

CHAPTER 2018-33

Committee Substitute for House Bill No. 87

An act relating to public records; amending s. 98.075, F.S.; providing an exemption from public records requirements for certain information received by the Department of State from another state or the District of Columbia which is confidential or exempt pursuant to the laws of that jurisdiction; providing for release of such information to specified persons; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

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

Section 1. Paragraph (c) is added to subsection (2) of section 98.075, Florida Statutes, as amended by CS/HB 85, 2018 Regular Session, to read:

98.075 Registration records maintenance activities; ineligibility determinations.—

(2) DUPLICATE REGISTRATION.—

(c) Information received by the department from another state or the District of Columbia upon the department becoming a member of a nongovernmental entity as provided in subparagraph (b)1., which is confidential or exempt pursuant to the laws of that state or the District of Columbia, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The department shall provide such information to the supervisors to conduct registration list maintenance activities. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that information received by the Department of State from another state or the District of Columbia pursuant to its membership in a nongovernmental entity as provided in s. 98.075(2)(b), Florida Statutes, which is confidential or exempt pursuant to the laws of that state or the District of Columbia, be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. Becoming a member of a nongovernmental entity for the purpose of sharing and exchanging information to verify voter registration information is critical to ensuring the accuracy of the statewide voter registration system. Maintaining an accurate statewide voter registration system is critical to fair elections in this state. Without the public records exemption, the department will be unable to receive information from other states or the District of Columbia which might otherwise be confidential or exempt pursuant to the laws of those jurisdictions, which would impair the ability of the department and supervisors of elections to maintain accurate

voter rolls. As a result, the effective and efficient administration of the statewide voter registration system would be hindered. For these reasons, the Legislature finds that it is a public necessity to maintain the exempt status of such information received by the department.

Section 3. This act shall take effect on the same date that CS/HB 85 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

Approved by the Governor March 19, 2018.

Filed in Office Secretary of State March 19, 2018.