

By the Committee on Governmental Oversight and Accountability;
and Senator Grall

585-03243-23

2023946c1

1 A bill to be entitled
2 An act relating to public records; amending s. 15.16,
3 F.S.; providing an exemption from public records
4 requirements for e-mail addresses and secure login
5 credentials held by the Department of State relating
6 to electronically filed records; defining the term
7 "secure login credentials"; providing retroactive
8 applicability; providing for future legislative review
9 and repeal of the exemptions; providing a statement 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. Subsection (3) of section 15.16, Florida
15 Statutes, as amended by chapter 2022-190, Laws of Florida, is
16 amended to read:

17 15.16 Reproduction of records; admissibility in evidence;
18 electronic receipt and transmission of records; certification;
19 acknowledgment.—

20 (3) (a) The Department of State may cause to be received
21 electronically any records that are required or authorized to be
22 filed with it pursuant to chapter 48, chapter 55, chapter 117,
23 chapter 118, chapter 495, chapter 605, chapter 606, chapter 607,
24 chapter 610, chapter 617, chapter 620, chapter 621, chapter 679,
25 chapter 713, or chapter 865, through facsimile or other
26 electronic transfers, for the purpose of filing such records.
27 The originals of all such electronically transmitted records
28 must be executed in the manner provided in paragraph (5) (b). The
29 receipt of such electronic transfer constitutes delivery to the

585-03243-23

2023946c1

30 department as required by law. The department may use electronic
31 transmissions for purposes of notice in the administration of
32 chapters 48, 55, 117, 118, 495, 605, 606, 607, 610, 617, 620,
33 621, 679, and 713 and s. 865.09. The Department of State may
34 collect e-mail addresses for purposes of notice and
35 communication in the performance of its duties and may require
36 filers and registrants to furnish such e-mail addresses when
37 presenting documents for filing.

38 (b)1. E-mail addresses collected by the Department of State
39 pursuant to this subsection are exempt from s. 119.07(1) and s.
40 24(a), Art. I of the State Constitution. This exemption applies
41 to e-mail addresses held by the Department of State before, on,
42 or after the effective date of the exemption.

43 2. Secure login credentials held by the Department of State
44 for the purpose of allowing a person to electronically file
45 records under this subsection are exempt from s. 119.07(1) and
46 s. 24(a), Art. I of the State Constitution. This exemption
47 applies to secure login credentials held by the Department of
48 State before, on, or after the effective date of the exemption.
49 For purposes of this subparagraph, the term "secure login
50 credentials" means information held by the department for
51 purposes of authenticating a user logging into a user account on
52 a computer, a computer system, a computer network, or an
53 electronic device; an online user account accessible over the
54 Internet, whether through a mobile device, a website, or any
55 other electronic means; or information used for authentication
56 or password recovery.

57 3. This paragraph is subject to the Open Government Sunset
58 Review Act in accordance with s. 119.15 and shall stand repealed

585-03243-23

2023946c1

59 on October 2, 2028, unless reviewed and saved from repeal
60 through reenactment by the Legislature.

61 Section 2. The Legislature finds that it is a public
62 necessity that all e-mail addresses and secure login credentials
63 held by the Department of State relating to electronically filed
64 records be exempt from public records requirements. The
65 Legislature finds that the unintentional publication of such
66 information may subject the filer to identity theft, financial
67 harm, or other adverse impacts. Without the public records
68 exemption, the effective and efficient administration of the
69 electronic filing system, which is otherwise designed to
70 increase the ease of filing records, would be hindered. For
71 these reasons, the Legislature finds that it is a public
72 necessity to exempt such information from public records
73 requirements.

74 Section 3. This act shall take effect upon becoming a law.