  
80 unfettered access to a voter registration applicant's or a  
81 voter's address of legal residence, date of birth, telephone  
82 number, and e-mail address, accompanied by the person's name,  
83 exceeds any public benefit that may be derived from disclosure  
84 of such information. In addition, such information may be used  
85 for consumer scams, unwanted solicitations, or other forms of  
86 invasive contacts.

87        (3) The Legislature also finds that e-mail addresses are

1-01250-21

20211492\_\_

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

104 Section 3. This act shall take effect July 1, 2021.