

THE FLORIDA SENATE
2013 SUMMARY OF LEGISLATION PASSED
Committee on Ethics and Elections

CS/SB 2 — Ethics

by Rules Committee; Ethics and Elections Committee; and Senators Latvala, Gardiner, Thrasher, Legg, Lee, Benacquisto, Flores, Diaz de la Portilla, Gaetz, Abruzzo, Altman, Bean, Bradley, Brandes, Braynon, Bullard, Clemens, Dean, Detert, Evers, Galvano, Garcia, Gibson, Grimsley, Hays, Hukill, Joyner, Margolis, Montford, Negron, Richter, Ring, Sachs, Simmons, Simpson, Smith, Sobel, Soto, Stargel, and Thompson

The bill (Chapter 2013-36, L.O.F.) is an omnibus ethics reform package containing numerous significant changes to the Code of Ethics for Public Officers and Employees that include:

- **Dual Public Employment:** prohibiting public officers from accepting employment with the state or a political subdivision that is being offered for the purpose of gaining influence or other advantage based upon the person's holding office or candidacy; and providing criteria that must be met for the employment to be lawfully accepted.
- **Revolving Door:** prohibiting a former legislator from lobbying an executive branch agency, agency official, or employee for a period of two years after leaving office.
- **Ethics Training:** requiring all constitutional officers to complete 4 hours of ethics training each year; specifying requirements for ethics training; requiring the commission to adopt rules to establish minimum course content; and requiring each house of the Legislature to provide for ethics training pursuant to its rules.
- **Blind Trusts:** allowing public officers to create a blind trust in order to avoid conflicts of interests arising from the ownership of those assets; specifying that assets placed in a qualified blind trust cannot give rise to a conflict of interest under s. 112.313(3), F.S., s. 112.313(7), F.S., and s. 112.3143, F.S.; specifying that assets placed in the trust must be free of any restrictions concerning sale or trade and may not be improbable or impossible to transfer without the officer's knowledge; prohibiting certain conduct and communications to assure that the trust is truly "blind;" specifying who may serve as a trustee; prohibits certain individuals from managing the blind trust; and requiring the officer to file a notice of the trust or a copy of the trust agreement with the Commission on Ethics.
- **Voting Conflicts:** providing a definition for the terms "principal by whom retained" and "special private gain or loss;" prohibiting a state public officer from voting on any matter that would inure to his or her special private gain or loss; requiring disclosure of any interest prior to the vote unless it is not possible to do so; providing that, if it is not possible for an officer to disclose an interest prior to the vote, he or she must disclose the interest no later than 15 days after the vote; allowing members of the Legislature to satisfy the disclosure requirements using forms promulgated by their respective house; clarifying that an attorney who serves as a member of the Legislature is not required to disclose information that would violate confidentiality or privilege provided, however, that the member makes a general disclosure apprising the public of the general nature of the conflict; and clarifying that members of the Board of Directors of Enterprise Florida are subject to the voting conflict provisions relating to state public officers in s. 112.3143(2), F.S.

- **Financial Disclosure:** requiring the qualifying officer to electronically transmit financial disclosure forms of a candidate for elected office to the commission; requires the commission to refrain from taking action on complaints alleging immaterial, inconsequential, or de minimis errors or omissions for certain period of time to allow an officer time to cure such an error or omission; providing what constitutes an immaterial, inconsequential, or de minimis error or omission; authorizing an individual required to file a disclosure to have the statement prepared by an attorney or a certified public accountant; requiring an attorney or certified public accountant to sign the completed disclosure form to indicate compliance with applicable requirements and that the disclosure is true and correct based on reasonable knowledge and belief; providing that the failure of the attorney or certified public accountant to accurately transcribe information provided by the filing individual does not constitute a violation; authorizing an elected officer or candidate to use funds in an office account or campaign depository to pay an attorney or certified public accountant for preparing a disclosure; requiring all full and public disclosures of financial interests (CE Form 6) filed with the commission to be scanned and made publicly available on a searchable Internet database beginning with the 2012 filing year; requiring the commission to submit a proposal to the President of the Senate and the Speaker of the House of Representatives for a mandatory electronic filing system by December 1, 2015; revising the definitions in s. 112.3145, F.S. of the terms "local officer" and "specified state employee;" requiring a person filing a statement of financial interest to indicate the method of reporting income; amending the collections techniques available for collecting an unpaid fine for failing to timely file financial disclosure; requiring the commission to attempt to determine whether an individual owing certain fines is a current public officer or public employee; authorizing the commission to notify the Chief Financial Officer or the governing body of a county, municipality, or special district of the total amount of any fine owed to the commission by such individuals; requiring that the Chief Financial Officer or the governing body of a county, municipality, or special district begin withholding portions of any salary payment that would otherwise be paid to the current public officer or public employee until the fine is satisfied; authorizing the Chief Financial Officer or the governing body to retain a portion of payment for administrative costs; authorizing garnishment of wages to collect unpaid fines for failure to timely file financial disclosure owed by individuals who are no longer public officers or public employees; authorizing the commission to contract with a collection agency; authorizing a collection agency to utilize collection methods authorized by law; and extending the statute of limitations to allow up to twenty years to collect such an unpaid fine.
- **Gifts and Honoraria:** provides that a person is not a "procurement employee" if he or she does not exceed, or is expected not to exceed, \$10,000 in purchasing during a year; providing a definition of vendor; prohibiting solicitation of gifts and honoraria from vendors; removing references to committees of continuous existence and political committees from existing gifts and honoraria laws; creating a new prohibition on soliciting or accepting certain "gifts" from a political committee, regardless of the value of the "gift;" defining "gifts" for purposes of the new prohibition; and providing penalty.

- **Executive Branch Lobbying:** authorizing the commission to investigate sworn complaints alleging a prohibited expenditure; authorizing the commission to investigate a lobbyist or principal upon a sworn complaint or random audit; authorizing the Governor and Cabinet to assess a fine on a lobbyist or principal under specified conditions; and providing a civil penalty for failure to disclose certain required information.
- **Complaint Procedures:** authorizing the Commission on Ethics, upon a vote of six members, to investigate a referral alleging a breach of the public trust, or violation of the Code of Ethics that is received from the Governor, the Florida Department of Law Enforcement, a state attorney, or a U.S. Attorney; providing that a complaint may not be filed against a candidate for public office within the 30 day period before the election unless the complaint is based upon personal information or information other than hearsay; authorizing the commission to dismiss a complaint alleging a de minimis violation; providing exceptions; and defining "de minimis violation."

These provisions became law upon approval by the Governor on May 1, 2013.

Vote: Senate 37-0; House 117-0

THE FLORIDA SENATE
2013 SUMMARY OF LEGISLATION PASSED
Committee on Ethics and Elections

CS/SB 4 — Public Records and Meetings/Commission on Ethics

by Governmental Oversight and Accountability Committee and Ethics and Elections Committee

CS/SB 4 is the public records exemption companion bill to the omnibus ethics act (Chapter 2013-36, L.O.F.). Among other things, the new ethics laws allow the Commission on Ethics ("Commission") to initiate investigations upon receipt of a referral from the Governor, Department of Law Enforcement, a state attorney, or a U.S. Attorney. In order to investigate a referral, six members of the Commission must vote in favor of initiating the investigation. CS/SB 4 exempts from the public records and open meetings laws any records and proceedings of the Commission related to a referral or a preliminary investigation initiated by a referral. These exemptions apply until the Commission determines that it will not investigate a matter, until it determines whether probable cause exists to believe a violation occurred, or until the subject of the referral waives the right to confidentiality.

These provisions became law without the Governor's signature and took effect May 1, 2013.

Vote: Senate 40-0; House 112-1

THE FLORIDA SENATE
2013 SUMMARY OF LEGISLATION PASSED
Committee on Ethics and Elections

CS/CS/HB 247 — Paper Reduction

by Local and Federal Affairs Committee; Government Operations Committee; and Rep. Nelson (CS/CS/SB 1352 by Appropriations Committee; Community Affairs Committee; and Senator Ring)

CS/CS/HB 247 amends the voter registration application to have a blank in which an applicant can provide his or her email address and space in which to indicate if the voter would like to receive a sample ballot via email. The bill authorizes the Supervisor of Elections to send the sample ballot via email at least 7 days before the election. The bill requires county ordinances, amendments, and emergency ordinances to be submitted to the Department of State electronically. Additionally, CS/CS/HB 247 permits electronic transmission of the following documents:

- Decisions of a value adjustment board may be sent to the property appraiser and the taxpayer, if the taxpayer selects electronic delivery on the originally filed petition;
- Notice of proposed property taxes;
- Certain tax exemption renewals;
- Notice of intent to deny certain tax exemptions;
- Bail bond surety affidavits stating the consideration for the bond;
- Notice of forfeiture of a bail bond;
- Orders and notices concerning unpaid bail bond forfeitures converted to a judgment; and,
- Executed Certificate of Cancellation of a cancelled bail bond being sent to a surety.

If approved by the Governor, these provisions take effect October 1, 2013.

Vote: Senate 39-0; House 119-0

THE FLORIDA SENATE
2013 SUMMARY OF LEGISLATION PASSED
Committee on Ethics and Elections

CS/HB 249 — Public Records Exemption

by Local and Federal Affairs Committee and Rep. Nelson (CS/SB 1260 by Ethics and Elections Committee and Senator Ring)

CS/HB 249 is the public records exemption companion bill to the Paper Reduction bill (CS/CS/HB 247). Among other things, the Paper Reduction bill creates a blank to solicit a voter's email address on the voter registration application. CS/HB 249 amends the public records exemption in s. 97.0585, F.S., to provide that certain information obtained for the purpose of voter registration is confidential and exempt. That Section is also amended to make an email address provided by a voter registration applicant or voter confidential and exempt. The new exemption will expire on October 2, 2018, unless reviewed and saved from repeal through reenactment.

If approved by the Governor, these provisions take effect October 1, 2013.

Vote: Senate 36-1; House 114-1

THE FLORIDA SENATE
2013 SUMMARY OF LEGISLATION PASSED
Committee on Ethics and Elections

CS/CS/CS/HB 569 — Campaign Finance

by State Affairs Committee; Appropriations Committee; Ethics and Elections subcommittee; and Rep. Schenck (CS/CS/CS/CS/SB 1382 by Appropriations Committee; Rules Committee; Community Affairs Committee; Ethics and Elections Committee; and Senator Latvala)

The bill (Chapter 2013-37, L.O.F.) is an omnibus campaign finance bill that makes the following substantive changes:

- Eliminates committees of continuous existence (CCE) and provides for an orderly transition process through de-certification on September 30, 2013; retains the \$250 aggregate reporting limit for former CCEs reporting “multiple uniform contributions” (formerly “member dues”) as a political committee (PC).
- Modifies the current \$500 per election individual limit on contributions to *candidates* as follows: \$3,000 for statewide and Florida Supreme Court retention candidates; \$1,000 for other candidates.
- Provides for unlimited contributions to PCs supporting or opposing candidates, in lieu of the current \$500/election limit.
- Removes the “3-pack” exemption that allows PCs to run ads jointly endorsing three (3) or more candidates outside the scope of the contribution limits in ch. 106, F.S.
- Authorizes *county* political party executive committees to contribute an aggregate of \$50,000 to each *non-statewide* candidate, in addition to the aggregate \$50,000 that all *other* party committees may contribute.
- Limits to \$25,000 political party turn backs from candidate surplus funds.
- Increases the frequency of campaign finance reporting for candidates and committees (excluding political party committees), with **monthly** reports due before state candidate qualifying in June and post-qualifying reporting as follows:
 - ***Statewide Candidates and Non-Local PCs/Electioneering Communication Organizations (ECOs)—***
 - **WEEKLY full reports** of contributions and expenditures, from the end of qualifying to the FRIDAY prior to election; and,
 - **DAILY contribution only reports** beginning on the 10th day before the general election and ending on either the MONDAY (ECOs) or THURSDAY (statewide candidates and non-local PCs) before the general election.
 - ***Other Candidates and Local PCs/ECOs—***
 - **BI-WEEKLY** beginning on the 60th day before the primary election (FRIDAY) and continuing through the FRIDAY before the general election, with an additional report due on the 25th and 11th days before each election.
- Requires persons seeking a publicly-elected political party executive committee position *who receive contributions or make expenditures* to file a *single* campaign finance report on the FRIDAY immediately preceding the primary election.
- Prohibits candidates who switch races from “double-dipping” contributors for maximum contributions in *both* races.

- Increases the amount certain successful candidates can contribute to an office account, and expands the permissible uses of such funds.
- Allows a successful state candidate to retain up to \$20,000 of campaign funds for reelection.
- Removes the requirement for petition candidates to pay a deferred one (1) percent election assessment before disposing of surplus funds, transferring funds to an office account, or rolling over reelection funds.
- Reinstates sponsorship identification disclaimers for campaign fundraiser tickets and advertising.
- Modifies the titling of campaign depositories and associated checks and debit cards, removing the requirement to include the specific words "Campaign Account."

These provisions were approved by the Governor and take effect on November 1, 2013, unless otherwise provided.

Vote: Senate 37-2; House 79-34

THE FLORIDA SENATE
2013 SUMMARY OF LEGISLATION PASSED
Committee on Ethics and Elections

CS/HB 1075 — Public Records

by Government Operations Committee; and Reps. Rangel and Campbell (CS/SB 1318 by Ethics and Elections Committee and Senator Soto)

CS/HB 1075 creates a public record exemption for a complaint of misconduct filed with an agency against an agency employee, and all information obtained pursuant to the investigation by the agency of the complaint of misconduct. The information is confidential and exempt from public record requirements until the investigation ceases to be active, or until the agency provides written notice to the employee who is the subject of the complaint that the agency concluded the investigation and either will or will not proceed with disciplinary action or file charges. The bill provides for repeal of the exemption on October 2, 2018, unless reviewed and saved from repeal by the Legislature. In addition, the bill provides a statement of public necessity.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 36-0; House 85-30

THE FLORIDA SENATE
2013 SUMMARY OF LEGISLATION PASSED
Committee on Ethics and Elections

CS/HB 7013 — Florida Election Code

by Appropriations Committee; Ethics and Elections Subcommittee; and Rep. Boyd
(CS/CS/CS/SB 600 by Rules Committee; Community Affairs Committee; Ethics and Elections
Committee; and Senator Latvala)

CS/HB 7013 is an omnibus elections bill consisting of numerous significant changes to the Florida Election Code that include:

- **Early Voting:** providing a minimum of 8 days of early voting up to a maximum of 14 days of early voting; permitting early voting to begin as early as the 15th day prior to the election; requiring early voting between the 10th day before the election and the 3rd day before the election; permitting early voting on the second day before the election; permitting between 8 and 12 hours per day of early voting; requiring a minimum of 64 hours of early voting; permitting a maximum of 168 hours allowable; permitting Supervisors of Elections ("Supervisor") flexibility to schedule site hours by location; expanding the list of permissible early voting sites to include fairgrounds, civic centers, courthouses, county commission buildings, stadiums, convention centers, government-owned senior centers, and government-owned community centers; permits Supervisors to select one additional early voting site of his or her choosing under certain circumstances; requires Supervisors to have at least the same number of early voting sites in a general election as were utilized in the 2012 general election.
- **Election Preparation Report:** creating a requirement that Supervisors create an election preparation report addressing staffing and equipment for the general election; requiring the Supervisors to post the election preparation report on the Supervisors' official website.
- **Legislative Ballot Summaries:** providing that the first ballot summary for a legislative constitutional amendment or revision must be no longer than 75 words; any other alternative ballot summary is not subject to the 75 word limitation; providing that an invalidated summary being rewritten by the Attorney General is not subject to the 75 word limitation.
- **Late Registration:** extending the deadline for a uniformed services member or Merchant Marine and his/her family member who has returned from military deployment or activation to register to vote until 5 p.m. on the Friday before an election.
- **County Canvassing Boards:** allowing appointment of alternate members in addition to substitute members; requiring the Supervisors to upload Early Voting and Absentee ballots that have been canvassed and tabulated by the end of early voting by 7 p.m. on the day before the election; providing that the tabulation and results of the uploaded Early Voting and Absentee ballots uploaded are not public until the polls close.
- **Absentee Ballots:** requiring absentee ballot requests for ballots which are to be sent to an address other than the one on file in the Florida Voter Registration System to be made in writing and signed by the elector; providing an exemption to that requirement for absent uniformed service voters and overseas voters; requiring the free access system to indicate when an absentee ballot was returned unsigned; providing a method to cure an unsigned absentee ballot by submitting an affidavit up to 5 p.m. on the day before an election;

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making it a first degree misdemeanor for a person who, for pecuniary or other benefit, distributes, orders, requests, collects, delivers or otherwise possesses more than two absentee ballots per election in addition to his or her own ballot or a ballot belonging to an immediate family member; codifying the federal consent decree to provide that an absentee ballot from uniformed service voters and overseas voters must be counted if they were signed and dated, or postmarked, no later than election day and were received by the Supervisor no later than 10 days after the election; expanding the consent decree to require counting of all votes cast in all races in a Presidential Preference Primary or general election; prohibiting distribution of absentee ballots to an elector or an elector's immediate family member on election day unless there is an emergency rendering the elector unable to go to his or her polling place; permitting the use of a voter's signature on file in a precinct register to verify the signature on an absentee ballot.

- **Primary Election Date:** moving the primary election date to 10 weeks before the general election.
- **No Solicitation Zone:** prohibiting establishment of a no solicitation zone, designation of an area in which solicitors are required to stay, or otherwise restricting access to voters outside of the 100 foot statutory no solicitation zone; clarifying that soliciting voters is prohibited within 100 feet of a Supervisor's office where absentee ballots are requested and printed on demand for the convenience of electors who appear in person to request the absentee ballots.
- **Voting System Vendors:** requiring anyone who submits an electronic or electromechanical voting system for approval, or any person entering a contract for the sale or lease of such equipment, to provide the Department of State the name, address, and telephone number of a registered agent within the state; creating a mechanism for the Department to investigate defective voting systems, suspend sales and use of systems, and impose a civil penalty against vendors under certain circumstances; providing for vendor disclosure of defects in voting systems to the Department; providing that, if a defect is found which was not disclosed by the vendor, the system may not be used or sold until the system has been inspected by the Department; exempts all proceedings from the Administrative Procedures Act in ch. 120, F.S.
- **Voting System Audit:** creating an option for the Canvassing Board to conduct an automated, independent audit; specifying that the automated, independent audit would consist of a public tally of the votes cast across every race that appears on the ballot in at least 20 percent of randomly-chosen precincts; requiring the Department of State to adopt rules for approval of an independent, automated audit system and provide minimum standards.
- **Change of Address at the Polls:** providing an exception for an elector who has moved to an assigned precinct that uses an electronic database as the precinct register at the polling place.
- **ADA Voting Equipment:** providing that voting equipment must be available for the disabled that meets the requirements in the federal Help America Vote Act and s. 101.56062, F.S., by the year 2020.
- **Multi-Language Ballots:** allowing Supervisors in counties that are subject to the federal multi-language ballot requirement to petition the U.S. Department of Justice for authority

to print and deliver single language ballots for each minority language required to be provided.

- **Presidential Preference Primaries:** removing the presidential preference primary date selection committee; providing instead that the primary dates will be on the first Tuesday that the major political parties' rules allow for allocating delegates without penalty.
- **Committees of Continuous Existence:** providing that the gifts law and honoraria law apply to Committees of Continuous Existence ("CCEs") and reporting individuals or procurement employees through September 30, 2013, when CCEs are de-certified under the campaign finance bill.

If approved by the Governor, these provisions take effect January 1, 2014, except where otherwise provided therein.

Vote: Senate 27-13; House 115-1