

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Ethics and Elections

HJR 31 — Partisan Elections for Members of District School Boards

by Reps. Roach, Sirois, and others (SJR 94 by Senator Gruters)

This joint resolution proposes an amendment to the Florida Constitution to require members of a district school board to be elected in a partisan race. If this resolution is adopted, members of district school boards may not be elected on a partisan basis until the general election held in November 2026. Primary elections for purposes of nominating political party candidates to district school boards may occur before the 2026 general election.

The proposed amendment will be submitted to Florida’s electors for approval or rejection at the next general election in November 2024.

If approved by at least 60 percent of the electors voting on the measure, the amendment will go into effect on January 7, 2025.

Vote: Senate 29-11; House 79-34

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CS/HB 199 — Ethics Requirements for Officers and Employees of Special Tax Districts

by Ethics, Elections and Open Government Subcommittee and Reps. Hunschofsky and Daley (CS/CS/SB 620 by Governmental Oversight and Accountability Committee; Ethics and Elections Committee; and Senators DiCeglie and Yarborough)

The bill clarifies the limited exception for public officers and employees of qualifying special districts from the general prohibition that bars public officials from holding any employment or contract with any business entity or agency regulated by or doing business with his or her public agency.

Specifically, the bill clarifies the exception for public officers or employees of a water control district or a special tax district created by general or special law that is limited specifically to constructing, maintaining, managing, and financing improvements in the land area over which the agency has jurisdiction, by specifying that conduct that constitutes a misuse of public position or violates the prohibition on disclosing information that is not otherwise available to the public for their own personal benefit would be considered an impermissible conflict of interest.

In addition, the bill:

- Requires that beginning January 1, 2024, local elected officers of independent special districts and each person who is appointed to fill a vacancy for an unexpired term of such office must complete 4 hours of ethics training covering specified materials.
- Provides that an elected local officer of an independent special district assuming a new office or term of office after March 31 is not required to complete the ethics training for the calendar year in which his or her term of office began.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 40-0; House 116-0

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HB 411 — Residency of Local Elected Officials

by Rep. Steele and others (CS/SB 444 by Rules Committee and Senator Ingoglia)

This bill changes the provision that requires a school board candidate to reside within the residence area for which he or she is running. The bill makes the residency requirement apply when an elected school board member assumes office rather than when he or she qualifies to run as a candidate.

The bill also does the following relating to local redistricting:

- Prohibits county commission districts, municipal districts, and school board member residence areas from being drawn with the intent to favor or disfavor a candidate for the governing body or an incumbent member of the governing body based on the candidate's or incumbent's residential address.
- Requires county commission districts to be as nearly equal in population as practicable.
- Requires municipalities, from time to time, to fix the boundaries of their districts in order to keep them as nearly equal in proportion to their respective populations as practicable.
- Voids any local ordinance adopted by a county, municipality, or school district on or after July 1, 2023, that conflicts with the provisions in the bill.
- Specifies that changes to county commission districts, municipal districts, or school board member residence areas may not be made in the 270 days before a regular general election for the district or residence area.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 29-7; House 87-25

THE FLORIDA SENATE
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HB 477 — Term Limits for District School Board Members

by Rep. Rizo and others (CS/CS/SB 1110 by Community Affairs Committee; Ethics and Elections Committee; and Senator Ingoglia)

This bill (Chapter 2023-37, L.O.F.) reduces the length of the term limit for school board members to 8 years from 12 years. The term limit applies to terms of office beginning on or after November 8, 2022.

These provisions were approved by the Governor and take effect July 1, 2023.

Vote: Senate 30-7; House 79-29

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CS/SB 666 — Form of Candidate Oath

by Ethics and Elections Committee and Senator Collins

This bill revises the required oath format for candidates for non-federal Florida offices to specify that the included address must be the candidate's address of legal residence.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 39-0; House 100-16

THE FLORIDA SENATE
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Committee on Ethics and Elections

CS/CS/SB 774 — Ethics Requirements for Public Officials

by Rules Committee; Ethics and Elections Committee; and Senator Brodeur

The bill revises ethics requirements for public officials as follows.

Disclosure of Financial Interests

Related to financial disclosures, the bill:

- Requires, beginning January 1, 2024, certain local officers (mayors and elected members of the governing body of a municipality) and Commission on Ethics members to file a Form 6 (full and public disclosure of financial interests) with the Commission on Ethics through the Commission's electronic filing system.
- Exempts local officers who are required to file a Form 6 from the present requirement to file the more limited Form 1 (statement of financial interests).
- Clarifies that a candidate for an elected office that requires a filing of a Form 6 must file such at the time of qualifying as a candidate for that office.
- Requires an individual appointed to fill a vacancy for which an elected local officer was required to file a Form 6, to file one annually for the remainder of the appointee's term.
- Maintains current law, beginning January 1, 2024, that each Form 1 filer must file his or her annual Form 1 financial disclosure by filling out his or her Form 1 on the Commission on Ethics's electronic filing system by the due date annually and extends the filing deadline from 5:00 p.m. to 11:59 p.m.
- As a conforming change, removes supervisors of elections from being involved in the Form 1 filing process, except for non-incumbent candidates.
- Requires, beginning January 1, 2024, local officers to file their quarterly reports of the names of clients represented for a fee or commission through the Commission's electronic filing system.
- Allows Form 1 and Form 6 filers to submit federal income tax returns, including all associated attachments and schedules, to report income and requires that filers who choose to file a federal income tax return to report income must also include all attachments and schedules associated with the tax return.

Related to the Commission's electronic filing system, the bill:

- Requires the system to have the capability to allow filers to upload attachments, including federal income tax returns.
- Requires the Commission's instructions for the system to notify filers that certain personal account information should not be included in the filing.
- Removes language allowing Form 1 and Form 6 filers to fill out and submit paper versions of the forms to the Commission through mail.
- Requires the Commission to notify Form 1 and Form 6 filers by email of all deadlines for filing instructions for the electronic filing system.

- Specifies that the only determining factor the Commission may use in determining the amount of fines for late submission of a Form 1 or Form 6 is the date the filer submitted their Form 1 or Form 6 on the Commission's electronic filing system.

Candidate Qualifications in Respect to Financial Disclosures

- The bill adds language to the Election Code allowing filers of Form 1 and Form 6 financial disclosure statements to submit a verification or receipt of the filing to the qualifying officer at the time of qualifying, making this section of the Election Code consistent with the Code of Ethics.

Procedures on Complaints and Violations

- The bill allows the Commission to dismiss any complaint or referral for de minimis violations of financial disclosures.

Penalty Provisions

- The bill increases the maximum civil penalty that may be imposed by the Commission, from \$10,000 to \$20,000.

Ethics Training

- The bill adds commissioners of community redevelopment agencies to the new office or new term of office exemption that already exists for constitutional officers and elective municipal officers. Community redevelopment agencies assuming a new office or term of office after March 31 are not required to complete ethics training for the calendar year in which their term of office began.

Lobbyist Registration and Compensation Reporting

- The bill adds clarifying language of what allegations must be contained in a complaint or report initiating the requirement for the Commission to investigate potential violations.
- The bill allows the Commission to dismiss any complaint or investigation from a random audit of lobbying reports, at any stage of disposition, if it determines that the public interest is not served by proceeding further. If the Commission dismisses an action, the Commission must issue a public report stating with particularity its reasons for the dismissal.

Implementation

- Requires the Commission to revise its financial disclosure forms and instructions and any relating rules to conform to changes made by the bill.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

Vote: Senate 35-5; House 113-2

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CS/SB 7050 — Elections

by Fiscal Policy Committee; Ethics and Elections Committee; and Senator Hutson

The bill continues Florida’s commitment to the integrity of elections. The bill increases the security of vote-by-mail ballots, makes changes to enhance the accuracy of Florida’s voter rolls, and improves access to reports and data to boost voter confidence.

Specifically, the bill:

- Requires signature matching training for any person whose duties require verification of signatures of vote-by-mail ballots, affidavits, and petitions, and clarifies requirements related to voter signature updates.
- Strengthens regulations related to third-party voter registration organizations to protect individuals who entrust their personal information and voter registration applications to them.
- Requires additional information to be included on voter information cards.
- Implements recommendations from the Department of State’s vote-by-mail report to:
 - o Require a uniform statewide application form to request a vote-by-mail ballot.
 - o Require a vote-by-mail ballot mailing envelope to be clearly marked “Do Not Forward.”
 - o Revise requirements for picking up a vote-by-mail ballot in person.
 - o Provide that if two or more vote-by-mail ballots for the same election are returned in one mailing envelope, none shall be counted.
- Facilitates efficient identification of voters who have moved by enhancing processes for address list maintenance activities.
- Enhances frequency and content of information other governmental entities must provide to the Department of State and supervisors of elections for list maintenance activities that ensure eligibility of voters.
- Specifies that a voter undergoing eligibility review must vote a provisional ballot and provides implementing requirements.
- Enhances content of and revises timeframes for required post-election reports.
- Requires candidates to disclose specified information about outstanding fines related to elections or ethics violations.
- Requires specified information to be provided for presidential electors.
- Clarifies the felony for casting more than one ballot.
- Personally attaches fines imposed against a political committee to the committee chair if the committee fails to pay the fine within 30 days.
- Increases allowable fines for election law violations.
- Creates a new framework regulating voter guides.

The bill modernizes and streamlines campaign finance requirements by:

- Revising reporting frequency for political committees, candidates, and electioneering communications organizations to quarterly outside of the active election cycle.

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- Preempting local governments from enacting a reporting schedule that differs from that provided in statute.
- Adding text messages to the list of services and costs that do not constitute contributions that count toward specified limits.

The bill also:

- Saves from repeal under the Open Government Sunset Review Act an exemption for certain voter registration information received from another state or the District of Columbia.
- Prescribes requirements for use of a candidate nickname on the ballot and specifies how candidates with the same surname running for the same office in a general election may be distinguished on the ballot.
- Clarifies that resign-to-run requirements, which apply to persons who qualify for office, do not apply to persons seeking the office of President or Vice President because such persons do not qualify for office under statutory requirements.
- Clarifies the amount supervisors of elections can charge to verify signatures on local issue petitions vs. statewide initiative petitions.
- Modernizes notice requirements throughout the Election Code by authorize notice to be published on specified government websites instead of in a local newspaper.
- Modernizes requirements for precinct boundary data maintained by supervisors.
- Conforms the deadline by which provisional, special vote-by-mail ballots must be cured to the deadline for other provisional ballots.
- Modifies timeframes for meetings of the Elections Canvassing commission, submitting of county returns by county canvassing boards, and certification of presidential electors.
- Makes procedural and clarifying changes to county canvassing board provisions.
- Allows state committeemen and committeewomen to prequalify.
- Clarifies the required number of alternate members of county canvassing boards.
- Requires public, tax-supported buildings to be made available for use as early voting locations upon the request of a supervisor of elections.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023, except as otherwise provided.

Vote: Senate 28-12; House 76-34