

FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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BILL #: [CS/HB 1383](#)

TITLE: Pub.Rec./Voter Registration Record Maintenance

SPONSOR(S): Persons-Mulicka

COMPANION BILL: None

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Government Operations](#)

10 Y, 4 N, As CS



[Transportation & Economic
Development Budget](#)



[State Affairs](#)

SUMMARY

Effect of the Bill:

The bill provides a public record exemption for information received by the Department of State from a federal agency, another state, or the District of Columbia after entering into a memorandum of understanding with those entities relating to voter registration records.

The bill specifies that the public record exemption will repeal October 2, 2030, unless reenacted by the Legislature.

Fiscal or Economic Impact:

None.

Extraordinary Vote Required for Passage:

The bill requires a two-thirds vote of the members present and voting in both houses of the Legislature for final passage.

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ANALYSIS

EFFECT OF THE BILL:

The bill expands an existing [public records](#) exemption for information received by the Department of State (DOS) from a nongovernmental entity for voter registration purposes to provide that information received from a federal agency, another state, or the District of Columbia after entering into a memorandum of understanding (MOU) for the purpose of sharing and exchanging information to identify [duplicate voter registrations](#) is exempt from public disclosure. (Section [1](#))

The bill provides that the public record exemption is scheduled to repeal on October 2, 2030, unless reviewed and saved from repeal by the Legislature. (Section [1](#))

As required by the Florida Constitution, the bill contains a statement of public necessity for the amended public record exemption. The public necessity statement contains the following reasons for the exemption:

- Sharing and exchanging information to verify voter registration is critical to ensuring the accuracy of the statewide voter registration system and an accurate system is critical to fair elections in the state.
- Without the public records exemption the:
 - DOS will be unable to receive information directly from federal agencies, other states, or the District of Columbia that might otherwise be confidential or exempt pursuant to the laws of those jurisdictions, which would impair the ability of the DOS and supervisors of elections to maintain accurate voter rolls.
 - Effective and efficient administration of the statewide voter registration system would be hindered. (Section [2](#))

STORAGE NAME: h1383a.GOS

DATE: 4/3/2025

The bill is effective on the same date that [HB 1381](#) or similar legislation takes effect. (Section [3](#))

RELEVANT INFORMATION

SUBJECT OVERVIEW:

[Public Records](#)

The Florida Constitution sets forth the state’s public policy regarding access to government records, guaranteeing every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government.¹ The Legislature, however, may provide by general law an exemption² from public record requirements provided that the exemption passes by a two-thirds vote of each chamber, states with specificity the public necessity justifying the exemption, and is no broader than necessary to meet its public purpose.³

Current law also addresses the public policy regarding access to government records by guaranteeing every person a right to inspect and copy any state, county, or municipal record, unless the record is exempt.⁴ Furthermore, the Open Government Sunset Review (OGSR) Act⁵ provides that a public record exemption may be created, revised, or maintained only if it serves an identifiable public purpose and the “Legislature finds that the purpose is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exemption.”⁶ An identifiable public purpose is served if the exemption meets one of the following purposes:

- Allow the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;
- Protect sensitive personal information that, if released, would be defamatory or would jeopardize an individual’s safety; however, only the identity of an individual may be exempted under this provision; or
- Protect trade or business secrets.⁷

Pursuant to the OGSR Act, a new public record exemption, or the substantial amendment of an existing public record exemption, is repealed on October 2nd of the fifth year following enactment, unless the Legislature reenacts the exemption.⁸

[Duplicate Voter Registrations](#)

Current law requires DOS to engage in eligibility list maintenance activities to ensure the maintenance of accurate and current voter registration records in the statewide voter registration system.⁹ Eligibility list maintenance activities must be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965, the National Voter Registration Act of 1993, and the Help America Vote Act of 2002.¹⁰ In order to fulfill this requirement, DOS receives information from certain entities.¹¹

DOS must identify voters who are registered more than once or applicants whose registration applications within the state would result in duplicate registrations.¹² Current law authorizes DOS to become a member of a nongovernmental entity whose membership is composed solely of election officials of state governments and the District of Columbia for the purpose of sharing and exchanging information to maintain the statewide voter registration system.¹³

¹ [Art. I, s. 24\(a\), FLA. CONST.](#)

² A “public record exemption” means a provision of general law which provides that a specified record, or portion thereof, is not subject to the access requirements of [s. 119.07\(1\), F.S.](#), or s. 24, Art. I of the Florida Constitution. See [s. 119.011\(8\), F.S.](#)

³ [Art. I, s. 24\(c\), FLA. CONST.](#)

⁴ [S. 119.01, F.S.](#)

⁵ [S. 119.15, F.S.](#)

⁶ [S. 119.15\(6\)\(b\), F.S.](#)

⁷ *Id.*

⁸ [S. 119.15\(3\), F.S.](#)

⁹ [S. 98.075\(1\), F.S.](#)

¹⁰ *Id.*

¹¹ [S. 98.075, F.S.](#)

¹² [S. 98.075\(2\)\(a\), F.S.](#)

¹³ [S. 98.075\(2\)\(b\)1, F.S.](#)

Current law also provides a public record exemption for voter registration information received by the DOS, pursuant to its membership in a nongovernmental entity from another state or the District of Columbia, that is confidential or exempt in its jurisdiction of origin.¹⁴ The exemption requires DOS to share the protected information with supervisors to conduct voter registration list maintenance.¹⁵

HB 1381

In part, House Bill 1381 relating to elections authorizes the DOS to enter into memorandums of understanding (MOUs) with federal agencies and other state governments to help identify interstate duplicate registrations including sharing and exchanging confidential and exempt information to facilitate such efforts. If passed, HB 1381 takes effect on October 1, 2025.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Government Operations Subcommittee	10 Y, 4 N, As CS	4/1/2025	Toliver	Walker
THE CHANGES ADOPTED BY THE COMMITTEE:	Expanded the public record exemption to include information received by the DOS from federal agencies after entering into a memorandum of understanding relating to voter registration records.			
Transportation & Economic Development Budget Subcommittee				
State Affairs Committee				

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.

¹⁴ S. [98.075\(2\)\(c\), F.S.](#)

¹⁵ *Id.*