

THE FLORIDA SENATE
2018 SUMMARY OF LEGISLATION PASSED
Committee on Ethics and Elections

CS/HB 85 — Voter Registration List Maintenance

by Public Integrity and Ethics Committee and Rep. Spano and others (CS/SB 276 by Appropriations Committee and Senators Hutson and Baxley)

The bill authorizes the Department of State (DOS) to join a nongovernmental entity for the purpose of verifying voter registration information. The bill requires the Department of Highway Safety and Motor Vehicles to provide driver license or identification information to the DOS for the purpose of sharing and exchanging voter registration information with the nongovernmental entity. The bill allows the DOS to share confidential and exempt information pursuant to participation in a nongovernmental entity as long as there is agreement or a requirement to keep the information confidential.

The bill allows Florida to join a nongovernmental entity, designed to help states improve the accuracy of their voter rolls through data match identification of problematic registrations and to increase access to voter registration for all eligible citizens. The bill requires the Secretary of State, or his or her designee, be on the board of directors of any entity the DOS joins.

If approved by the Governor, these provisions take effect January 1, 2019.

Vote: Senate 36-0; House 113-0

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CS/HB 87 — Public Records/Statewide Voter Registration System

by Public Integrity and Ethics Committee and Rep. Spano and others (CS/SB 278 by Governmental Oversight and Accountability Committee and Senators Hutson and Baxley)

The bill creates a public records exemption for voter registration information received by the Department of State, pursuant to membership in a nongovernmental entity, from another state or the District of Columbia in which the information is confidential or exempt pursuant to the laws of those jurisdictions.

The bill provides that the exemption is subject to the Open Government Sunset Review Act, and stands repealed on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature. The bill's effective date is contingent upon, and concurrent with, passage of CS/HB 85, which will take effect on January 1, 2019.

If approved by the Governor, these provisions take effect on the same date that CS/HB 85 takes effect and becomes law.

Vote: Senate 37-0; House 111-0

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SB 186 — Resign to Run

by Senator Hutson

The bill requires a state or local officer seeking a federal public office to submit his or her resignation at least 10 days before the first day of qualifying for the federal office if the terms of the two offices overlap. Failure to submit the resignation constitutes an automatic, immediately-effective resignation from the current office. A similar “resign-to-run” law already applies to state or local officers who seek another state, district, county, or municipal public office where the terms overlap.

The bill specifically exempts an elected state or local officer running for federal office at the next primary/general election period if the electors will choose a successor to his or her office during the same election, since he or she will be out of office anyway. This exemption addresses a calendar glitch in some years where the federal-office term overlaps the current state or local officer’s term by a few days at the beginning of January in the year immediately following the election.

Other than the specific exemption discussed above, the only substantive difference between the current bill language and a pre-2008 resign-to-run law applicable to state or local officers seeking federal office is that under the current bill the resignation deadline is 10 days before qualifying. Under the prior law, an officer had until the time of qualifying to submit his or her resignation.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 27-7; House 87-27

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HB 6009 — Write-In Candidate Qualifying Date

by Rep. Geller and others (SB 582 by Senator Rader)

The bill codifies the 2016 Florida Supreme Court decision in *Brinkmann v. Francois*, 184 So.3d 504 (Fla. 2016); it repeals the statute that requires a write-in candidate to reside in the district that he or she seeks to represent at the time of qualifying.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 35-3; House 114-0

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HB 7041 — OGSR/Ethics Complaints and Investigations

by Oversight, Transparency and Administration Subcommittee and Rep. Williamson (SB 7020 by Ethics and Elections Committee)

The bill is based upon an Open Government Sunset Review (OGSR) of a public records and public meetings exemption for certain information relating to complaints of violations by public officers and public employees. The public records exemption upon which the OGSR is based makes confidential and exempt from public records disclosure a complaint and records relating to a complaint or to any preliminary investigation held by:

- The Commission on Ethics (commission) or its agents;
- A Commission on Ethics and Public Trust established by a county or municipality; or
- A county or municipality that has established a local investigatory process to enforce more stringent standards of conduct and disclosure requirements than those provided in the Code of Ethics.

The public records exemption additionally applies to written referrals and related records held by the commission, the Governor, the Department of Law Enforcement, or a state attorney, as well as records relating to a preliminary investigation of referrals held by the commission.

A proceeding, or any portion thereof, conducted by the commission, a Commission on Ethics and Public Trust, or a county or municipality that has established its own investigatory process, pursuant to a complaint or preliminary investigation, is exempt from public meeting requirements. Similarly, a proceeding of the commission in which a determination regarding a referral is discussed or acted upon is exempt from public meeting requirements.

The above records and meetings are exempt until:

- The complaint is dismissed;
- The alleged violator requests in writing that the records or proceedings be made public;
- The commission determines it will not investigate the referral; or
- The commission, a Commission on Ethics and Public Trust, or a county or municipality that has established its own investigatory process determines, based on the investigation, whether probable cause exists to believe that a violation has occurred.

If approved by the Governor, these provisions take effect October 1, 2018.

Vote: Senate 35-0; House 111-0

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HB 7077 — OGSR/Agency Employee Misconduct Complaints

by Oversight, Transparency, and Administration Subcommittee and Rep. Davis and others (SB 7018 by Ethics and Elections Committee)

The bill is based on an Open Government Sunset Review of a public records exemption for complaints of misconduct filed with an agency against an agency employee and all information obtained from an investigation by the agency of the complaint of misconduct.

Current law requires that complaints of misconduct filed with an agency against an agency employee be kept confidential and exempt from public records requirements. If an agency investigates such a complaint, the information obtained from the investigation is also confidential and exempt. The complaint and the investigative information remain confidential and exempt until either the investigation ceases to be active or the agency provides written notice to the employee who is the subject of the complaint. The written notice may be delivered personally or by mail and must state that the agency has concluded the investigation with a finding to proceed with disciplinary action, file charges, or not to proceed.

The bill removes the scheduled October 2, 2018, repeal date.

If approved by the Governor, these provisions take effect October 1, 2018.

Vote: Senate 36-0; House 113-1