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:
13
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, <u>unless disclosure is authorized</u>
23   <u>under subsection (2)</u>:
24   (a) All declinations to register to vote made pursuant to
25   ss. 97.057 and 97.058.

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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 address of legal residence, date of birth,

40 telephone number, and e-mail address of a voter registration

41 applicant or voter.

42   (g)(f) Paragraphs (d) and (e) are subject to the Open

43 Government Sunset Review Act in accordance with s. 119.15 and

44 shall stand repealed on October 2, 2024, unless reviewed and

45 saved from repeal through reenactment by the Legislature.

46   (h) Paragraph (f) is subject to the Open Government Sunset

47 Review Act in accordance with s. 119.15 and shall stand repealed

48 on October 2, 2026, unless reviewed and saved from repeal

49 through reenactment by the Legislature.

50   (2) A person's information made confidential and exempt

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51 under paragraph (1)(f) shall only be made available to or
52 reproduced for:
53 (a) The individual whose information was made confidential
54 and exempt.
55 (b) A canvassing board or an election official in his or
56 her official capacity.
57 (c) A political party or official thereof, a candidate who
58 has filed qualification papers, an elected official, or a
59 registered political committee, for political purposes only.
60 (3)(2) The signature of a voter registration applicant or
61 a voter is exempt from the copying requirements of s. 119.07(1)
62 and s. 24(a), Art. I of the State Constitution.
63 (4)(3) This section applies to information held by an
64 agency before, on, or after the effective date of this
65 exemption.
66 Section 2. (1) The Legislature finds it a public
67 necessity that the address of legal residence, date of birth,
68 telephone number, and e-mail address of a voter registration
69 applicant or voter held by an agency, and obtained for the
70 purpose of voter registration, be confidential and exempt from
71 public records requirements and used only for purposes of voter
72 registration.
73 (2) Information such as a voter registration applicant's
74 or a voter's address of legal residence, date of birth,
75 telephone number, and e-mail address are personal and sensitive

76 and could be misused by a dishonest person if placed in the
77 public domain with the applicant's or the voter's name. By
78 matching a name and address of legal residence, date of birth,
79 telephone number, or e-mail address, a dishonest person could
80 commit identity theft, which could result in financial harm to a
81 voter registration applicant or a voter. The potential for harm
82 that results from unfettered access to a voter registration
83 applicant's or a voter's address of legal residence, date of
84 birth, telephone number, and e-mail address, accompanied by the
85 person's name, exceeds any public benefit that may be derived
86 from disclosure of such information. In addition, such
87 information may be used for consumer scams, unwanted
88 solicitations, or other forms of invasive contacts.
89   (3) The Legislature also finds that e-mail addresses are
90 personal information that could be misused and could result in
91 voter fraud if released. A voter may request a vote-by-mail
92 ballot using an e-mail address. Unrestricted access to such e-
93 mail addresses may enable others to determine which voters are
94 intending to vote by vote-by-mail ballot and result in the
95 confiscation and misuse of a mailed vote-by-mail ballot by a
96 person other than the requesting voter. In addition, collection
97 of the e-mail address of a voter registration applicant or a
98 voter would give supervisors of elections the opportunity to
99 employ the cost-saving measure of electronically transmitting
100 sample ballots. If a voter registration applicant or a voter

101 knows that his or her e-mail address is subject to public

102 disclosure, he or she may be less willing to provide the e-mail

103 address to the supervisor of elections. Accordingly, the

104 effective and efficient administration of a government program

105 would be significantly impaired.

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

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