

CHAPTER 2019-55

Committee Substitute for House Bill No. 281

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

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

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

97.0585 Public records exemption; information regarding voters and voter registration; confidentiality.—

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

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

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

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

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

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

(f) Paragraphs (d) and (e) are subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

(3) This section applies to information held by an agency before, on, or after the effective date of this exemption.

Section 2. (1) The Legislature finds that it is a public necessity that information related to a voter registration applicant's or voter's prior felony conviction and whether such person has had his or her voting rights restored through executive clemency or pursuant to s. 4, Art. VI, of the State Constitution, which is held by an agency and obtained for the purpose of voter registration, be confidential and exempt from public records requirements and be used only for purposes of voter registration. Information related to a voter registration applicant's or voter's prior felony conviction and whether such person has had his or her voting rights restored could be misused if released. The restoration of a person's voting rights subsequent to a felony conviction aids a person in becoming a productive, contributing, and self-sustaining member of society. Without such protection, information related to a voter registration applicant's or voter's prior felony conviction may result in him or her being less likely to take advantage of registering to vote, thus hindering greater participation in the democratic process. For these reasons, the Legislature finds that it is a public necessity that the information related to a voter registration applicant's or voter's prior felony conviction and his or her restoration of voting rights, which is held by an agency and obtained for the purpose of voter registration, be confidential and exempt from public records requirements.

(2) The Legislature finds that it is a public necessity that all information concerning preregistered voter registration applicants who are 16 or 17 years of age which is held by an agency, and obtained for the purpose of voter registration, be confidential and exempt from public records requirements and be used only for purposes of voter registration. Information concerning preregistered voter registration applicants who are 16 or 17 years of age could be misused if released. Minors are more vulnerable members of society, and the widespread release of information acquired through preregistration activities may be used to solicit, harass, stalk, or intimidate such individuals. Without such protection, a minor may be less likely to take advantage of preregistering to vote, thus hindering the effective and efficient administration of a program that otherwise encourages greater participation in the democratic process.

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

Approved by the Governor May 23, 2019.

Filed in Office Secretary of State May 23, 2019.