

By Senator Latvala

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1 A bill to be entitled
2 An act relating to public records; creating s.
3 197.3225, F.S.; providing an exemption from public
4 records requirements for e-mail addresses obtained by
5 the tax collector for the purpose of electronically
6 sending tax notices or obtaining the consent of the
7 taxpayer to the electronic transmission of tax
8 notices; providing for future review and repeal of the
9 exemption; providing a statement of public necessity;
10 providing an effective date.

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

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14 Section 1. Section 197.3225, Florida Statutes, is created
15 to read:

16 197.3225 Confidentiality of e-mail addresses.—

17 (1) Notwithstanding s. 668.6076, a taxpayer's e-mail
18 address held by a tax collector for the following purposes is
19 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
20 of the State Constitution:

21 (a) Sending a quarterly tax notice for prepayment of
22 estimated taxes under s. 197.222(3) to the taxpayer.

23 (b) Obtaining the taxpayer's consent to send the tax notice
24 described in s. 197.322(3).

25 (c) Sending an additional tax notice or delinquent tax
26 notice to the taxpayer under s. 197.343.

27 (d) Sending a tax notice to a designated third party,
28 mortgagee, or vendee as provided under s. 197.344(1).

29 (2) An e-mail address provided by a taxpayer to the tax

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30 collector via the tax collector's website or other
31 correspondence for a purpose other than those listed in
32 subsection (1) is not exempt from the state's public record law
33 pursuant to s. 668.6076.

34 (3) This section is subject to the Open Government Sunset
35 Review Act in accordance with s. 119.15 and shall stand repealed
36 on October 2, 2019, unless reviewed and saved from repeal
37 through reenactment by the Legislature.

38 Section 2. The Legislature finds that it is a public
39 necessity that the e-mail address of a taxpayer which is held by
40 the tax collector for the purpose of sending a tax notice or
41 obtaining the consent of the taxpayer to the electronic
42 transmission of a tax notice be made confidential and exempt
43 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
44 the State Constitution. E-mail rather than traditional postal
45 mail is increasingly used as a means for communicating and
46 conducting business, including official state business such as
47 the payment of taxes. In order to carry out business
48 electronically with the tax collector, the taxpayer must report
49 his or her personal e-mail address. Under current law, e-mail
50 addresses are public records available to anyone for any
51 purpose. However, such addresses are unique to the individual
52 and, when combined with other personal identifying information,
53 can be used for identity theft, taxpayer scams, and other
54 invasive contacts. The public availability of personal e-mail
55 addresses invites and exacerbates thriving and well-documented
56 criminal activities putting property owners at increased risk of
57 harm. Such harm could be significantly curtailed by allowing the
58 tax collector to remove the availability of taxpayer e-mail

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59 addresses.

60 Section 3. This act shall take effect July 1, 2014.