

By the Committee on Ethics and Elections; and Senator Hutson

582-03403-17

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1 A bill to be entitled

2 An act relating to public records; amending s. 98.075,  
3 F.S.; creating a public records exemption for certain  
4 information received by the Department of State  
5 through an interstate agreement from another state  
6 which is confidential or exempt pursuant to the laws  
7 of that state; providing for future legislative review  
8 and repeal of the exemption; providing a statement of  
9 public necessity; providing a contingent effective  
10 date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14 Section 1. Paragraph (b) of subsection (2) of section  
15 98.075, Florida Statutes, as created by CS/SB 1070, 2017 Regular  
16 Session, is amended to read:

17 98.075 Registration records maintenance activities;  
18 ineligibility determinations.—

19 (2) DUPLICATE REGISTRATION.—

20 (b)1. The department may enter into interstate agreements  
21 or become a member of a nongovernmental entity whose membership  
22 is composed solely of state government election officials if the  
23 sole purpose of the agreement or membership is to share and  
24 exchange information in order to verify voter registration  
25 information. If the department intends to become a member of  
26 such a nongovernmental entity, the agreement to join the entity  
27 must require that the Secretary of State, or his or her  
28 designee, serve as a full member with voting rights on the  
29 nongovernmental entity's board of directors. The department

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30 shall provide information it receives as a result of the  
31 agreements or memberships to the supervisors to conduct  
32 registration list maintenance activities.

33 2. If the department enters into an interstate agreement or  
34 becomes a member of a nongovernmental entity pursuant to  
35 subparagraph 1., each state that is a participant in the  
36 agreement or a member of the nongovernmental entity must agree  
37 to maintain the confidentiality of personal information as  
38 required by the laws of the state supplying the information to  
39 the entity or participating states. The bylaws of a  
40 nongovernmental entity must also contain a provision requiring  
41 member states and the entity to maintain the confidentiality of  
42 personal information as required by the laws of the state  
43 supplying the information to the entity.

44 3. The department may only participate in an interstate  
45 agreement or become a member of a nongovernmental entity as  
46 provided in subparagraph 1. if the agreement or entity is  
47 controlled and operated by the participating states. The  
48 interstate agreement or entity may not be operated or controlled  
49 by the Federal Government or any other entity acting on behalf  
50 of the Federal Government. The department must be able to  
51 withdraw at any time from any interstate agreement or membership  
52 entered into.

53 4. If the department enters into an interstate agreement or  
54 becomes a member of a nongovernmental entity as provided in  
55 subparagraph 1., the department must submit a report to the  
56 Governor, the President of the Senate, and the Speaker of the  
57 House of Representatives by December 1 of each year. The report  
58 must describe the agreement or membership and provide

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59 information on the total number of voters removed from the voter  
60 registration system as a result of the agreement or membership  
61 and the reasons for their removal.

62 5. Information received by the department, pursuant to an  
63 interstate agreement, from another state which is confidential  
64 or exempt pursuant to the laws of that state, is exempt from s.  
65 119.07(1) and s. 24(a), Art. I of the State Constitution. This  
66 subparagraph is subject to the Open Government Sunset Review Act  
67 in accordance with s. 119.15 and shall stand repealed on October  
68 2, 2022, unless reviewed and saved from repeal through  
69 reenactment by the Legislature.

70 Section 2. The Legislature finds that it is a public  
71 necessity that information received by the Department of State,  
72 pursuant to an interstate agreement entered into under s.  
73 98.075(2)(b), Florida Statutes, from another state which is  
74 confidential or exempt pursuant to the laws of that state be  
75 made exempt from s. 119.07(1), Florida Statutes, and s. 24(a),  
76 Article I of the State Constitution. Participating in interstate  
77 agreements to share and exchange information with other states  
78 in order to verify voter registration information is critical to  
79 ensuring the accuracy of the statewide voter registration  
80 system. Maintaining an accurate statewide voter registration  
81 system is critical to fair elections in this state. Without the  
82 public records exemption, the department will be unable to  
83 receive information from other states that might otherwise be  
84 confidential or exempt pursuant to the laws of those states,  
85 which would impair the ability of the department and supervisors  
86 of elections to maintain accurate voter rolls. As a result, the  
87 effective and efficient administration of the statewide voter

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88 registration system would be hindered.

89       Section 3. This act shall take effect on the same date that  
90 CS/SB 1070 or similar legislation takes effect, if such  
91 legislation is adopted in the same legislative session or an  
92 extension thereof and becomes a law.