

ENROLLED

CS/HB 281, Engrossed 2

2019 Legislature

1  
 2 An act relating to public records; amending s.  
 3 97.0585, F.S.; providing an exemption from public  
 4 records requirements for information related to a  
 5 voter registration applicant's or voter's prior felony  
 6 conviction and his or her restoration of voting  
 7 rights; providing an exemption from public records  
 8 requirements for information concerning preregistered  
 9 voter registration applicants who are minors;  
 10 providing for future legislative review and repeal;  
 11 providing for retroactive application; providing  
 12 statements of public necessity; providing an effective  
 13 date.

14  
 15 Be It Enacted by the Legislature of the State of Florida:

16  
 17 Section 1. Subsection (1) of section 97.0585, Florida  
 18 Statutes, is amended, and subsection (3) of that section is  
 19 reenacted, to read:

20 97.0585 Public records exemption; information regarding  
 21 voters and voter registration; confidentiality.-

22 (1) The following information held by an agency, as  
 23 defined in s. 119.011, and obtained for the purpose of voter  
 24 registration is confidential and exempt from s. 119.07(1) and s.  
 25 24(a), Art. I of the State Constitution and may be used only for

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26 | purposes of voter registration:

27 |       (a) All declinations to register to vote made pursuant to  
28 | ss. 97.057 and 97.058.

29 |       (b) Information relating to the place where a person  
30 | registered to vote or where a person updated a voter  
31 | registration.

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

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

40 |       (e) All information concerning preregistered voter  
41 | registration applicants who are 16 or 17 years of age.

42 |       (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44 | shall stand repealed on October 2, 2024, unless reviewed and  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 |       (3) This section applies to information held by an agency  
47 | before, on, or after the effective date of this exemption.

48 |       Section 2. (1) The Legislature finds that it is a public  
49 | necessity that information related to a voter registration  
50 | applicant's or voter's prior felony conviction and whether such

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51 | person has had his or her voting rights restored through  
52 | executive clemency or pursuant to s. 4, Art. VI, of the State  
53 | Constitution, which is held by an agency and obtained for the  
54 | purpose of voter registration, be confidential and exempt from  
55 | public records requirements and be used only for purposes of  
56 | voter registration. Information related to a voter registration  
57 | applicant's or voter's prior felony conviction and whether such  
58 | person has had his or her voting rights restored could be  
59 | misused if released. The restoration of a person's voting rights  
60 | subsequent to a felony conviction aids a person in becoming a  
61 | productive, contributing, and self-sustaining member of society.  
62 | Without such protection, information related to a voter  
63 | registration applicant's or voter's prior felony conviction may  
64 | result in him or her being less likely to take advantage of  
65 | registering to vote, thus hindering greater participation in the  
66 | democratic process. For these reasons, the Legislature finds  
67 | that it is a public necessity that the information related to a  
68 | voter registration applicant's or voter's prior felony  
69 | conviction and his or her restoration of voting rights, which is  
70 | held by an agency and obtained for the purpose of voter  
71 | registration, be confidential and exempt from public records  
72 | requirements.

73 | (2) The Legislature finds that it is a public necessity  
74 | that all information concerning preregistered voter registration  
75 | applicants who are 16 or 17 years of age which is held by an

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76 | agency, and obtained for the purpose of voter registration, be  
77 | confidential and exempt from public records requirements and be  
78 | used only for purposes of voter registration. Information  
79 | concerning preregistered voter registration applicants who are  
80 | 16 or 17 years of age could be misused if released. Minors are  
81 | more vulnerable members of society, and the widespread release  
82 | of information acquired through preregistration activities may  
83 | be used to solicit, harass, stalk, or intimidate such  
84 | individuals. Without such protection, a minor may be less likely  
85 | to take advantage of preregistering to vote, thus hindering the  
86 | effective and efficient administration of a program that  
87 | otherwise encourages greater participation in the democratic  
88 | process.

89 | Section 3. This act shall take effect July 1, 2019.