

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 a
9 statement of public necessity; providing an effective
10 date.

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

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14 Section 1. Section 97.0585, Florida Statutes, is amended
15 to 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
19 defined 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
 30 Florida identification number of a voter registration applicant
 31 or voter.

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

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

39 (f) The date and month of birth, telephone number, and e-
 40 mail address of a voter registration 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 43 shall stand repealed on October 2, 2024, unless reviewed and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 46 Review Act in accordance with s. 119.15 and shall stand repealed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 official thereof, a candidate who
57 has filed qualification papers, an elected official, or a
58 registered political committee, for political purposes only.

59 ~~(3)-(2)~~ The signature of a voter registration applicant or
60 a 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
66 necessity that the date and month of birth, telephone number,
67 and e-mail address of a voter registration applicant or voter
68 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 and official voter contact by election officials.

72 (2) Information such as a voter registration applicant's
73 or a voter's date and month of birth, telephone number, and e-
74 mail address are personal and sensitive and could be misused by
75 a dishonest person if placed in the public domain with the

76 applicant's or the voter's name. By matching a name, full date
77 of birth, telephone number, or e-mail address, a dishonest
78 person could commit identity theft, which could result in
79 financial harm to a voter registration applicant or a voter. The
80 potential for harm that results from unfettered access to a
81 voter registration applicant's or a voter's full date of birth,
82 telephone number, and e-mail address, accompanied by the
83 person's name, exceeds any public benefit that may be derived
84 from disclosure of such information. In addition, such
85 information may be used for consumer scams, unwanted
86 solicitations, or other forms of invasive contacts.

87 (3) The Legislature also finds that e-mail addresses are
88 personal information that could be misused and could result in
89 voter fraud if released. A voter may engage in formal
90 communication with election officials through e-mail.
91 Unrestricted access to such e-mail addresses may enable others
92 to emulate such address and engage in fraudulent communications.
93 In addition, collection of the e-mail address of a voter
94 registration applicant or a voter would give supervisors of
95 elections the opportunity to employ the cost-saving measure of
96 electronically transmitting voting information. If a voter
97 registration applicant or a voter knows that his or her e-mail
98 address is subject to public disclosure, he or she may be less
99 willing to provide the e-mail address to the supervisor of
100 elections. Accordingly, the effective and efficient

CS/HB 155

2021

101 | administration of a government program would be significantly
102 | impaired.

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