

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**ETHICS AND ELECTIONS**  
**Senator Baxley, Chair**  
**Senator Taddeo, Vice Chair**

**MEETING DATE:** Tuesday, February 16, 2021

**TIME:** 12:30—3:00 p.m.

**PLACE:** Toni Jennings Committee Room, 110 Senate Building

**MEMBERS:** Senator Baxley, Chair; Senator Taddeo, Vice Chair; Senators Berman, Bracy, Bradley, Broxson, Gainer, Garcia, and Polsky

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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PUBLIC TESTIMONY WILL BE RECEIVED FROM ROOM A1 AT THE DONALD L. TUCKER CIVIC CENTER, 505 W. PENSACOLA STREET, TALLAHASSEE, FL 32301

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
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**Senate Confirmation Hearing:** A public hearing will be held for consideration of the below-named executive appointments to the office indicated.

**Board of Accountancy**

1	Sparkman, Brent D. (Tallahassee)	10/31/2022	Recommend Confirm Yeas 9 Nays 0
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**Florida Building Commission**

2	Hershberger, Rodney (Sarasota)	07/27/2023	Recommend Confirm Yeas 9 Nays 0
	John, David A. (Tarpon Springs)	02/03/2023	Recommend Confirm Yeas 9 Nays 0
	Schock, James R. ()	01/12/2023	Recommend Confirm Yeas 9 Nays 0

**Board of Chiropractic Medicine**

3	Saunders, Gretchen Y. (Spring Hill)	10/31/2023	Recommend Confirm Yeas 9 Nays 0
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**Board of Trustees of Broward College**

4	Zachariah, Zachariah P., Jr. (Ft. Lauderdale)	05/31/2022	Recommend Confirm Yeas 9 Nays 0
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**Board of Trustees of Miami-Dade College**

5	Alonso, Roberto Jose (Miami Lakes)	05/31/2022	Recommend Confirm Yeas 9 Nays 0
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**Board of Dentistry**

6	Bojaxhi, Christine (Neptune Beach)	10/31/2022	Recommend Confirm Yeas 9 Nays 0
	Cherry, Bradley (Ponte Vedra Beach)	10/31/2023	Recommend Confirm Yeas 9 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Ethics and Elections

Tuesday, February 16, 2021, 12:30—3:00 p.m.

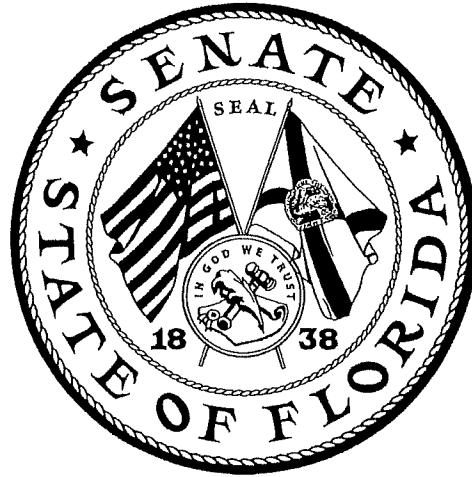
TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
	McCawley, Thomas K., D.D.S. (Ft. Lauderdale)	10/31/2022	Recommend Confirm Yeas 9 Nays 0
<b>Florida Development Finance Corporation</b>			
7	Tanner, Paul C. (Ft. Lauderdale)	05/02/2021	Recommend Confirm Yeas 9 Nays 0
<b>Florida Commission on Human Relations</b>			
8	Cepero, Monica M. (Sunrise)	09/30/2023	Recommend Confirm Yeas 9 Nays 0
	Farmer, Millicent W. (Tallahassee)	09/30/2021	Recommend Confirm Yeas 9 Nays 0
	Hanson, Dawn B. (Tallahassee)	09/30/2022	Recommend Confirm Yeas 9 Nays 0
	Hart, Larry D. (Fort Myers)	09/30/2021	Recommend Confirm Yeas 9 Nays 0
	McGhee, Darrick D., Sr. (Tallahassee)	09/30/2022	Recommend Confirm Yeas 9 Nays 0
	Moye, Kenyetta (Tallahassee)	09/30/2023	Recommend Confirm Yeas 9 Nays 0
	Primiano, Angela C. (Hollywood)	09/30/2024	Recommend Confirm Yeas 9 Nays 0
<b>Board of Medicine</b>			
9	Pages, Luz Marina, M.D. (Miami Beach)	10/31/2023	Recommend Confirm Yeas 9 Nays 0
<b>Board of Nursing</b>			
10	Hansen, Margaret L. (Parkland)	10/31/2022	Recommend Confirm Yeas 9 Nays 0
<b>Board of Nursing Home Administrators</b>			
11	Biegasiewicz, Kimberly (Clermont)	10/31/2023	Recommend Confirm Yeas 9 Nays 0
<b>Board of Optometry</b>			
12	Atkins, Mary Linville (Tallahassee)	10/31/2021	Recommend Confirm Yeas 9 Nays 0
<b>Board of Pharmacy</b>			
13	Gift, Maja G. (Tampa)	10/31/2022	Recommend Confirm Yeas 9 Nays 0
<b>Governing Board of the Northwest Florida Water Management District</b>			
14	Andrews, Angus "Gus" G., Jr. (DeFuniak Springs)	03/01/2023	Recommend Confirm Yeas 9 Nays 0
	Patronis, Nicholas Jimmy (Panama City Beach)	03/01/2022	Recommend Confirm Yeas 9 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Ethics and Elections

Tuesday, February 16, 2021, 12:30—3:00 p.m.

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
	Ralston, Kellie Rebello (Tallahassee)	03/01/2024	Recommend Confirm Yeas 9 Nays 0
TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
15	Presentation by the Department of State: 2020 Election: Laurel M. Lee, Secretary of State		Presented
16	Presentation by the Florida Supervisors of Elections: 2020 Election and Legislative Priorities: The Honorable Mark Earley, Leon County Supervisor of Elections		Presented
17	<b>SB 82</b> Baxley (Identical H 659)	Sponsorship Identification Disclaimers; Modifying provisions governing general independent expenditure disclaimers to conform to changes made by the act; removing an exemption for text messages from certain requirements governing political advertisement disclaimers to conform to changes made by the act; establishing sponsorship identification disclaimer requirements for certain text messages; modifying existing requirements governing telephone call disclaimers; requiring specified persons and organizations sending certain paid text messages to have and maintain a registered agent for specified purposes, etc.  EE 02/16/2021 Favorable JU RC	Favorable Yeas 9 Nays 0
18	<b>SB 90</b> Baxley	Vote-by-mail Ballots; Limiting the duration of requests for vote-by-mail ballots to all elections held within a calendar year of a request; authorizing the canvassing of vote-by-mail ballots upon the completion of the public preelection testing of automatic tabulating equipment, etc.  EE 02/16/2021 Fav/CS GO RC	Fav/CS Yeas 5 Nays 4
Other Related Meeting Documents			



Committee:

# **ETHICS AND ELECTIONS**

Senator Baxley, Chair  
Senator Taddeo, Vice Chair

## **Meeting Packet**

Tuesday, February 16, 2021  
12:30—3:00 p.m.

Toni Jennings Committee Room, 110 Senate Building



The Florida Senate  
**COMMITTEE MEETING EXPANDED AGENDA**  
 ETHICS AND ELECTIONS  
 Senator Baxley, Chair  
 Senator Taddeo, Vice Chair

**MEETING DATE:** Tuesday, February 16, 2021  
**TIME:** 12:30—3:00 p.m.  
**PLACE:** Toni Jennings Committee Room, 110 Senate Building

**MEMBERS:** Senator Baxley, Chair; Senator Taddeo, Vice Chair; Senators Berman, Bracy, Bradley, Broxson, Gainer, Garcia, and Polsky

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1	Sparkman, Brent D. (Tallahassee)	10/31/2022
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**Florida Building Commission**

2	Hershberger, Rodney (Sarasota)	07/27/2023
	John, David A. (Tarpon Springs)	02/03/2023
	Schock, James R. ()	01/12/2023

**Board of Chiropractic Medicine**

3	Saunders, Gretchen Y. (Spring Hill)	10/31/2023
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**Board of Trustees of Broward College**

4	Zachariah, Zachariah P., Jr. (Ft. Lauderdale)	05/31/2022
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**Board of Trustees of Miami-Dade College**

5	Alonso, Roberto Jose (Miami Lakes)	05/31/2022
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**Board of Dentistry**

6	Bojaxhi, Christine (Neptune Beach)	10/31/2022
	Cherry, Bradley (Ponte Vedra Beach)	10/31/2023
	McCawley, Thomas K., D.D.S. (Ft. Lauderdale)	10/31/2022

**Florida Development Finance Corporation**

7	Tanner, Paul C. (Ft. Lauderdale)	05/02/2021
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**Florida Commission on Human Relations**

8	Cepero, Monica M. (Sunrise)	09/30/2023
	Farmer, Millicent W. (Tallahassee)	09/30/2021

**COMMITTEE MEETING EXPANDED AGENDA**

Ethics and Elections

Tuesday, February 16, 2021, 12:30—3:00 p.m.

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
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	Hart, Larry D. (Fort Myers)	09/30/2021	
	McGhee, Darrick D., Sr. (Tallahassee)	09/30/2022	
	Moye, Kenyetta (Tallahassee)	09/30/2023	
	Primiano, Angela C. (Hollywood)	09/30/2024	
	<b>Board of Medicine</b>		
9	Pages, Luz Marina, M.D. (Miami Beach)	10/31/2023	
	<b>Board of Nursing</b>		
10	Hansen, Margaret L. (Parkland)	10/31/2022	
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11	Biegasiewicz, Kimberly (Clermont)	10/31/2023	
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12	Atkins, Mary Linville (Tallahassee)	10/31/2021	
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13	Gift, Maja G. (Tampa)	10/31/2022	
	<b>Governing Board of the Northwest Florida Water Management District</b>		
14	Andrews, Angus "Gus" G., Jr. (DeFuniak Springs)	03/01/2023	
	Patronis, Nicholas Jimmy (Panama City Beach)	03/01/2022	
	Ralston, Kellie Rebello (Tallahassee)	03/01/2024	

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
15	Presentation by the Department of State: 2020 Election: Laurel M. Lee, Secretary of State		
16	Presentation by the Florida Supervisors of Elections: 2020 Election and Legislative Priorities: The Honorable Mark Earley, Leon County Supervisor of Elections		

**COMMITTEE MEETING EXPANDED AGENDA**

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Other Related Meeting Documents			

**COMMITTEE MEETING PACKET TAB**

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## Ethics and Elections

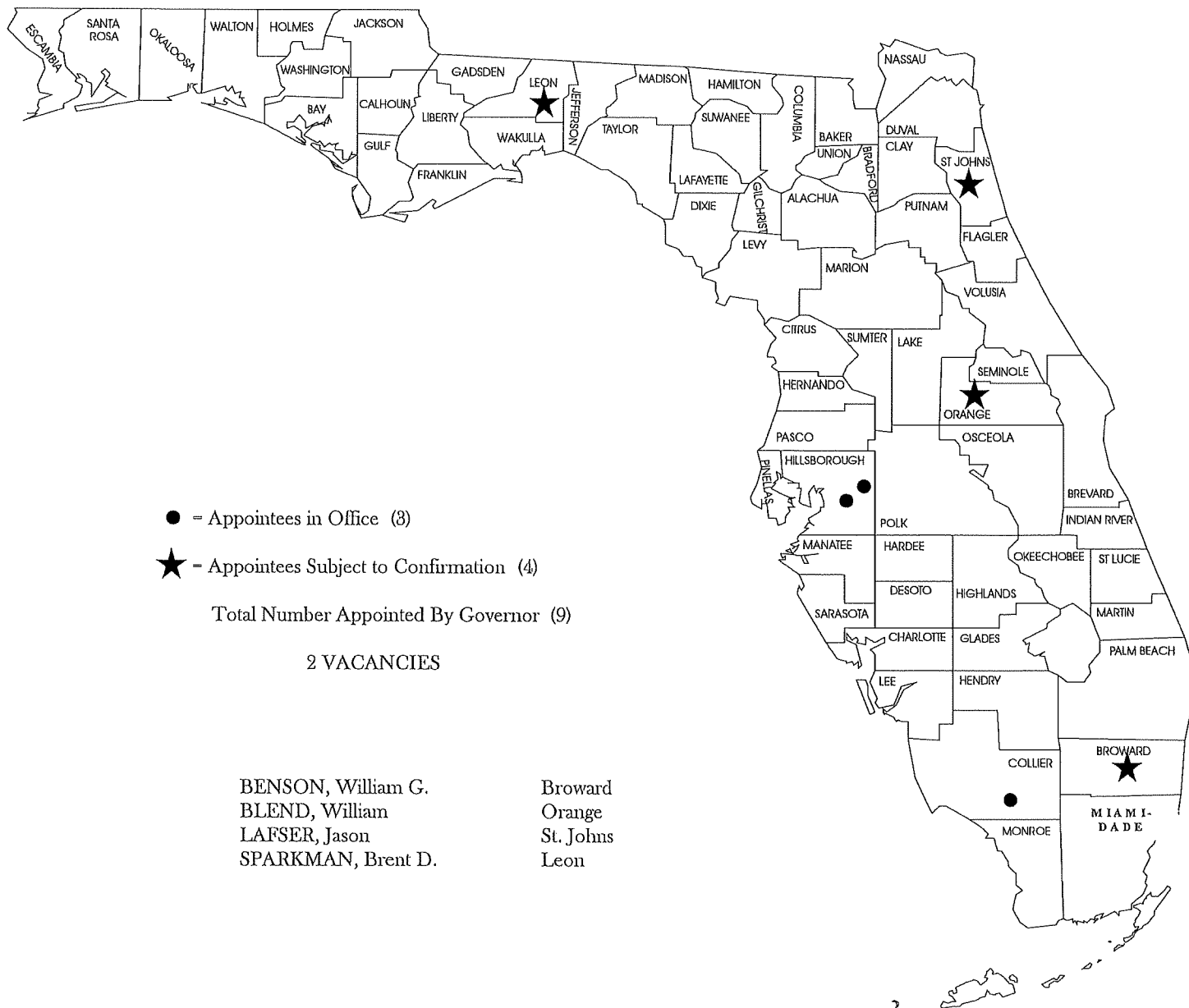
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**MEETING DATE:** Tuesday, February 16, 2021

**TIME:** 12:30—3:00 p.m.

**PLACE:** Toni Jennings Committee Room, 110 Senate Building

## Board of Accountancy



## Recommendation for Senate Confirmation of Executive Appointment

Appointee: Sparkman, Brent D.  
 Term: 11/06/2020 – 10/31/2022  
 City/County: Tallahassee/Leon  
 Office: Board of Accountancy, Member  
 Authority: 473.303, F.S. & 20.165(4)(b)1, F.S.  
 Reference(s): Committee on Ethics and Elections

Appointed: 11/10/2020  
 Prior Term:

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 12/9/20
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report		X	
11. Adverse Ethics Commission Action		X	As of 1/14/21
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)	X		See Below
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

**Occupation:** CPA/Partner, Carr, Riggs & Ingram, LLC (Public Accounting)

**Compensation:** Fifty dollars per day while attending to the business of the board; reimbursed for expenses pursuant to s. 112.061, F.S.

**Requirements:** The nine-member board consists of:

- Seven members who are certified public accountants who are licensed in this state and practiced public accounting in this state on a substantially full-time basis for at least five years; and
- Two lay members who are not and have never been certified public accountants or members of any closely related profession or occupation.

At least one member of the board must be sixty years of age or older.

**Additional Requirements:** Terms are for four years. Terms expire on October 31. No member shall serve more than the remaining portion of a previous member's unexpired term, plus two consecutive 4-year terms.

Required to file Form 1 with the Commission on Ethics.

**Notes:** Number 8 - Certified Public Accountant

Number 15 - Mr. Sparkman is a partner with an accounting firm that is a vendor to the State of Florida and other local government providing accounting, auditing, and management consulting services.

**COMMITTEE MEETING PACKET TAB**

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Ethics and Elections

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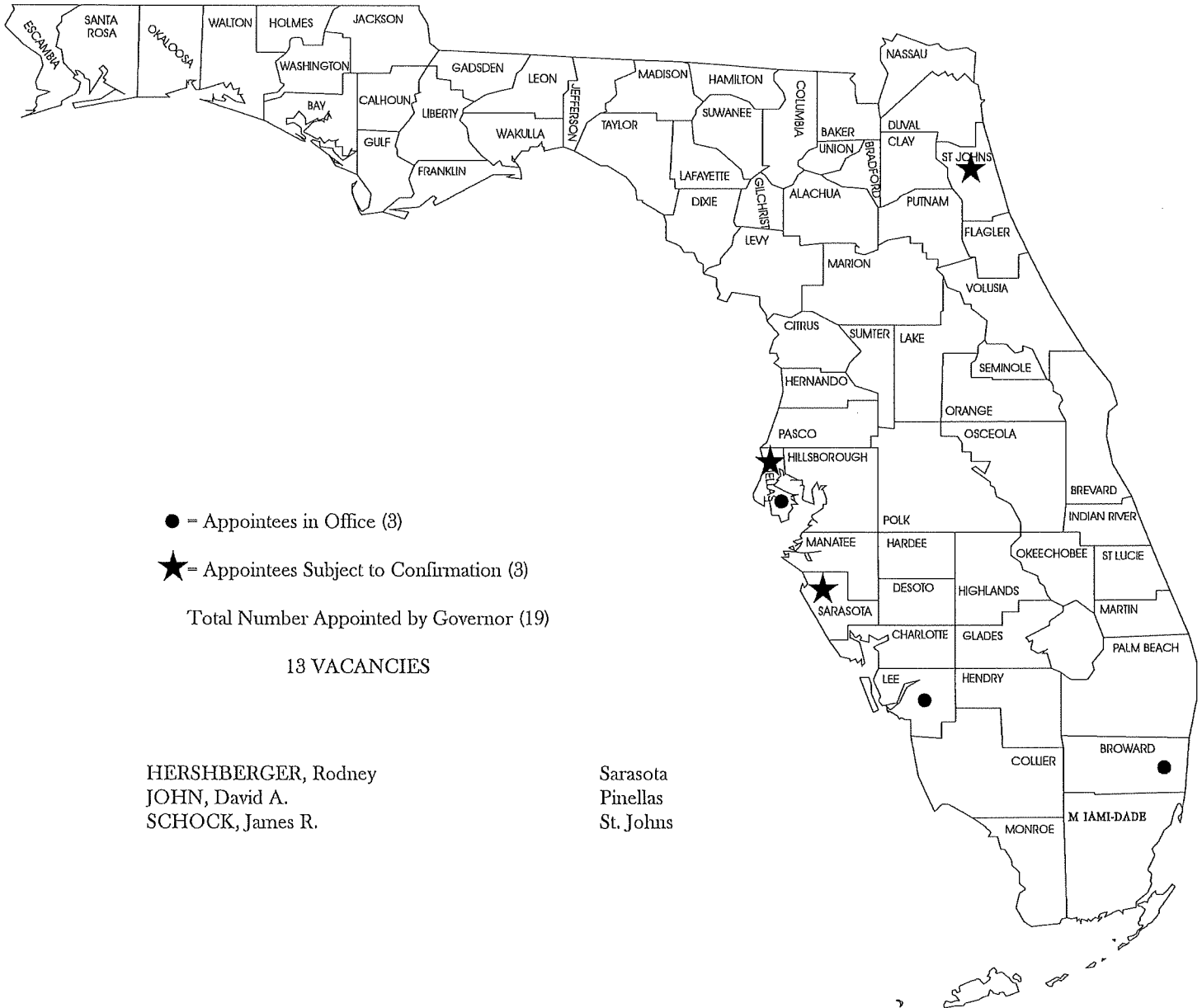
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**TIME:** 12:30—3:00 p.m.

**PLACE:** Toni Jennings Committee Room, 110 Senate Building



# Florida Building Commission



## Recommendation for Senate Confirmation of Executive Appointment

Appointee: Hershberger, Rodney  
 Term: 09/14/2020 – 07/27/2023  
 City/County: Sarasota/Sarasota  
 Office: Florida Building Commission, Member  
 Authority: 553.74, F.S.  
 Reference(s): Committee on Ethics and Elections

Appointed: 09/15/2020  
 Prior Term:

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 1/15/21
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report		X	
11. Adverse Ethics Commission Action		X	As of 1/8/21
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

**Occupation:** CEO, Chairman, PGTI (window and door manufacturer)

**Compensation:** Members of the board serve without compensation, but shall be entitled to reimbursement for per diem and travel expenses as provided by s. 112.061, F.S.

**Requirements:** The 19 member commission shall be composed of the following:

- One architect licensed pursuant to chapter 481 with at least 5 years of experience in the design and construction of buildings designated for Group E or Group I occupancies by the Florida Building Code;
- One structural engineer registered to practice in this state and actively engaged in the profession;
- One air-conditioning contractor, mechanical contractor, or mechanical engineer certified to do business in this state and actively engaged in the profession;
- One electrical contractor or electrical engineer certified to do business in this state and actively engaged in the profession;
- One certified general contractor or certified building contractor certified to do business in this state and actively engaged in the profession;
- One plumbing contractor licensed to do business in this state and actively engaged in the profession;
- One roofing, sheet metal contractor certified to do business in this state and actively engaged in the profession;
- One certified residential contractor licensed to do business in this state and actively engaged in the profession;
- Three members who are municipal, county or district codes enforcement officials, one of whom is also a fire official;
- One member of a Florida-based organization of persons with disabilities or a nationally chartered organization of persons with disabilities with chapters in this state which complies with or is certified to be compliant with the requirements of the Americans with Disabilities Act of 1990.
- One member of the manufactured buildings industry who is licensed to do business in this state and is actively engaged in the industry;
- One member of the building products manufacturing industry who is authorized to do business in this state and actively engaged in the industry;
- One member who is a representative of the building owners and managers industry who is actively engaged in commercial building ownership or management;
- One member who is a representative of the insurance industry; and,
- One member who is a swimming pool contractor licensed to do business in this state and actively engaged in the profession; and
- One member who is a representative of the natural gas distribution system and who is actively engaged in the distribution of natural gas in this state;

**Additional Requirements:** All appointments shall be for terms of four years.

Required to file Form 1 with the Commission on Ethics.

**Notes:** Number 8 - Representative of Building Products Manufacturing Industry

## Recommendation for Senate Confirmation of Executive Appointment

Appointee: John, David A.  
 Term: 09/14/2020 – 02/03/2023  
 City/County: Tarpon Springs/Pinellas  
 Office: Florida Building Commission, Member  
 Authority: 553.74, F.S.  
 Reference(s): Committee on Ethics and Elections

Appointed: 09/15/2020  
 Prior Term:

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 6/22/20
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report		X	
11. Adverse Ethics Commission Action		X	As of 1/8/21
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

**Occupation:** Engineering Manager, Stan Weaver & Co. (Manufacturer's Representative)

**Compensation:** Members of the board serve without compensation, but shall be entitled to reimbursement for per diem and travel expenses as provided by s. 112.061, F.S.

**Requirements:** The 19 member commission shall be composed of the following:

- One architect licensed pursuant to chapter 481 with at least 5 years of experience in the design and construction of buildings designated for Group E or Group I occupancies by the Florida Building Code;
- One structural engineer registered to practice in this state and actively engaged in the profession;
- One air-conditioning contractor, mechanical contractor, or mechanical engineer certified to do business in this state and actively engaged in the profession;
- One electrical contractor or electrical engineer certified to do business in this state and actively engaged in the profession;
- One certified general contractor or certified building contractor certified to do business in this state and actively engaged in the profession;
- One plumbing contractor licensed to do business in this state and actively engaged in the profession;
- One roofing, sheet metal contractor certified to do business in this state and actively engaged in the profession;
- One certified residential contractor licensed to do business in this state and actively engaged in the profession;
- Three members who are municipal, county or district codes enforcement officials, one of whom is also a fire official;
- One member of a Florida-based organization of persons with disabilities or a nationally chartered organization of persons with disabilities with chapters in this state which complies with or is certified to be compliant with the requirements of the Americans with Disabilities Act of 1990.
- One member of the manufactured buildings industry who is licensed to do business in this state and is actively engaged in the industry;
- One member of the building products manufacturing industry who is authorized to do business in this state and actively engaged in the industry;
- One member who is a representative of the building owners and managers industry who is actively engaged in commercial building ownership or management;
- One member who is a representative of the insurance industry; and,
- One member who is a swimming pool contractor licensed to do business in this state and actively engaged in the profession; and
- One member who is a representative of the natural gas distribution system and who is actively engaged in the distribution of natural gas in this state;

**Additional Requirements:** All appointments shall be for terms of four years.

Required to file Form 1 with the Commission on Ethics.

**Notes:** Number 8 - Certified Mechanical Engineer  
Number 18 - Mr. John served for a brief period on the Florida Building Commission in 2018-2019.

## Recommendation for Senate Confirmation of Executive Appointment

Appointee: Schock, James R.  
 Term: 09/14/2020 – 01/12/2023  
 City/County: St. Augustine/St. Johns  
 Office: Florida Building Commission, Member  
 Authority: 553.74, F.S.  
 Reference(s): Committee on Ethics and Elections

Appointed: 09/15/2020  
 Prior Term: 2/23/2015 - 1/12/2019

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)	X		See Below
7. Financial Disclosure Filed	X		Form 1 filed as of 5/27/20
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report		X	
11. Adverse Ethics Commission Action		X	As of 1/8/21
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)			Not Applicable
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist		X	

**Occupation:** Sr. Plans Examiner, St. Johns County Building Inspection Services Division

**Attendance:** Attended 49 of 54 meetings (91%) from February 23, 2015 through November 23, 2020.

**Compensation:** Members of the board serve without compensation, but shall be entitled to reimbursement for per diem and travel expenses as provided by s. 112.061, F.S.

**Requirements:** The 19 member commission shall be composed of the following:

- One architect licensed pursuant to chapter 481 with at least 5 years of experience in the design and construction of buildings designated for Group E or Group I occupancies by the Florida Building Code;
- One structural engineer registered to practice in this state and actively engaged in the profession;
- One air-conditioning contractor, mechanical contractor, or mechanical engineer certified to do business in this state and actively engaged in the profession;
- One electrical contractor or electrical engineer certified to do business in this state and actively engaged in the profession;
- One certified general contractor or certified building contractor certified to do business in this state and actively engaged in the profession;
- One plumbing contractor licensed to do business in this state and actively engaged in the profession;
- One roofing, sheet metal contractor certified to do business in this state and actively engaged in the profession;
- One certified residential contractor licensed to do business in this state and actively engaged in the profession;
- Three members who are municipal, county or district codes enforcement officials, one of whom is also a fire official;
- One member of a Florida-based organization of persons with disabilities or a nationally chartered organization of persons with disabilities with chapters in this state which complies with or is certified to be compliant with the requirements of the Americans with Disabilities Act of 1990.
- One member of the manufactured buildings industry who is licensed to do business in this state and is actively engaged in the industry;
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- One member who is a representative of the building owners and managers industry who is actively engaged in commercial building ownership or management;
- One member who is a representative of the insurance industry; and,
- One member who is a swimming pool contractor licensed to do business in this state and actively engaged in the profession; and
- One member who is a representative of the natural gas distribution system and who is actively engaged in the distribution of natural gas in this state;

**Additional Requirements:** All appointments shall be for terms of four years.

Required to file Form 1 with the Commission on Ethics.

**Notes:** Number 6 - Mr. Schock served in the Army Corp of Engineers from 1967-1969.  
Number 8 - Municipal or District Code Enforcement Official  
Number 18 - Mr. Schock served on the St. Johns County Board of Adjustments and Appeals from 2/2004-1/2009. Mr. Schock has served on the Florida Building Commission since 11/2008.  
Number 19 - Schock is the Plans Examiner for St. Johns County, 2014-Present. Mr. Schock was a building official for the City of Jacksonville, from 1996 to 2013.



The Florida Senate  
**COMMITTEE MEETING PACKET TAB**

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## Ethics and Elections

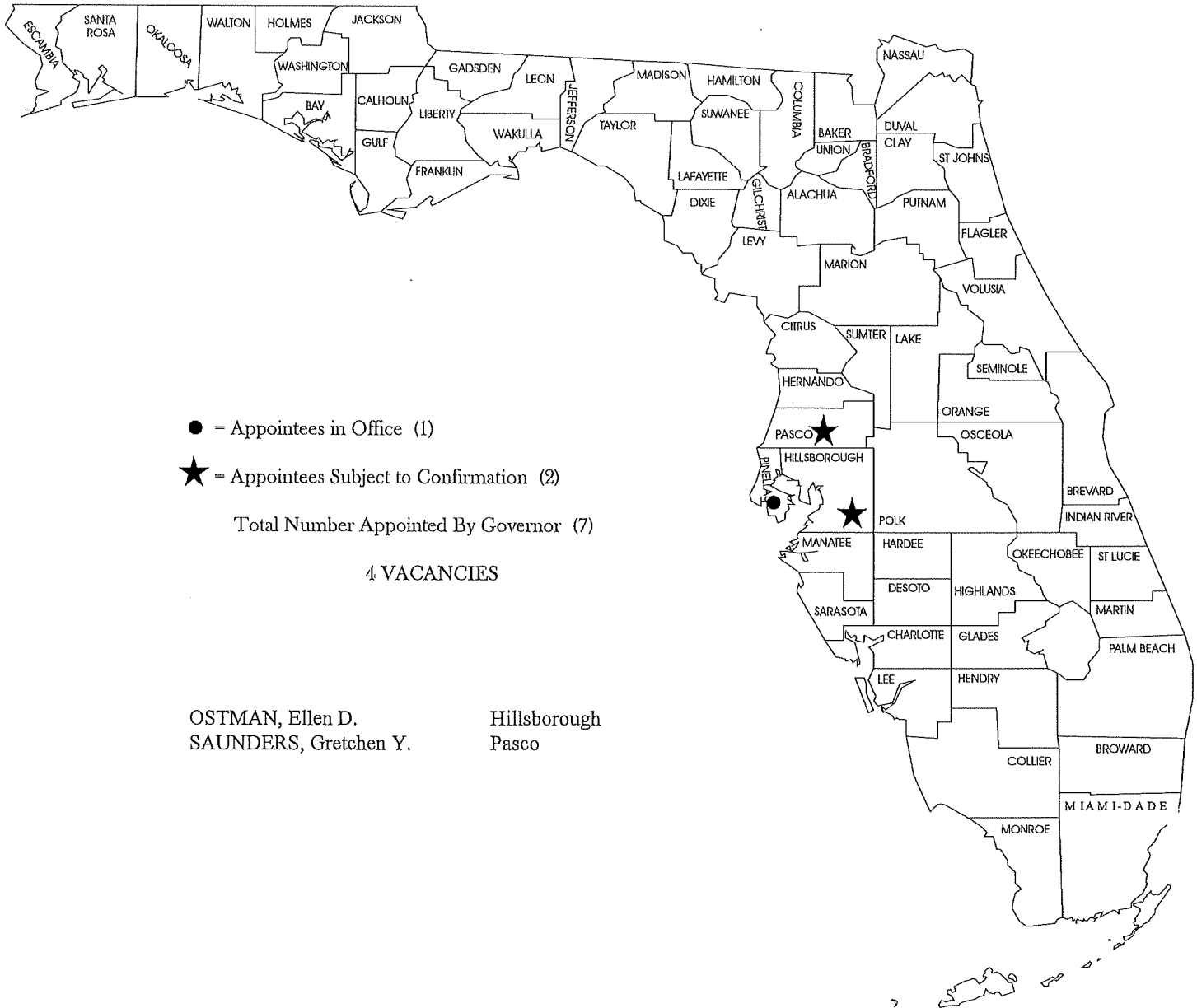
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**MEETING DATE:** Tuesday, February 16, 2021

**TIME:** 12:30—3:00 p.m.

**PLACE:** Toni Jennings Committee Room, 110 Senate Building

# Board of Chiropractic Medicine



## Recommendation for Senate Confirmation of Executive Appointment

Appointee: Saunders, Gretchen Y.  
 Term: 06/26/2020 – 10/31/2023  
 City/County: Spring Hill/Pasco  
 Office: Board of Chiropractic Medicine, Member  
 Authority: 460.404(1), F.S. & 20.43(3)(g)4, F.S.  
 Reference(s): Committee on Ethics and Elections

Appointed: 06/26/2020  
 Prior Term:

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 7/17/20
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report		X	
11. Adverse Ethics Commission Action		X	As of 1/8/21
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist		X	

**Occupation:** Chief Finance Officer, Hillsborough County Public Schools

**Compensation:** Fifty dollars per day while attending to the business of the board; reimbursed for expenses pursuant to s. 112.061, F.S.

**Requirements:** The seven-member board consists of:

- Five members who are licensed chiropractic physicians who are residents of Florida and who have been licensed chiropractic physicians engaged in the practice of chiropractic medicine for at least four years;
- Two members who are residents of Florida who are not, and who have never been, licensed as chiropractic physicians or members of any closely related profession; and
- At least one member who is sixty years of age or older.

**Additional Requirements:** Terms are for four years. Terms expire on October 31. No member shall serve more than the remaining portion of a previous member's unexpired term, plus two consecutive 4-year terms.

Required to file Form 1 with the Commission on Ethics.

**Notes:** Number 8 - Consumer Member  
Number 19 - Mrs. Saunders is the Chief Finance Officer for the Hillsborough County Public School System, 2005-Present. She was the Assistant Finance Officer for Hardee County School Board from 1995-1996.

The Florida Senate  
**COMMITTEE MEETING PACKET TAB**

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## Ethics and Elections

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**MEETING DATE:** Tuesday, February 16, 2021

**TIME:** 12:30—3:00 p.m.

**PLACE:** Toni Jennings Committee Room, 110 Senate Building

## Recommendation for Senate Confirmation of Executive Appointment

Appointee: Zachariah, Zachariah "Reggie" P., Jr.      Appointed: 01/31/2020  
 Term: 01/31/2020 – 05/31/2022      Prior Term:  
 City/County: Ft. Lauderdale/Broward  
 Office: Board of Trustees of Broward College, Member  
 Authority: 1001.61(1) and (2), F.S.  
 Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 1/21/21
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report		X	
11. Adverse Ethics Commission Action		X	As of 1/8/21
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	See Below
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

**Occupation:** Attorney, Greenberg Traurig, P.A.

**Compensation:** Reimbursed for expenses as provided in s. 112.061, F.S., including mileage to and from official board meetings.

**Requirements:** Florida College System institution boards of trustees shall be appointed by the Governor and comprised of:

Five members when a Florida College System institution district is confined to one school board district.

Seven members when a Florida College System institution district is confined to one school board district and the board of trustees so elect.

Not more than nine members when the district contains two or more school board districts.

**Additional Requirements:** Trustees shall be appointed for terms of four (4) years.

A member of a board of trustees must be a resident of the service delivery area of the college.

Broward College serves Broward County.

It is the duty of the chair to notify the Governor, in writing, when a board member fails to attend three consecutive regular board meetings in any one fiscal year; absences may be grounds for removal.

Required to file Form 1 with the SOE's office.

**Notes:** Number 8 - Broward County Resident

Number 15 - Mr. Zachariah disclosed his employer, Greenberg Traurig, has provided legal services to state agencies.

Number 18 - Mr. Zachariah served on the Judicial Nominating Commission, Seventeenth Judicial Circuit from 2012-2018.

The Florida Senate  
**COMMITTEE MEETING PACKET TAB**

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## Ethics and Elections

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**MEETING DATE:** Tuesday, February 16, 2021

**TIME:** 12:30—3:00 p.m.

**PLACE:** Toni Jennings Committee Room, 110 Senate Building



## Recommendation for Senate Confirmation of Executive Appointment

Appointee: Alonso, Roberto Jose

Appointed: 07/02/2020

Term: 07/02/2020 – 05/31/2022

Prior Term:

City/County: Miami Lakes/Miami-Dade

Office: Board of Trustees of Miami-Dade College, Member

Authority: 1001.61(1) and (2), F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 7/7/20
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report		X	
11. Adverse Ethics Commission Action		X	As of 1/8/21
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)	X		See Below
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

**Occupation:** Realtor, Costa Realtors

**Compensation:** Reimbursed for expenses as provided in s. 112.061, F.S., including mileage to and from official board meetings.

**Requirements:** Florida College System institution boards of trustees shall be appointed by the Governor and comprised of:

Five members when a Florida College System institution district is confined to one school board district.

Seven members when a Florida College System institution district is confined to one school board district and the board of trustees so elect.

Not more than nine members when the district contains two or more school board districts.

**Additional Requirements:** Trustees shall be appointed for terms of four (4) years.

A member of a board of trustees must be a resident of the service delivery area of the college.

Miami Dade College serves Miami-Dade County.

It is the duty of the chair to notify the Governor, in writing, when a board member fails to attend three consecutive regular board meetings in any one fiscal year; absences may be grounds for removal.

Required to file Form 1 with the SOE's office.

**Notes:** Number 8 - Miami-Dade County Resident

Number 17 - Mr. Alonso serves on the Miami-Dade County Planning Advisory Board, 2019-Present.

Number 18 - Mr. Alonso previously served on the Town of Miami Lakes Charter Review Committee.

The Florida Senate  
**COMMITTEE MEETING PACKET TAB**

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## Ethics and Elections

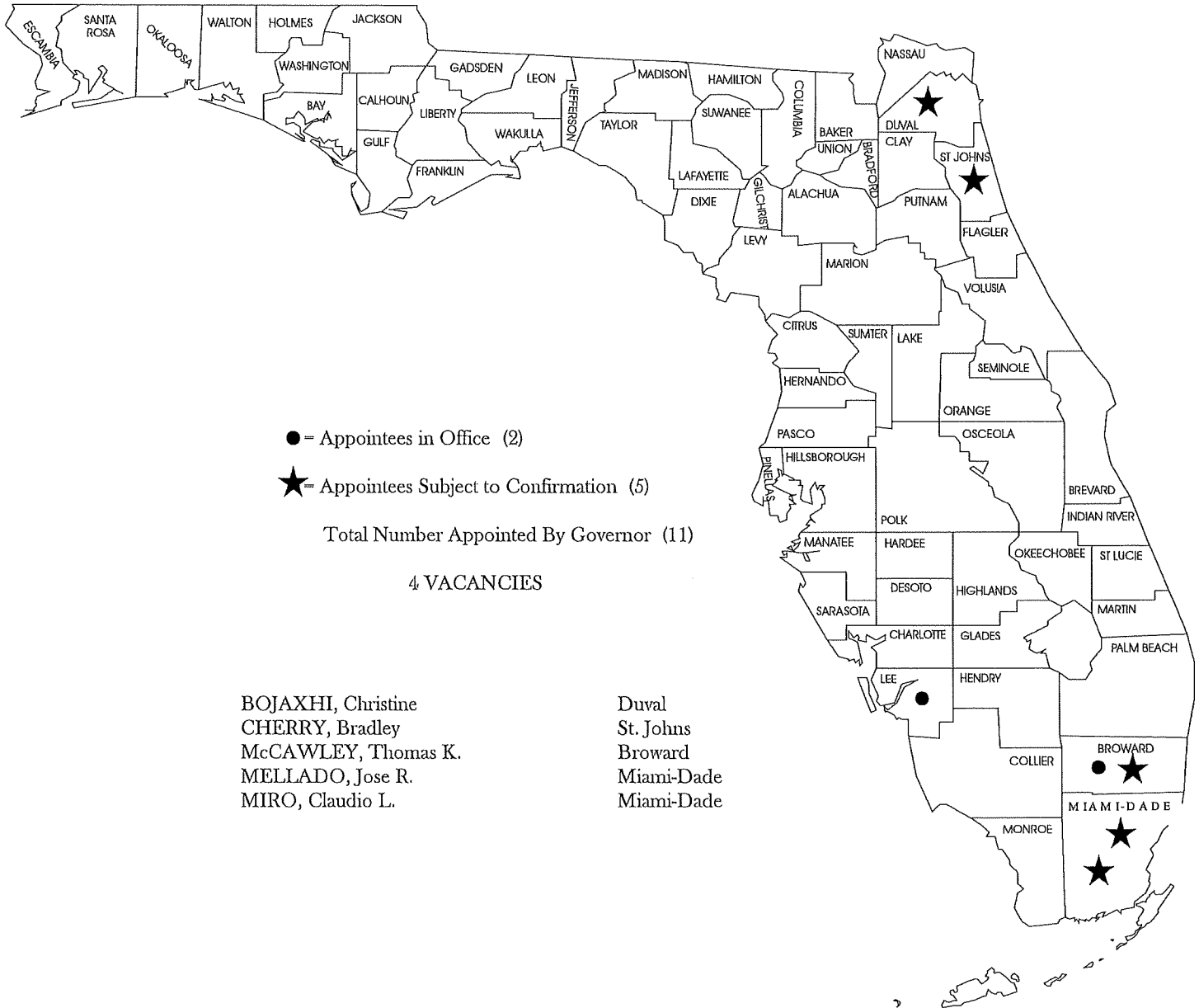
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**MEETING DATE:** Tuesday, February 16, 2021

**TIME:** 12:30—3:00 p.m.

**PLACE:** Toni Jennings Committee Room, 110 Senate Building

# Board of Dentistry



## Recommendation for Senate Confirmation of Executive Appointment

Appointee: Bojaxhi, Christine  
 Term: 11/24/2020 – 10/31/2022  
 City/County: Neptune Beach/Duval  
 Office: Board of Dentistry, Member  
 Authority: 466.004(1), F.S. & 20.43(3)(g)11, F.S.  
 Reference(s): Committee on Ethics and Elections

Appointed: 12/02/2020  
 Prior Term:

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 1/15/21
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report		X	
11. Adverse Ethics Commission Action		X	As of 1/14/21
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

**Occupation:** Dentist, Mayo Clinic of Florida; Dentist, Comfortable Care Dental Health Professionals

**Compensation:** Fifty dollars per day while attending to the business of the board; reimbursed for expenses pursuant to s. 112.061, F.S.

**Requirements:** The eleven-member board, appointed by the Governor, consists of:

- Seven members who are licensed dentists actively engaged in the clinical practice of dentistry in this state and has practiced dentistry primarily as a clinical practitioner for at least 5 years immediately preceding the date of appointment. The member must remain primarily in clinical practice during all subsequent periods of appointment.
- Two members who are licensed dental hygienists actively engaged in the practice of dental hygiene in this state, who have been so engaged for at least five years preceding their appointment;
- Two members who are lay persons who are not, and have never been, dentists, dental hygienists, or members of any closely related profession or occupation; and

At least one member who is sixty years of age or older.

Each member of the board who is connected in any way with any dental college or community college must be in compliance with s. 456.007.

**Additional Requirements:** Members shall be appointed for 4-year terms, but may serve no more than a total of 10 years. Terms expire on October 31.

Required to file Form 1 with the Commission on Ethics.

**Notes:** Number 8 - Dentist

## Recommendation for Senate Confirmation of Executive Appointment

Appointee: Cherry, Bradley  
 Term: 11/24/2020 – 10/31/2023  
 City/County: Ponte Vedra Beach/St. Johns  
 Office: Board of Dentistry, Member  
 Authority: 466.004(1), F.S. & 20.43(3)(g)11, F.S.  
 Reference(s): Committee on Ethics and Elections

Appointed: 12/02/2020  
 Prior Term:

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 1/19/21
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report		X	
11. Adverse Ethics Commission Action		X	As of 1/14/21
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

**Occupation:** Dentist/Oral Surgeon

**Compensation:** Fifty dollars per day while attending to the business of the board; reimbursed for expenses pursuant to s. 112.061, F.S.

**Requirements:** The eleven-member board, appointed by the Governor, consists of:

- Seven members who are licensed dentists actively engaged in the clinical practice of dentistry in this state and has practiced dentistry primarily as a clinical practitioner for at least 5 years immediately preceding the date of appointment. The member must remain primarily in clinical practice during all subsequent periods of appointment.
- Two members who are licensed dental hygienists actively engaged in the practice of dental hygiene in this state, who have been so engaged for at least five years preceding their appointment;
- Two members who are lay persons who are not, and have never been, dentists, dental hygienists, or members of any closely related profession or occupation; and

At least one member who is sixty years of age or older.

Each member of the board who is connected in any way with any dental college or community college must be in compliance with s. 456.007.

**Additional Requirements:** Members shall be appointed for 4-year terms, but may serve no more than a total of 10 years. Terms expire on October 31.

Required to file Form 1 with the Commission on Ethics.

**Notes:** Number 8 - Dentist



## Recommendation for Senate Confirmation of Executive Appointment

Appointee: McCawley, Thomas K., D.D.S.  
 Term: 11/24/2020 – 10/31/2022  
 City/County: Ft. Lauderdale/Broward  
 Office: Board of Dentistry, Member  
 Authority: 466.004(1), F.S. & 20.43(3)(g)11, F.S.  
 Reference(s): Committee on Ethics and Elections

Appointed: 12/02/2020  
 Prior Term:

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)	X		See Below
7. Financial Disclosure Filed	X		Form 1 filed as of 1/19/21
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report		X	
11. Adverse Ethics Commission Action		X	As of 1/14/21
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

**Occupation:** President, McCawley Periodonitics, PA

**Compensation:** Fifty dollars per day while attending to the business of the board; reimbursed for expenses pursuant to s. 112.061, F.S.

**Requirements:** The eleven-member board, appointed by the Governor, consists of:

- Seven members who are licensed dentists actively engaged in the clinical practice of dentistry in this state and has practiced dentistry primarily as a clinical practitioner for at least 5 years immediately preceding the date of appointment. The member must remain primarily in clinical practice during all subsequent periods of appointment.
- Two members who are licensed dental hygienists actively engaged in the practice of dental hygiene in this state, who have been so engaged for at least five years preceding their appointment;
- Two members who are lay persons who are not, and have never been, dentists, dental hygienists, or members of any closely related profession or occupation; and

At least one member who is sixty years of age or older.

Each member of the board who is connected in any way with any dental college or community college must be in compliance with s. 456.007.

**Additional Requirements:** Members shall be appointed for 4-year terms, but may serve no more than a total of 10 years. Terms expire on October 31.

Required to file Form 1 with the Commission on Ethics.

**Notes:** Number 6 - Dr. McCawley served in the U.S. Army Dental Corps from 1969-1972.  
Number 8 - Dentist

The Florida Senate  
**COMMITTEE MEETING PACKET TAB**

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## Ethics and Elections

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**MEETING DATE:** Tuesday, February 16, 2021

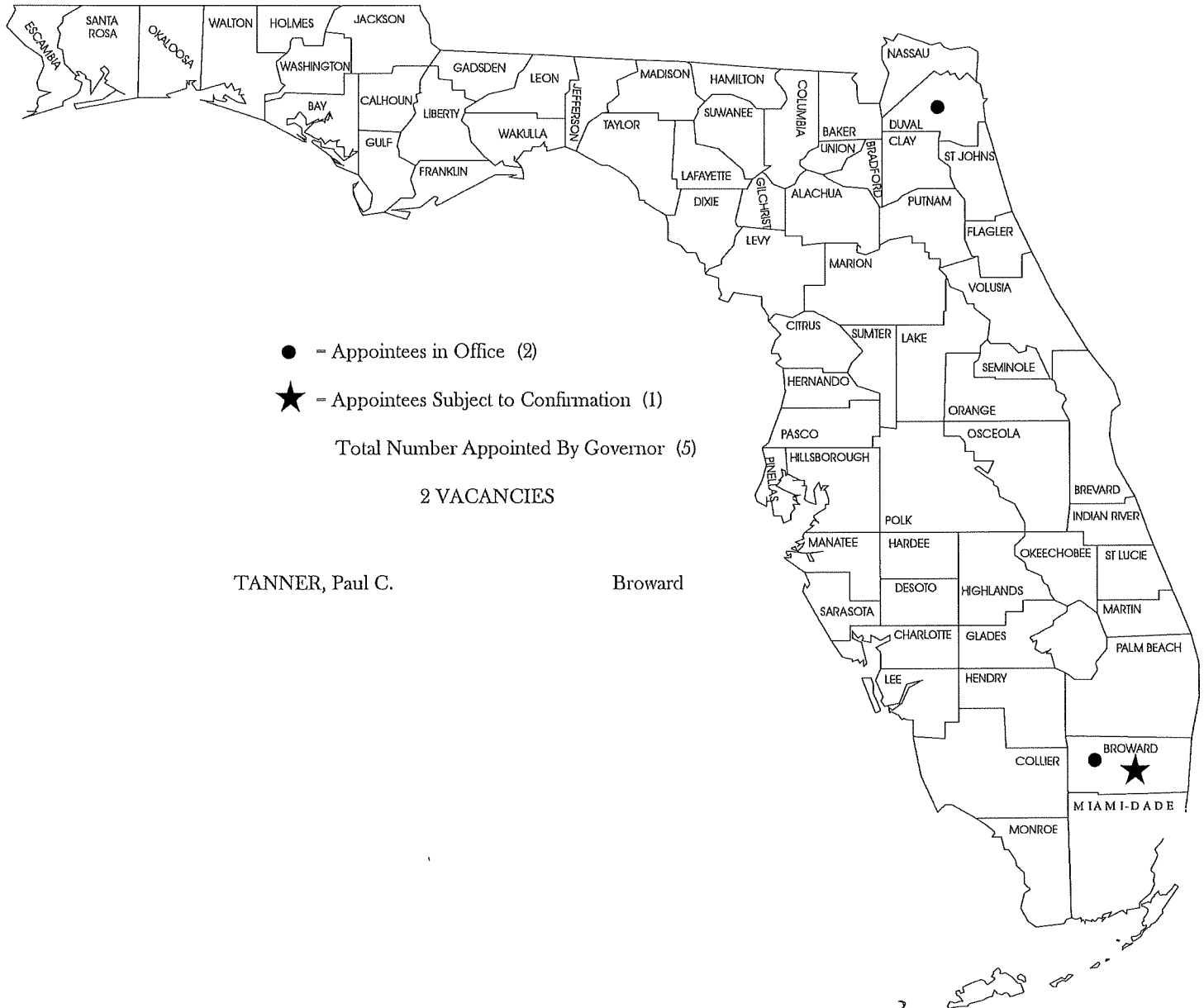
**TIME:** 12:30—3:00 p.m.

**PLACE:** Toni Jennings Committee Room, 110 Senate Building

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# Florida Development Finance Corporation



## Recommendation for Senate Confirmation of Executive Appointment

Appointee: Tanner, Paul C.

Appointed: 03/14/2020

Term: 03/14/2020 – 05/02/2021

Prior Term:

City/County: Ft. Lauderdale/Broward

Office: Florida Development Finance Corporation, Member

Authority: 288.9604, F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 6/9/20
8. Meets Requirements of Law	X		
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 1/8/21
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)	X		See Below
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist		X	

**Occupation:** Founder/President, Las Olas Capital (Financial Services)

**Compensation:** Reimbursed for necessary expenses, including travel expenses, incurred in the discharge of his or her duties.

**Requirements:** The five-member board of directors shall consist of:

- At least three of the directors of the corporation shall be bankers who have been selected by the Governor from a list of bankers who were nominated by the Enterprise Florida, Inc.
- One director who is an economic development specialist; and
- The chairperson of the Florida Black Business Investment Board shall be an ex officio member of the board of the corporation.

Any person may be appointed as director if he or she resides, or is engaged in business, which means owning a business, practicing a profession, or performing a service for compensation or serving as an officer or director of a corporation or other business entity so engaged, within the state.

**Additional Requirements:** Terms are four years.

Required to file Form 1 with the Commission on Ethics.

Directors are subject to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and 112.3143(2). For purposes of applying ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and 112.3143(2) to activities of directors, directors shall be considered public officers and the corporation shall be considered their agency.

**Notes:** Number 17 - Mr. Tanner serves on the City of Ft. Lauderdale General Employee's Pension Plan Board of Trustees, 2014-Present.  
Number 18 - Mr. Tanner served on the Florida Atlantic University Board of Trustees from 2010-2016. Mr. Tanner served on the District Board of Trustees of Broward College from 2004-2016. In addition, Mr. Tanner served on the Board of Hearing Aide Specialists from 1986-1990.  
Number 19 - Mr. Tanner was employed as an Administrative Assistant with the Florida Senate from 1979-1982.

The Florida Senate  
**COMMITTEE MEETING PACKET TAB**

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## Ethics and Elections

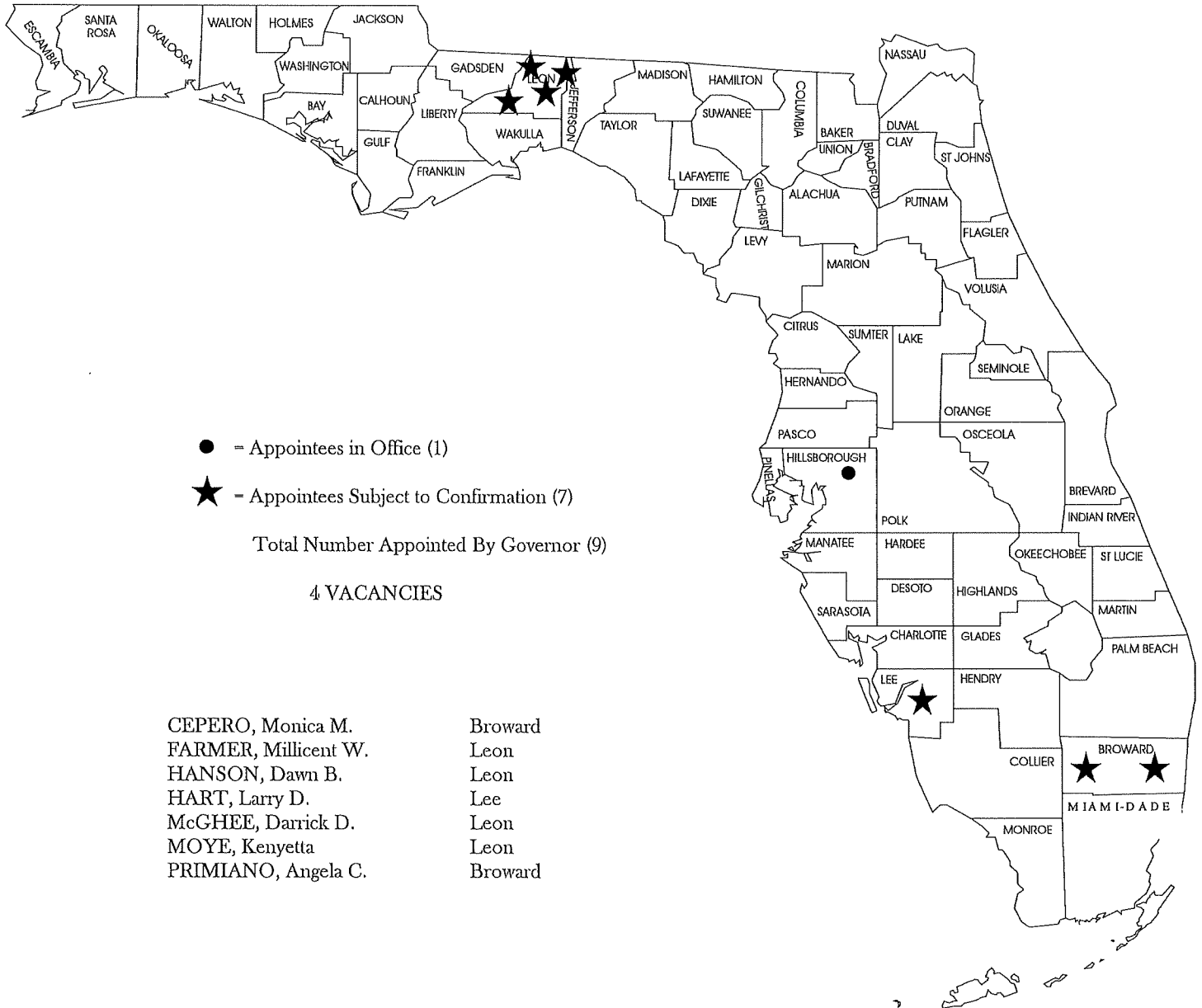
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**MEETING DATE:** Tuesday, February 16, 2021

**TIME:** 12:30—3:00 p.m.

**PLACE:** Toni Jennings Committee Room, 110 Senate Building

# Florida Commission on Human Relations





## Recommendation for Senate Confirmation of Executive Appointment

Appointee: Cepero, Monica M.  
 Term: 07/23/2020 – 09/30/2023  
 City/County: Sunrise/Broward  
 Office: Florida Commission on Human Relations, Member  
 Authority: 760.03(1), F.S.  
 Reference(s): Committee on Ethics and Elections

Appointed: 07/23/2020  
 Prior Term:

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 6/29/20
8. Meets Requirements of Law	X		
9. Conviction Record		X	
10. Adverse Auditor General Report		X	
11. Adverse Ethics Commission Action		X	As of 1/8/21
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist		X	

**Occupation:** Deputy County Administrator, Broward County Board of County Commissioners

**Compensation:** Reimbursed fifty dollars per day while attending to the commission duties, and per diem and travel expenses pursuant to s. 112.061, F.S.

**Requirements:** The commission consists of twelve members who are broadly representative of various racial, religious, ethnic, social, economic, political, and professional groups within the state, at least one of whom is sixty years of age or older.

**Additional Requirements:**

Terms are for four years.

Required to file Form 1 with the Commission on Ethics.

**Notes:** Number 18 - Mrs. Cepero was a gubernatorial appointment to the Florida State Employee Charitable Campaign in 2002.  
Number 19 - Mrs. Cepero is the Deputy County Administrator for the Broward County Board of County Commissioners, 2008-Present. She was a Policy Coordinator for the Executive Office of the Governor from 1/2000-1/2007. Mrs. Cepero was a Senior Management Analyst for the City of Tallahassee from 3/1992-1/2000.

## Recommendation for Senate Confirmation of Executive Appointment

Appointee: Farmer, Millicent W.  
 Term: 07/23/2020 – 09/30/2021  
 City/County: Tallahassee/Leon  
 Office: Florida Commission on Human Relations, Member  
 Authority: 760.03(1), F.S.  
 Reference(s): Committee on Ethics and Elections

Appointed: 07/23/2020  
 Prior Term:

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 6/22/20
8. Meets Requirements of Law	X		
9. Conviction Record		X	
10. Adverse Auditor General Report		X	
11. Adverse Ethics Commission Action		X	As of 1/8/21
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist		X	

**Occupation:** People First Contract Administrator, Department of Management Services

**Compensation:** Reimbursed fifty dollars per day while attending to the commission duties, and per diem and travel expenses pursuant to s. 112.061, F.S.

**Requirements:** The commission consists of twelve members who are broadly representative of various racial, religious, ethnic, social, economic, political, and professional groups within the state, at least one of whom is sixty years of age or older.

**Additional** Terms are for four years.  
**Requirements:**

Required to file Form 1 with the Commission on Ethics.

**Notes:** Number 19 - Mrs. Farmer has been employed by the Department of Management Services since 3/1997 and her position is the People First Contract Administrator, 6/6/2019-Present. Mrs. Farmer's prior DMS positions included deputy director/workforce strategic planning; and research and operations manager.

## Recommendation for Senate Confirmation of Executive Appointment

Appointee: Hanson, Dawn B.  
 Term: 07/23/2020 – 09/30/2022  
 City/County: Tallahassee/Leon  
 Office: Florida Commission on Human Relations, Member  
 Authority: 760.03(1), F.S.  
 Reference(s): Committee on Ethics and Elections

Appointed: 07/23/2020  
 Prior Term:

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 6/30/20
8. Meets Requirements of Law	X		
9. Conviction Record		X	
10. Adverse Auditor General Report		X	
11. Adverse Ethics Commission Action		X	As of 1/8/21
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist		X	

**Occupation:** Director of Administration, Executive Office of the Governor

**Compensation:** Reimbursed fifty dollars per day while attending to the commission duties, and per diem and travel expenses pursuant to s. 112.061, F.S.

**Requirements:** The commission consists of twelve members who are broadly representative of various racial, religious, ethnic, social, economic, political, and professional groups within the state, at least one of whom is sixty years of age or older.

Appointee: Hanson, Dawn B.

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**Additional** Terms are for four years.  
**Requirements:**

Required to file Form 1 with the Commission on Ethics.

**Notes:** Number 19 - Mrs. Hanson is the Director of Administration, Executive Office of the Governor, 4/2015-Present.

## Recommendation for Senate Confirmation of Executive Appointment

Appointee: Hart, Larry D.  
 Term: 07/23/2020 – 09/30/2021  
 City/County: Fort Myers/Lee  
 Office: Florida Commission on Human Relations, Member  
 Authority: 760.03(1), F.S.  
 Reference(s): Committee on Ethics and Elections

Appointed: 07/23/2020  
 Prior Term:

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)	X		See Below
7. Financial Disclosure Filed	X		Form 6 filed as of 6/4/20
8. Meets Requirements of Law	X		
9. Conviction Record		X	
10. Adverse Auditor General Report		X	
11. Adverse Ethics Commission Action		X	As of 1/8/21
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist		X	

**Occupation:** Retired

**Compensation:** Reimbursed fifty dollars per day while attending to the commission duties, and per diem and travel expenses pursuant to s. 112.061, F.S.

**Requirements:** The commission consists of twelve members who are broadly representative of various racial, religious, ethnic, social, economic, political, and professional groups within the state, at least one of whom is sixty years of age or older.

**Additional** Terms are for four years.  
**Requirements:**

Required to file Form 1 with the Commission on Ethics.

**Notes:** Number 6 - Mr. Hart served in the U. S. Air Force 1973-1977.  
Number 18 - Mr. Hart served as the Lee County Tax Collector from 2012-1/2021. Mr. Hart served on the Board of Trustees of Florida Gulf Coast University from 2001-2011.  
Number 19 - Mr. Hart was the Assistant Tax Collector for Lee County from 2001-2012. Mr. Hart was employed by the City of Fort Myers Police Department for 22 years. He was the Chief of Police when he retired 7/18/01.



# Recommendation for Senate Confirmation of Executive Appointment

Appointee: McGhee, Darrick D., Sr.  
 Term: 07/23/2020 – 09/30/2022  
 City/County: Tallahassee/Leon  
 Office: Florida Commission on Human Relations, Member  
 Authority: 760.03(1), F.S.  
 Reference(s): Committee on Ethics and Elections

Appointed: 07/23/2020  
 Prior Term:

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed		X	Not Filed
8. Meets Requirements of Law	X		
9. Conviction Record		X	
10. Adverse Auditor General Report		X	
11. Adverse Ethics Commission Action		X	As of 1/8/21
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist			See Below

**Occupation:** C.O.O., Johnson & Blanton, LLC

**Compensation:** Reimbursed fifty dollars per day while attending to the commission duties, and per diem and travel expenses pursuant to s. 112.061, F.S.

**Requirements:** The commission consists of twelve members who are broadly representative of various racial, religious, ethnic, social, economic, political, and professional groups within the state, at least one of whom is sixty years of age or older.

**Additional Requirements:**

Terms are for four years.

Required to file Form 1 with the Commission on Ethics.

- Notes:** Number 18 - Mr. McGhee previously served on the Florida Developmental Disabilities Council, 2004-2005.
- Number 19 - Mr. McGhee was the Director of Legislative Affairs, Executive Office of The Governor from 1/2013-7/2014. He was employed in several positions with the Florida Department of Economic Opportunity from 1/2011-1/2013, and his last position was Interim Executive Director. Mr. McGhee was employed with the Florida Department of Business and Professional Regulation from 2/2007-1/2011. Mr. McGhee was employed by the Florida Department of Elder Affairs from 6/2003-10/2008 and his last position was Director of Legislative Affairs. He also served as a Special Assistant to the Chief of Staff with the Executive Office of the Governor from 6/2001-5/2003.
- Number 20 - Executive and Legislative

## Recommendation for Senate Confirmation of Executive Appointment

Appointee: Moye, Kenyetta  
 Term: 09/16/2020 – 09/30/2023  
 City/County: Tallahassee/Leon  
 Office: Florida Commission on Human Relations, Member  
 Authority: 760.03(1), F.S.  
 Reference(s): Committee on Ethics and Elections

Appointed: 09/17/2020  
 Prior Term:

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 7/24/20
8. Meets Requirements of Law	X		
9. Conviction Record		X	
10. Adverse Auditor General Report		X	
11. Adverse Ethics Commission Action		X	As of 1/8/21
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist		X	

**Occupation:** Chief of Human Resource Management, Department of Financial Services

**Compensation:** Reimbursed fifty dollars per day while attending to the commission duties, and per diem and travel expenses pursuant to s. 112.061, F.S.

**Requirements:** The commission consists of twelve members who are broadly representative of various racial, religious, ethnic, social, economic, political, and professional groups within the state, at least one of whom is sixty years of age or older.

**Additional Requirements:** Terms are for four years.

Required to file Form 1 with the Commission on Ethics.

**Notes:** Number 19 - Mrs. Moye has been employed by the Department of Financial Services since 3/2016. Her current position is Chief of Human Resource Management, 4/2019-Present.

# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Primiano, Angela C. Appointed: 07/23/2020  
 Term: 10/01/2020 – 09/30/2024 Prior Term: 07/23/2020 - 09/30/2020  
 City/County: Hollywood/Broward  
 Office: Florida Commission on Human Relations, Member  
 Authority: 760.03(1), F.S.  
 Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 8/18/20
8. Meets Requirements of Law	X		
9. Conviction Record		X	
10. Adverse Auditor General Report		X	
11. Adverse Ethics Commission Action		X	As of 1/8/21
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)	X		See Below
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist		X	

**Occupation:** Human Resources/Administrative Director, South Broward Hospital District DBA Memorial Healthcare System

**Compensation:** Reimbursed fifty dollars per day while attending to the commission duties, and per diem and travel expenses pursuant to s. 112.061, F.S.

**Requirements:** The commission consists of twelve members who are broadly representative of various racial, religious, ethnic, social, economic, political, and professional groups within the state, at least one of whom is sixty years of age or older.

**Additional** Terms are for four years.

**Requirements:** Required to file Form 1 with the Commission on Ethics.

**Notes:** Number 15 - Mrs. Primiano is employed with the South Broward Hospital District. The entity is eligible to receive funds from Medicaid and CHIP.  
Number 19 - Mrs. Price is the Human Resources/Administrative Director at the South Broward Hospital District DBA Memorial Healthcare System, 2013-Present.

The Florida Senate  
**COMMITTEE MEETING PACKET TAB**

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## Ethics and Elections

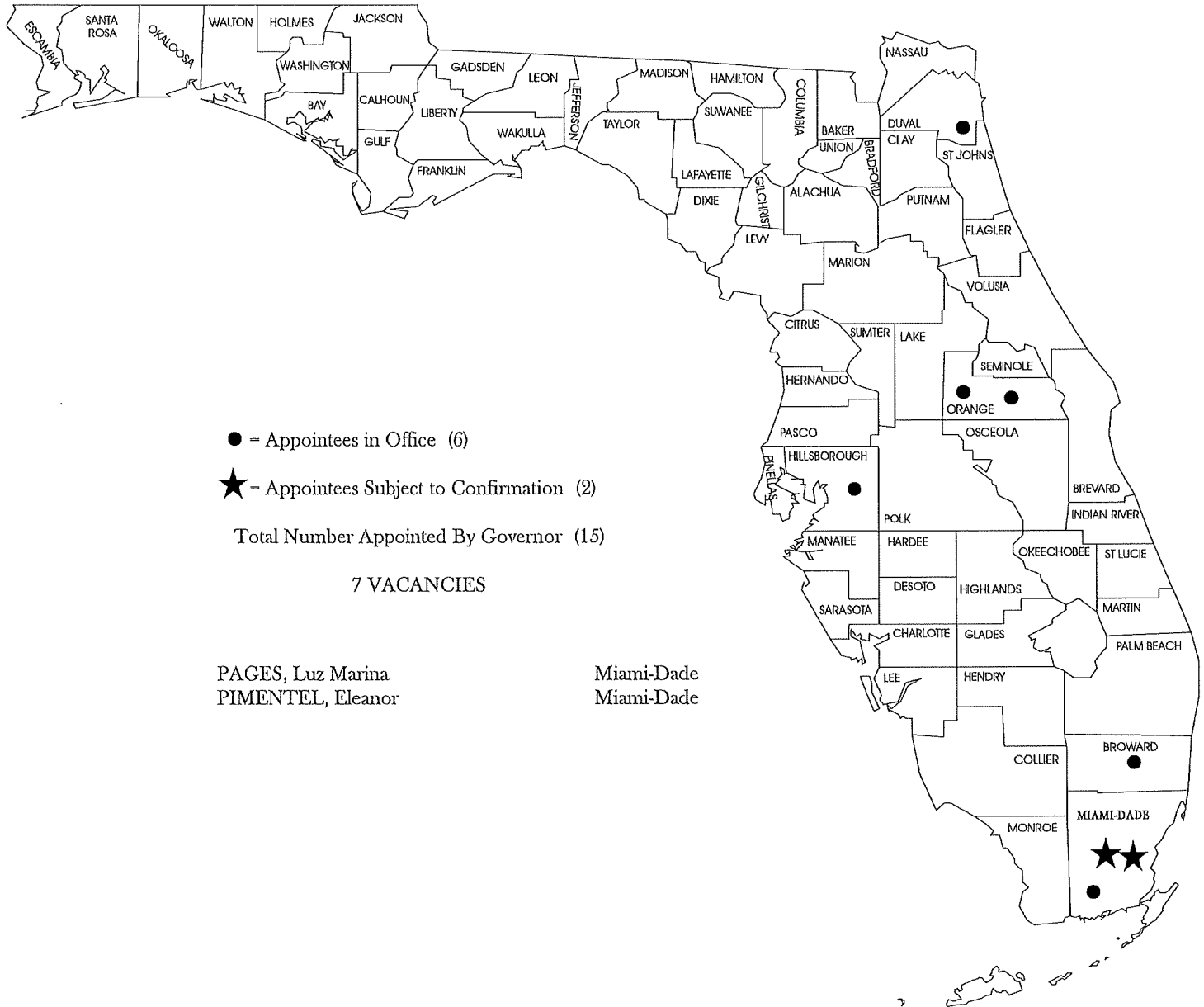
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**MEETING DATE:** Tuesday, February 16, 2021

**TIME:** 12:30—3:00 p.m.

**PLACE:** Toni Jennings Committee Room, 110 Senate Building

# Board of Medicine





## Recommendation for Senate Confirmation of Executive Appointment

Appointee: Pages, Luz Marina, M.D.  
 Term: 02/10/2020 – 10/31/2023  
 City/County: Miami Beach/Miami-Dade  
 Office: Board of Medicine, Member  
 Authority: 458.307(1), F.S. & 20.43(3)(g)2, F.S.  
 Reference(s): Committee on Ethics and Elections

Appointed: 01/31/2020  
 Prior Term:

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 6/22/20
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report		X	
11. Adverse Ethics Commission Action		X	As of 1/8/21
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	See Below
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

**Occupation:** Physician, Pediatric Associates

**Compensation:** Fifty dollars per day while attending to the business of the board; reimbursed for expenses pursuant to s. 112.061, F.S.

- Requirements:** The 15-member board consists of Florida residents as follows: Twelve members who are licensed physicians in good standing in this state who have engaged in the active practice or teaching of medicine for at least four years prior to their appointment:
- One of whom is on the full-time faculty of a medical school in Florida;
  - One of whom is in private practice and on the full-time staff of a teaching hospital in Florida; and
  - At least one of whom is a graduate of a foreign medical school;

Three members who are not, and who have never been, licensed health care practitioners;

One member who is a health care risk manager

At least one member who is sixty years of age or older.

**Additional Requirements:** Terms are for four years.

Terms expire on October 31.

No member shall serve more than the remaining portion of a previous member's unexpired term, plus two consecutive 4-year terms.

Required to file Form 1 with the Commission on Ethics.

**Notes:** Number 8 - Physician  
Number 15 - Dr. Pages disclosed Pediatric Associates of South Florida, where she is employed and is a shareholder, is a Medicaid provider.

The Florida Senate  
**COMMITTEE MEETING PACKET TAB**

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## Ethics and Elections

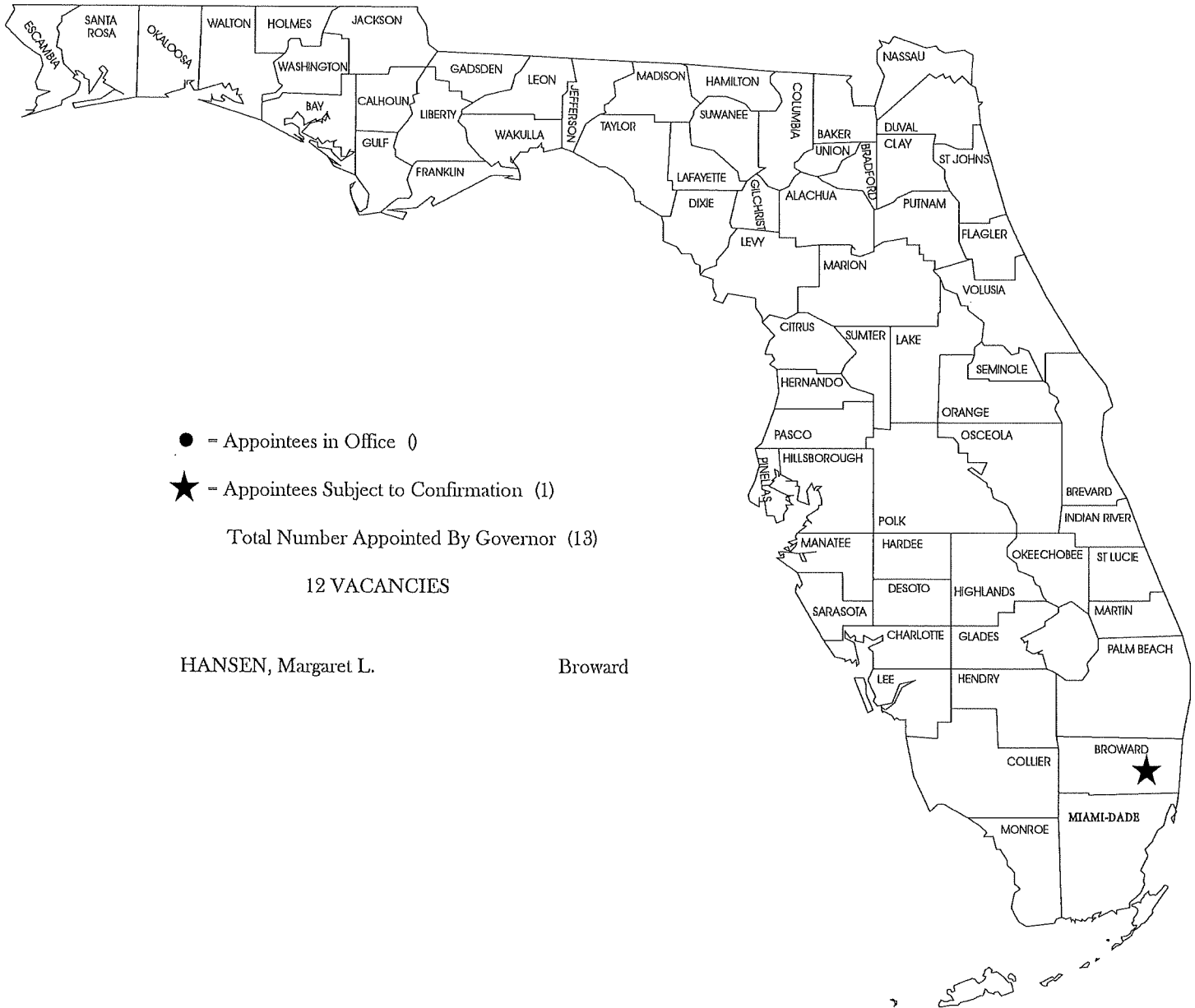
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**MEETING DATE:** Tuesday, February 16, 2021

**TIME:** 12:30—3:00 p.m.

**PLACE:** Toni Jennings Committee Room, 110 Senate Building

# Board of Nursing



## Recommendation for Senate Confirmation of Executive Appointment

Appointee: Hansen, Margaret L.  
 Term: 07/02/2020 – 10/31/2022  
 City/County: Parkland/Broward  
 Office: Board of Nursing, Member  
 Authority: 464.004, F.S. & 20.43(3)(g)8, F.S.  
 Reference(s): Committee on Ethics and Elections

Appointed: 07/02/2020  
 Prior Term:

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 1/13/21
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report		X	
11. Adverse Ethics Commission Action		X	
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

**Occupation:** CNO and SVP/CNE, Memorial Healthcare

**Compensation:** Fifty dollars per day while attending to the business of the board; reimbursed for expenses pursuant to s. 112.061, F.S.

**Requirements:** The thirteen-member board consists of:

- Seven members must be registered nurses who are residents of the state, and have been in the practice of professional nursing for at least 4 years, including at least one advanced practice registered nurse, one nurse executive and one nurse educator member of an approved program. These seven board members should be representative of the diverse areas of practice within the nursing profession.
- Three members who are resident, licensed practical nurses who have practiced for at least four years;
- Three members who are residents of the state who have never been licensed as nurses, who are in no way connected with the practice of nursing, and who are not connected with and do not hold any financial interest in a health care facility, agency, or insurer; and
- At least one member who is sixty years of age or older.

**Additional Requirements:** Terms are for four years.

Terms expire on October 31.

No member shall serve more than the remaining portion of a previous member's unexpired term, plus two consecutive 4-year terms.

Required to file Form 1 with the Commission on Ethics.

**Notes:** Number 8 - Registered Nurse/Executive Seat

The Florida Senate  
**COMMITTEE MEETING PACKET TAB**

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## Ethics and Elections

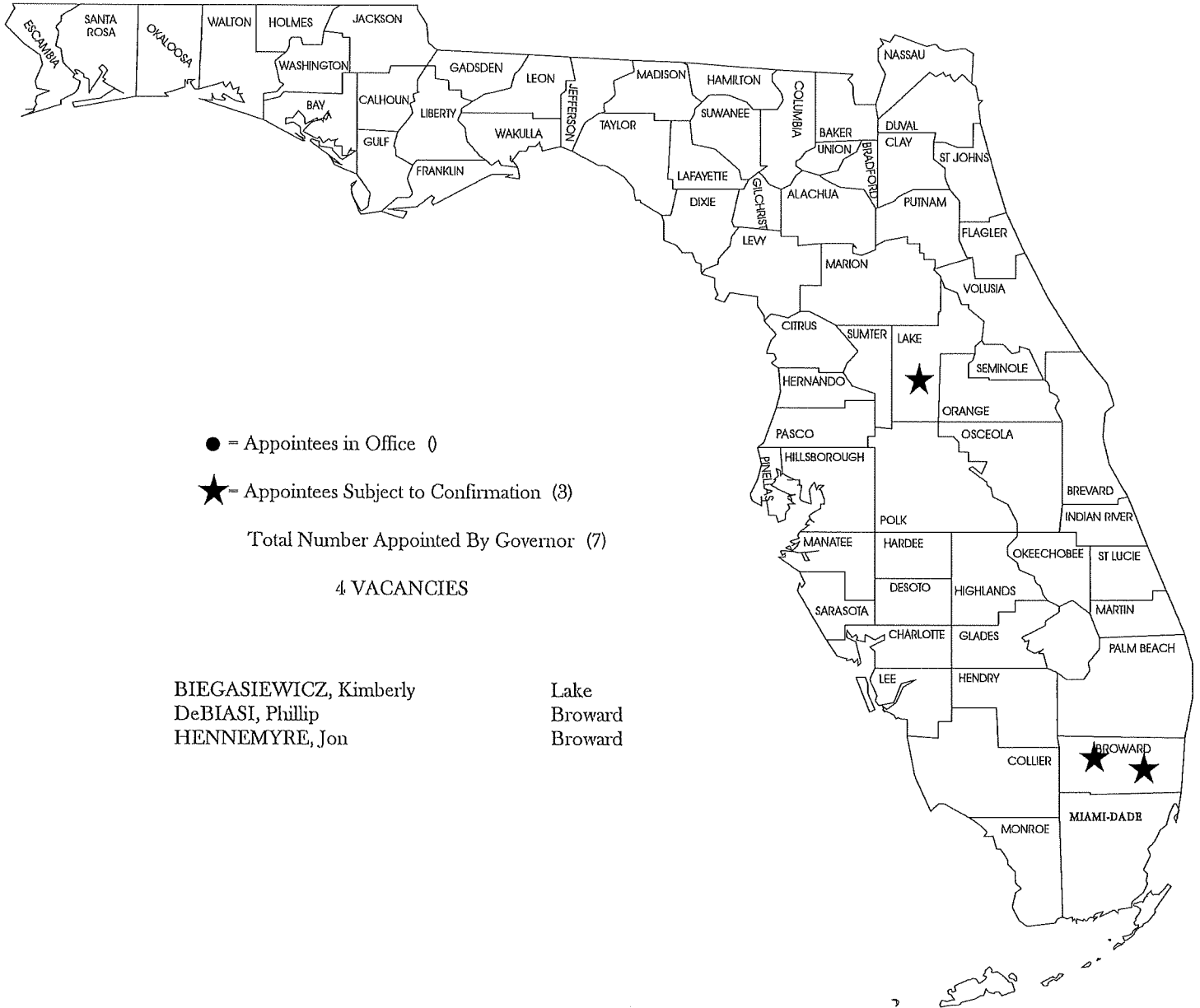
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**MEETING DATE:** Tuesday, February 16, 2021

**TIME:** 12:30—3:00 p.m.

**PLACE:** Toni Jennings Committee Room, 110 Senate Building

# Board of Nursing Home Administrators





## Recommendation for Senate Confirmation of Executive Appointment

Appointee: Biegasiewicz, Kimberly  
 Term: 12/11/2020 – 10/31/2023  
 City/County: Clermont/Lake  
 Office: Board of Nursing Home Administrators, Member  
 Authority: 468.1665(1), F.S. & 20.43(3)(g)14, F.S.  
 Reference(s): Committee on Ethics and Elections

Appointed: 12/11/2020  
 Prior Term:

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 1/21/21
8. Meets Requirements of Law	X		
9. Conviction Record		X	
10. Adverse Auditor General Report		X	
11. Adverse Ethics Commission Action		X	As of 1/14/21
12. Previously Suspended from Office			Not Applicable
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

**Occupation:** VP of Avamte Group, Inc.

**Compensation:** Fifty dollars per day while attending to the business of the board; reimbursed for expenses pursuant to s. 112.061, F.S.

**Requirements:** The seven-member board consists of:

- Three members who are licensed nursing home administrators;
- Two members who are health care practitioners; and
- Two lay members who are not and have never been nursing home administrators or members of any health care profession or occupation.

At least one of the members must be sixty years of age or older and only members who are nursing home administrators may have a direct financial interest in any nursing home.

**Additional Requirements:** Terms are for four years.

Terms expire on October 31.

No member shall serve more than the remaining portion of a previous member's unexpired term, plus two consecutive 4-year terms.

Required to file Form 1 with the Commission on Ethics.

**Notes:**

The Florida Senate  
**COMMITTEE MEETING PACKET TAB**

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## Ethics and Elections

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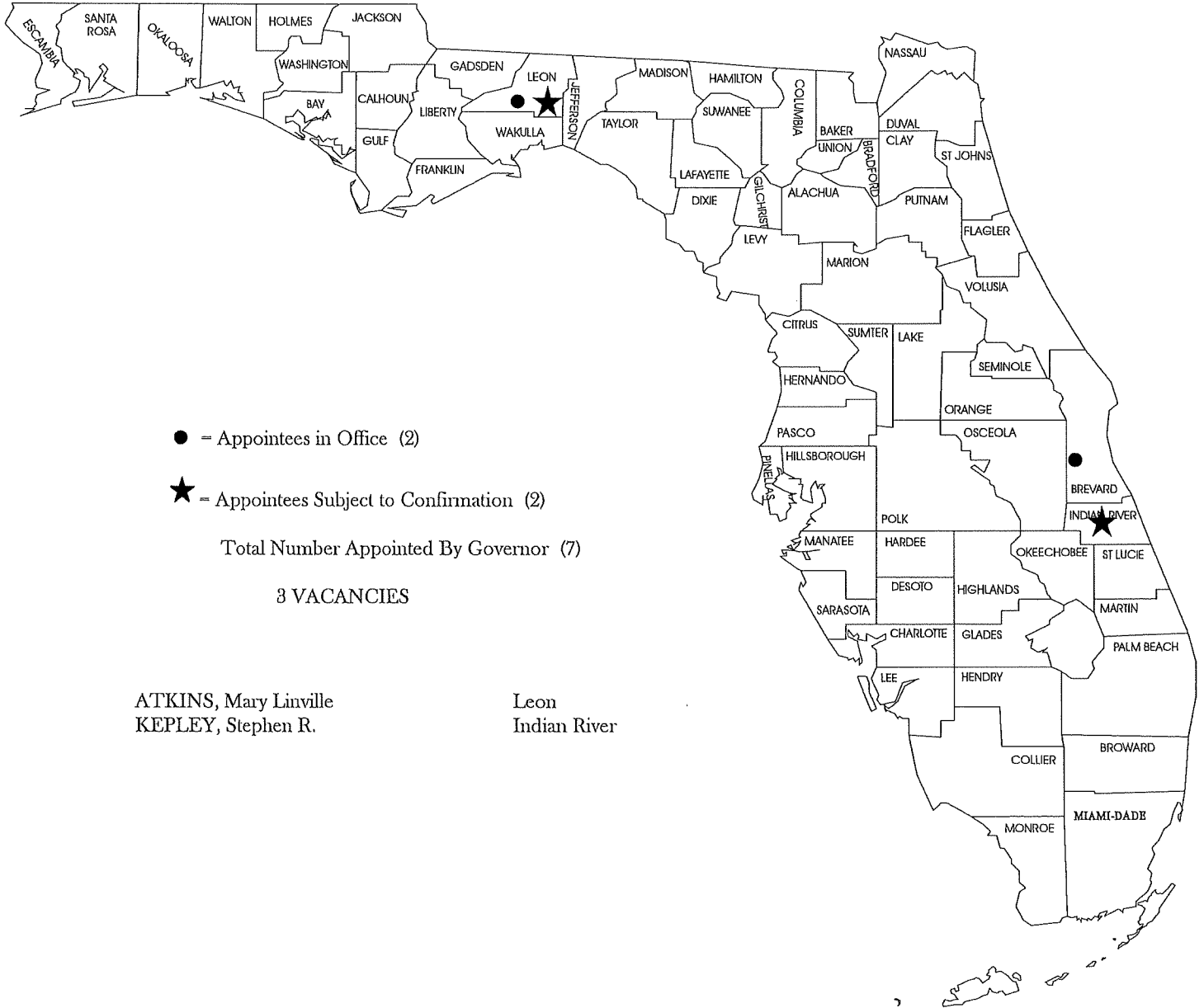
**MEETING DATE:** Tuesday, February 16, 2021

**TIME:** 12:30—3:00 p.m.

**PLACE:** Toni Jennings Committee Room, 110 Senate Building

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A1665A

# Board of Optometry



## Recommendation for Senate Confirmation of Executive Appointment

Appointee: Atkins, Mary Linville  
 Term: 03/14/2020 – 10/31/2021  
 City/County: Tallahassee/Leon  
 Office: Board of Optometry, Member  
 Authority: 463.003(1), F.S. & 20.43(3)(g)7, F.S.  
 Reference(s): Committee on Ethics and Elections

Appointed: 03/14/2020  
 Prior Term:

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 6/1/20
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 1/8/21
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist		X	

**Occupation:** Attorney

**Attendance:** Attended 7 of 9 meetings (78%) from December 20, 2019 through January 8, 2021.

**Compensation:** Fifty dollars per day while attending to the business of the board; reimbursed for expenses pursuant to s. 112.061, F.S.

- Requirements:** The seven-member board consists of:
- Five members who are licensed practitioners actively practicing in this state;
  - Two citizens of the state who are not, and who have never been, licensed practitioners and who are in no way connected with the practice of optometry or with any vision-oriented profession or business;
  - At least one member who is sixty years of age or older.

**Additional** Terms are for four years.

**Requirements:** Terms expire on October 31.

No member shall serve more than the remaining portion of a previous member's unexpired term, plus two consecutive 4-year terms.

Required to file Form 1 with the Commission on Ethics.

**Notes:** Number 8 - Lay Member

Number 19 - Ms. Atkins was the Supervising Attorney for the Florida Department of Economic Opportunity from 2016-2018. In addition, Ms. Atkins was an Attorney/General Counsel, Florida Guardian ad Litem Program from 2002-2004 and 2009-2014; Assistant General Counsel, Florida Department of Juvenile Justice from 2004-2009; and Hearing Officer, Florida Public Employees Relations Commission from 1993-2000.

**COMMITTEE MEETING PACKET TAB**

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Ethics and Elections

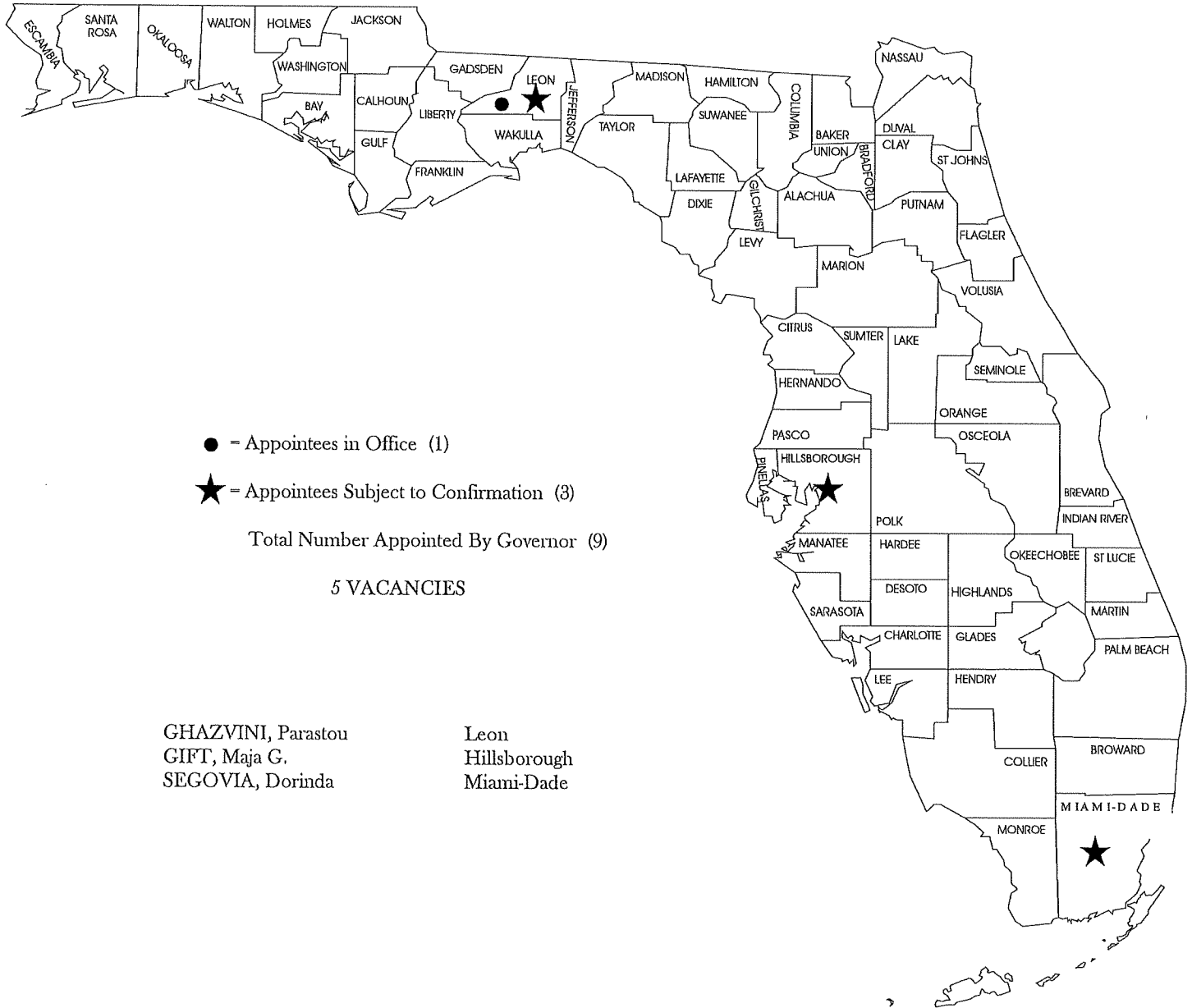
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**MEETING DATE:** Tuesday, February 16, 2021

**TIME:** 12:30—3:00 p.m.

**PLACE:** Toni Jennings Committee Room, 110 Senate Building

# Board of Pharmacy





## Recommendation for Senate Confirmation of Executive Appointment

Appointee: Gift, Maja G.  
 Term: 11/25/2020 – 10/31/2022  
 City/County: Tampa/Hillsborough  
 Office: Board of Pharmacy, Member  
 Authority: 465.004(1), F.S. & 20.43(3)(g)10, F.S.  
 Reference(s): Committee on Ethics and Elections

Appointed: 12/02/2020  
 Prior Term:

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 1/19/21
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report		X	
11. Adverse Ethics Commission Action		X	As of 1/14/21
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)	X		See Below
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

**Occupation:** Administrator of Pharmacy, Tampa General Hospital

**Compensation:** Fifty dollars per day while attending to the business of the board; reimbursed for expenses pursuant to s. 112.061, F.S.

- Requirements:** The nine-member board is composed as follows:
- Seven members must be licensed pharmacists who are residents of this state, who have been engaged in practice of the profession of pharmacy in this state for at least four years and to the extent practicable, represent the various pharmacy practice settings;
    - Two pharmacist members must be currently engaged in the practice of pharmacy in a community pharmacy;
    - Two pharmacist members must be currently engaged in the practice of pharmacy in a Class II, Modified Class II, or Class III institutional pharmacy;
    - Three pharmacist members must be pharmacists licensed in the state, irrespective of practice settings.
  - Two members must be residents of this state who have never been licensed as pharmacists and who are in no way connected with the profession of pharmacy. No lay member may be connected in any way with a drug manufacturer or wholesaler; and
  - At least one member must be sixty years of age or older.

**Additional Requirements:** Terms are for four years.

Terms expire on October 31.

No member shall serve more than the remaining portion of a previous member's unexpired term, plus two consecutive 4-year terms.

Required to file Form 1 with the Commission on Ethics.

**Notes:** Number 8 - Institutional Pharmacist  
Number 15 - Ms. Gift disclosed she is employed with Tampa General Hospital, which is a Medicaid provider under contract with the Agency for Healthcare Administration; and the Hillsborough County Health Plan provider.

**COMMITTEE MEETING PACKET TAB**

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Ethics and Elections

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**MEETING DATE:** Tuesday, February 16, 2021

**TIME:** 12:30—3:00 p.m.

**PLACE:** Toni Jennings Committee Room, 110 Senate Building

The Florida Senate  
**COMMITTEE RECOMMENDATION ON  
EXECUTIVE APPOINTMENT**

**COMMITTEE:** Committee on Environment and Natural Resources  
**MEETING DATE:** Monday, February 1, 2021  
**TIME:** 2:30—5:00 p.m.  
**PLACE:** Mallory Horne Committee Room, 37 Senate Building

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**TO:** The Honorable Wilton Simpson, President

**FROM:** Committee on Environment and Natural Resources

The committee was referred the following executive appointment subject to confirmation by the Senate:

**Office:** Governing Board of the Northwest Florida Water Management District

**Appointee:** Andrews Jr., Angus "Gus" G.

**Term:** 10/7/2020-3/1/2023

After inquiry and due consideration, the committee recommends that the Senate **confirm** the aforesaid executive appointment made by the Governor.

**Occupation:** Self Employed Realtor

**Attendance:** Attended 55 of 57 meetings (96%) from March 13, 2015 through December 28, 2020.

**Compensation:** Reimbursed for actual travel expenses, subsistence, lodging, and other expenses while on official business, not to exceed the statutory amount allowed under s. 112.061, F.S.

Payment for the use of private or charter aircraft may be no greater than that allowed for commercial air travel for equivalent distances.

**Requirements:** The nine-member board consists of:

- One member who resides in the "Perdido River Basin-Perdido Bay Coastal Area-Lower Conecuh River-Escambia River Basin" hydrologic units and that portion of the "Escambia Bay Coastal Area" hydrologic unit which lies west of Pensacola Bay and Escambia Bay;
- One member who resides in the "Blackwater River Basin-Yellow River Basin-Choctawhatchee Bay Coastal Area" hydrologic units and that portion of the "Escambia Bay Coastal Area" hydrologic unit which lies east of Pensacola Bay and Escambia Bay;
- One member who resides in the "Choctawhatchee River Basin-St. Andrews Bay Coastal Area" hydrologic units;
- One member who resides in the "Lower Chattahoochee- Apalachicola River-Chipola River Basin-Coastal Area between Ochlockonee River-Apalachicola Rivers-Apalachicola Bay Coastal Area and offshore islands" hydrologic units;
- One member who resides in the "Ochlockonee River Basin-St. Marks and Wakulla Rivers and Coastal Area between Aucilla and Ochlockonee River Basin" hydrologic units; and
- Four at large members, provided that no county shall have more than two members on the governing board.

Membership on governing boards shall be selected from candidates who have significant experience in one or more of the following areas, including, but not limited to: agriculture, the development industry, local government, government-owned or privately owned water utilities, law, civil engineering, environmental science, hydrology, accounting or financial business.

## Recommendation for Senate Confirmation of Executive Appointment

Appointee: Andrews, Angus "Gus" G., Jr.

Appointed: 10/08/2020

Term: 10/07/2020 – 03/01/2023

Prior Term: 03/13/2015 - 03/01/2019

City/County: DeFuniak Springs/Walton

Office: Governing Board of the Northwest Florida Water Management District, Member

Authority: 373.073 & 373.073(2)(a), F.S.

Reference(s): Committee on Ethics and Elections

Committee on Environment and Natural Resources-Recommend Confirm-02/01/2021

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 1/11/21
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report		X	
11. Adverse Ethics Commission Action		X	As of 1/8/21
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

**Additional Requirements:**

Terms are for four years.

Terms begin March 2 of the year in which the appointment is made and terminates March 1 of the fourth calendar year of the term or may continue until a successor is appointed, but not more than 180 days.

Terms of office of governing board members shall be staggered to help maintain consistency and continuity in the exercise of governing board duties and to minimize disruption in district operations.

Required to file Form 1 with SOE's office.

Commencing January 1, 2011, the Governor shall appoint the following number of governing board members in each year of the Governor's 4-year term of office:

- In the first year of the Governor's term of office, the Governor shall appoint three members to the governing.
- In the second year of the Governor's term of office, the Governor shall appoint two members to the governing board.
- In the third year of the Governor's term of office, the Governor shall appoint three members to the governing board of the Southwest Florida Water Management District and two members to the governing board of each other district.
- In the fourth year of the Governor's term of office, the Governor shall appoint two members to the governing board of each other district.

**Notes:** Number 8 - Resides in Blackwater River Basin  
Number 18 - Mr. Andrews has served on the Northwest Florida WMD Governing Board since 7/2011.  
Education Verified

The Florida Senate  
**COMMITTEE RECOMMENDATION ON  
EXECUTIVE APPOINTMENT**

**COMMITTEE:** Committee on Environment and Natural Resources  
**MEETING DATE:** Monday, February 1, 2021  
**TIME:** 2:30—5:00 p.m.  
**PLACE:** Mallory Horne Committee Room, 37 Senate Building

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**TO:** The Honorable Wilton Simpson, President

**FROM:** Committee on Environment and Natural Resources

The committee was referred the following executive appointment subject to confirmation by the Senate:

**Office:** Governing Board of the Northwest Florida Water Management District

**Appointee:** Patronis, Nicholas Jimmy

**Term:** 9/8/2020-3/1/2022

After inquiry and due consideration, the committee recommends that the Senate **confirm** the aforesaid executive appointment made by the Governor.



# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Patronis, Nicholas Jimmy

Appointed: 09/08/2020

Term: 09/08/2020 – 03/01/2022

Prior Term:

City/County: Panama City Beach/Bay

Office: Governing Board of the Northwest Florida Water Management District, Member

Authority: 373.073 & 373.073(2)(a), F.S.

Reference(s): Committee on Ethics and Elections

Committee on Environment and Natural Resources-Recommend Confirm-02/01/2021

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 11/13/20
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report		X	
11. Adverse Ethics Commission Action		X	As of 1/8/20
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

**Occupation:** V.P., Capt. Anderson's Restaurant

**Compensation:** Reimbursed for actual travel expenses, subsistence, lodging, and other expenses while on official business, not to exceed the statutory amount allowed under s. 112.061, F.S.

Payment for the use of private or charter aircraft may be no greater than that allowed for commercial air travel for equivalent distances.

**Requirements:** The nine-member board consists of:

- One member who resides in the "Perdido River Basin-Perdido Bay Coastal Area-Lower Conecuh River-Escambia River Basin" hydrologic units and that portion of the "Escambia Bay Coastal Area" hydrologic unit which lies west of Pensacola Bay and Escambia Bay;
- One member who resides in the "Blackwater River Basin-Yellow River Basin-Choctawhatchee Bay Coastal Area" hydrologic units and that portion of the "Escambia Bay Coastal Area" hydrologic unit which lies east of Pensacola Bay and Escambia Bay;
- One member who resides in the "Choctawhatchee River Basin-St. Andrews Bay Coastal Area" hydrologic units;
- One member who resides in the "Lower Chattahoochee- Apalachicola River-Chipola River Basin-Coastal Area between Ochlockonee River-Apalachicola Rivers-Apalachicola Bay Coastal Area and offshore islands" hydrologic units;
- One member who resides in the "Ochlockonee River Basin-St. Marks and Wakulla Rivers and Coastal Area between Aucilla and Ochlockonee River Basin" hydrologic units; and
- Four at large members, provided that no county shall have more than two members on the governing board.

Membership on governing boards shall be selected from candidates who have significant experience in one or more of the following areas, including, but not limited to: agriculture, the development industry, local government, government-owned or privately owned water utilities, law, civil engineering, environmental science, hydrology, accounting or financial business.

**Additional Requirements:** Terms are for four years.

Terms begin March 2 of the year in which the appointment is made and terminates March 1 of the fourth calendar year of the term or may continue until a successor is appointed, but not more than 180 days.

Terms of office of governing board members shall be staggered to help maintain consistency and continuity in the exercise of governing board duties and to minimize disruption in district operations.

Required to file Form 1 with SOE's office.

Commencing January 1, 2011, the Governor shall appoint the following number of governing board members in each year of the Governor's 4-year term of office:

- In the first year of the Governor's term of office, the Governor shall appoint three members to the governing.
- In the second year of the Governor's term of office, the Governor shall appoint two members to the governing board.
- In the third year of the Governor's term of office, the Governor shall appoint three members to the governing board of the Southwest Florida Water Management District and two members to the governing board of each other district.
- In the fourth year of the Governor's term of office, the Governor shall appoint two members to the governing board of each other district.

**Notes:** Number 8 - Member at Large - Bay County  
Number 18 - Mr. Patronis previously served on the Northwest Florida WMD Governing Board from 2011-2019.

The Florida Senate  
**COMMITTEE RECOMMENDATION ON  
EXECUTIVE APPOINTMENT**

**COMMITTEE:** Committee on Environment and Natural Resources  
**MEETING DATE:** Monday, February 1, 2021  
**TIME:** 2:30—5:00 p.m.  
**PLACE:** Mallory Horne Committee Room, 37 Senate Building

---

**TO:** The Honorable Wilton Simpson, President

**FROM:** Committee on Environment and Natural Resources

The committee was referred the following executive appointment subject to confirmation by the Senate:

**Office:** Governing Board of the Northwest Florida Water Management District

**Appointee:** Ralston, Kellie Rebello

**Term:** 9/8/2020-3/1/2024

After inquiry and due consideration, the committee recommends that the Senate **confirm** the aforesaid executive appointment made by the Governor.

## Recommendation for Senate Confirmation of Executive Appointment

Appointee: Ralston, Kellie Rebello  
 Term: 09/08/2020 – 03/01/2024  
 City/County: Tallahassee/Leon  
 Office: Governing Board of the Northwest Florida Water Management District, Member  
 Authority: 373.073 & 373.073(2)(a), F.S.  
 Reference(s): Committee on Environment and Natural Resources-Recommend Confirm-02/01/2021  
 Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 1/11/21
8. Meets Requirements of Law	X		See Below
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14. Licenses or Certification Revoked/Suspended	X		
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist	X		See Below

**Occupation:** SE Fisheries Policy Director, American Sportfishing Association

**Compensation:** Reimbursed for actual travel expenses, subsistence, lodging, and other expenses while on official business, not to exceed the statutory amount allowed under s. 112.061, F.S.

Payment for the use of private or charter aircraft may be no greater than that allowed for commercial air travel for equivalent distances.

**Requirements:** The nine-member board consists of:

- One member who resides in the "Perdido River Basin-Perdido Bay Coastal Area-Lower Conecuh River-Escambia River Basin" hydrologic units and that portion of the "Escambia Bay Coastal Area" hydrologic unit which lies west of Pensacola Bay and Escambia Bay;
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- One member who resides in the "Ochlockonee River Basin-St. Marks and Wakulla Rivers and Coastal Area between Aucilla and Ochlockonee River Basin" hydrologic units; and
- Four at large members, provided that no county shall have more than two members on the governing board.

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- In the third year of the Governor's term of office, the Governor shall appoint three members to the governing board of the Southwest Florida Water Management District and two members to the governing board of each other district.
- In the fourth year of the Governor's term of office, the Governor shall appoint two members to the governing board of each other district.

**Notes:** Number 8 - Resides in Ochlockonee River Basin  
Number 19 - Mrs. Ralston was a fisheries management analyst for the Florida Fish & Wildlife Conservation Commission from 11/2013-8/2015. In addition, Mrs. Ralston was an analyst with the Florida House of Representatives from 11/1998-6/2000. Mrs. Ralston was a senior biologist with the Florida Department of Environmental Protection from 2/1997-11/1998.  
Number 20 - Legislative and Executive  
Education Verified



# FLORIDA DEPARTMENT OF STATE

SECRETARY OF STATE

LAUREL M. LEE

Senate Ethics & Elections Committee

February 16, 2021



# Senate Ethics & Elections Committee

February 16, 2021

## JESI – Joint Election Security Initiative



**RON DESANTIS**  
GOVERNOR

May 22, 2019

Secretary Laurel Lee  
Department of State  
R.A. Gray Building  
500 South Broomfield Street  
Tallahassee, FL 32399

Dear Secretary Lee:

Recently, I was informed by federal officials that the elections systems in two Florida counties were breached during the 2016 U.S. presidential election. Although the breaches did not compromise the outcome of the election, they highlight the importance of protecting the security of our elections systems.

Accordingly, I direct the Department of State to immediately initiate a review of the security, particularly the cybersecurity, of our state's elections systems and the elections systems of Florida's 67 counties. The Department shall develop a plan to identify and address any vulnerabilities. You are further directed to make this a top priority of the Department, and report your findings to the Executive Office of the Governor upon completion of your review.

Public faith in our elections is the bedrock of our democracy and we must do everything within our power to protect the integrity of our elections systems. The administration will continue to prioritize the security of our elections and the protection of voter information. Thank you for your diligence in these efforts.

Sincerely,

  
Ron DeSantis  
Governor

THE CAPTOL  
TALLAHASSEE, FL 32399 • (904) 717-9219



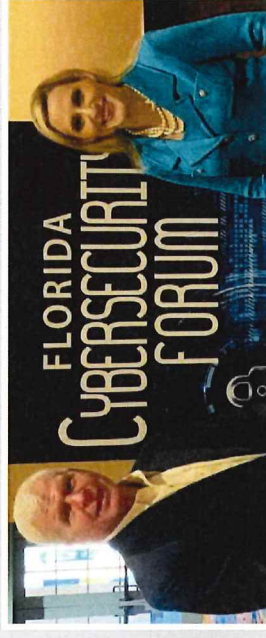
# Senate Ethics & Elections Committee

February 16, 2021

## Election Security Partnerships



Laurel M. Lee @FLSecofState - Jun 24, 2020  
Today, I met with our partners from the FBI and the United States Postal Inspection Service. We are working together to ensure safe, secure elections in Florida. #PROTECT2020 @FBIflax and @USPSpressroom



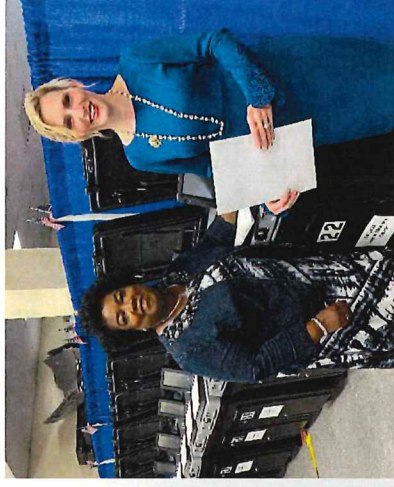
FLORIDA  
DEPARTMENT  
of STATE



# Senate Ethics & Elections Committee

February 16, 2021

## Partnerships with Supervisors of Elections



FLORIDA  
DEPARTMENT  
of STATE



# Senate Ethics & Elections Committee

February 16, 2021



## Election Response to COVID-19





## February 16, 2021



**Governor Ron DeSantis  
Announces Florida's  
Membership in the Electronic  
Registration Information Center  
to Enhance Election Security &  
Ensure Accurate Voter Rolls**

Florida Governor Ron DeSantis was joined by Secretary of State Laurel M. Lee, Florida State Association of Supervisors of Elections President Tammy Jones and Florida's Election Supervisors to announce Florida would join 29 states in Enhancing Voter Registration in Orlando Wednesday, August 21, 2019. (Photo by Mike David / Florida National News, RNN Images.com)



HOME	GOVERNOR DESANTIS	FIRST LADY DESANTIS	LT. GOV. NÚÑEZ	MEDIA	INFO CENTER
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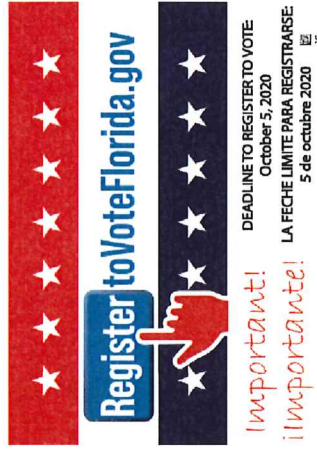
**Governor Ron DeSantis Announces Florida's  
Membership in the Electronic Registration  
Information Center to Enhance Election Security &  
Ensure Accurate Voter Rolls**

On December 11, 2019, IM News Reported by Staff

*Information-Sharing Agreement Will Reduce Voter Fraud, Improve Customer Service, and Reduce Administrative Costs for Supervisors of Elections*

**Tallahassee, Fla.**—Today, Governor Ron DeSantis and Secretary of State Laurel Lee announced that Florida has been accepted for membership, along with 29 other members, into the Electronic Registration Information Center (ERIC), a multi-state partnership that uses a sophisticated data-matching tool to enhance the accuracy of voter registration systems.

"My administration is committed to protecting the integrity of Florida's voter rolls and preventing election fraud," said Governor DeSantis. "As a member of ERIC, Florida is now equipped with more tools to further ensure accurate voter rolls, make voting easier and reduce costs to taxpayers."





# Senate Ethics & Elections Committee

February 16, 2021



FLORIDA  
DEPARTMENT  
of STATE

## Voter Education and Outreach Collateral (English and Spanish)



Home About Resources News Contact



Protecting You  
and Your **VOTE**

Florida Election 2020 Welcome Video  
Secretary of State Laurel M. Lee  
Watch on YouTube

**3 SAFE and SECURE Ways to Vote in Florida.**  
Vote on **ELECTION DAY**  
Vote By **MAIL**  
Vote **EARLY**

FloridaElection2020.gov

**3 formas SEGURAS y PROTEGIDAS para votar en Florida.**  
Vote en **EL DIA DE LAS ELECCIONES**  
Vote por **CORREO**  
Vote **ANTES**

FloridaElection2020.gov

### Cybersecurity and COVID-19

The safety of you and your vote is vital to fair, secure, and accessible elections this year in Florida. That's why cybersecurity for Elections 2020 is stronger than ever, aided by our partnerships with top experts at DHS, the FBI and other federal and state agencies. In addition, special precautions will be in place for voting in order to protect you during the COVID-19 pandemic. To learn more, watch our brief public service announcement:



El Secretario de Estado de Florida ha estado trabajando incansablemente con el orden público y otros expertos de ciberseguridad para garantizar que el proceso de votación sea seguro y esté protegido. Via nuestro breve anuncio de servicio público para obtener más información.

**3 formas SEGURAS y PROTEGIDAS para votar en Florida.**  
Vote el **DÍA DE LAS ELECCIONES**  
Vote por **CORREO**  
Vote **ANTES**  
Lo protegemos a usted y a su **VOTO**  
FloridaElection2020.gov

ELECTION 2020  
Protecting You and Your VOTE

**3 SAFE and SECURE Ways to Vote in Florida.**  
Vote on **ELECTION DAY**  
Vote By **MAIL**  
Vote **EARLY**  
FloridaElection2020.gov  
Protecting You and Your **VOTE**

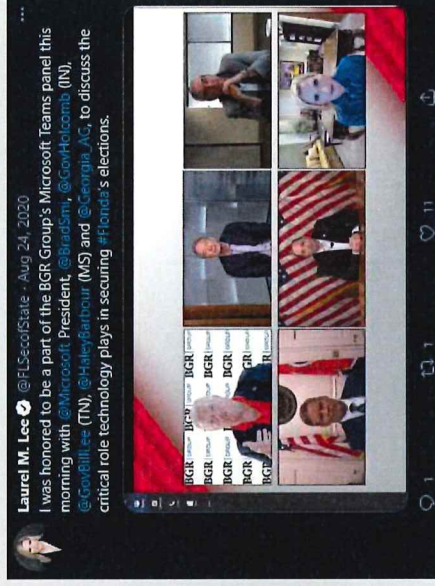
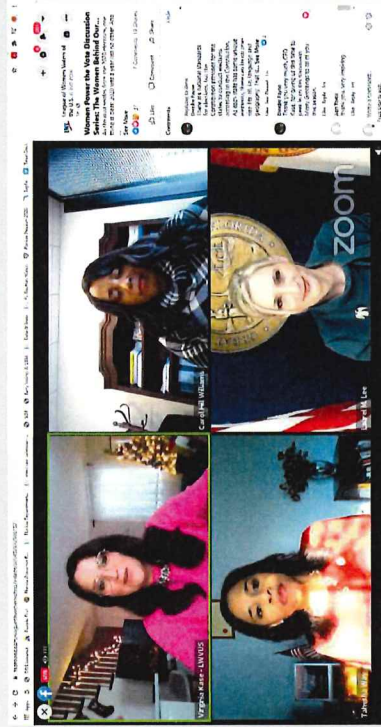
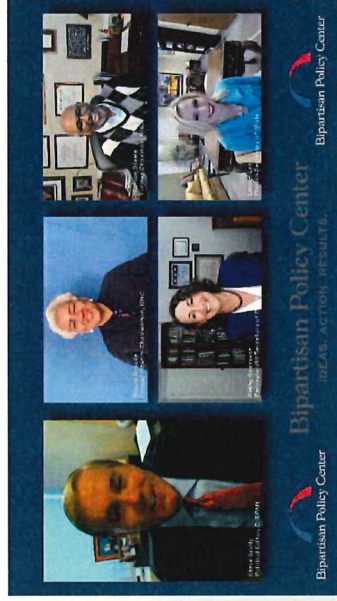
ELECTION 2020  
Protecting You and Your VOTE



# Senate Ethics & Elections Committee

February 16, 2021

## Elections Outreach





## FLORIDA SUPERVISORS OF ELECTIONS

PO Box 350 | Tallahassee, FL 32302 | Telephone: (850) 599-9120

### Executive Committee 2020 - 2021

President  
Craig Latimer

President-Elect  
Wesley Wilcox

Vice-President  
Mark Earley

Secretary  
Ron Turner

Treasurer  
Charles Overturf, III

Past President  
Tammy Jones

---

### Board Of Directors 2020 - 2021

Tappie Villane  
Mark Andersen  
Dana Southerland  
Charles Overturf  
Chris Chambless  
Lori Scott  
Shirley Anderson  
Mark Negley  
Diane Hagan  
Brenda Hoots

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### General Counsel

Ronald Labasky, Esq.

The following issues were adopted by the FSE Legislative Committee on December 9, 2020, and voted and ratified by the FSE membership on January 12, 2021, as legislative priorities for the 2021 Legislative Session:

### PRIORITIES:

1. Public Records Exemption for ALL voter information contained in the statewide voter database, including email addresses and phone numbers, except for use for legitimate political purposes (Amend 97.0585). See House Bill 155 for 2021 Legislative Session.
2. Public Records exemption for elections infrastructure and voting systems security, including IP/MAC addresses, host names, software versions, maintenance schedules and procedures, log files and configurations.
3. Allow Super Voting Sites as an option, as has been used via executive order for four elections in Gulf and Bay Counties after voting sites were disrupted after Hurricane Michael, and still today many precincts are unavailable to be used or are destroyed. This would allow, at the county level, for early voting and Election Day voting at Super Voting sites where any voter from the county can cast their ballot.
4. Eliminate requirement to use provisional ballot envelope for votes cast but not in line before 7:00 PM on election night due to executive or judicial extension of time. (Amend 101.049). Ballots would be segregated but not required to use provisional ballot envelope.
5. Designation of paper ballots as the actual public record, not digital ballot images (Section 101.21).
6. Clarification on language added during the 2019 Session requiring solicitation to be allowed on private property used as a polling place beyond the 150' No Solicitation Zone (Amend 102.031).
7. Require 3rd Party Voter Registration Organizations & Petition Gatherers to deliver Voter Registration Applications and initiative petitions to the office or county where the voter is being registered.
8. Clear provisions that the SOE will only share VBM curing information/provisional/10-day overseas ballot information to only the voter to protect right to a secret ballot (101.048).
9. Allow additional Early Voting wildcard locations (up to 3 per county).



These additional items are issues that could, and should, be addressed if the opportunity arises, and have been brought forward by individual SOE's:

- Amend 103.091 to allow State Committeemen and State Committeewomen to prequalify (currently only allowed during qualifying week)
- Remove conflict in 101.043(1)(b)&(c) regarding providing identification and confirming address and correct precinct of voter
- Remove provisions of 101.5614 which requires duplication of overvoted ballots which do not require an interpretation of voter intent.
- Review and match timeframes and certificate envelopes of Vote By Mail ballots for Mail Only Elections.
- Allow additional days for recount deadlines, particularly for large counties.
- Change of political party deadline in 97.055 from 29 days to 45 days to accommodate mailing VBM ballots 40 days prior to an election, and not have two VBM ballots to same voter.
- Allow voters to request replacement of voter information cards by telephone or other electronic means (97.071(2)).
- Repeal law that allows voters to file a name change by submitting a signed written notice to SOE. Voter registration form should be required so voter signs the oath and signature can be used to update voter database (97.1031(2)).
- Allow list maintenance every year, although still mandate list maintenance every two years to maintain accuracy of voter file (98.065(3)).
- Tighten Undue Burden Oaths being filed for petition signature verification to require payment from surplus campaign funds prior to refunding to donors (99.09651, 99.095, 99.097(4)).
- Poll Watchers (101.71), change deadline to designate early voting poll watchers to 15 days so it doesn't fall on a Saturday (currently 14 days), and prohibit poll watchers from coming/going from polling place to circumvent prohibition of express purpose of interaction with voters.
- Amend date that political parties must nominate and submit candidate names for President/VP so SOE can receive certified ballot language from the State and still have 11 weeks between August Primary and November General Election to prepare ballot proof, mail ballots. Current law provides for September 1 deadline. (103.021(4)(a)).

The Florida Senate  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**  
(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Ethics and Elections

BILL: SB 82

INTRODUCER: Senator Baxley

SUBJECT: Sponsorship Identification Disclaimers

DATE: February 15, 2021

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rey	Roberts	EE	<b>Pre-meeting</b>
2.			JU	
3.			RC	

**I. Summary:**

SB 82 creates a comprehensive sponsorship disclaimer policy for most text message political advertisements, independent expenditures, and electioneering communications. Text messages must carry a sponsorship disclaimer, or a URL address or hyperlink to a website containing the disclaimer. The bill specifically exempts texts:

- Sent by individuals not being paid and without the assistance of mass distribution technology; or
- That require the recipient to sign-up or opt-in to receive it.

The new texting provisions incorporate some existing telephone-bank solicitation protections, including an in-state registered agent requirement for service of legal process.

The bill takes effect October 1, 2021.

**II. Present Situation:**

Florida law has a disjointed approach to sponsorship disclaimer requirements for political text messaging, depending on whether the text message meets the definition of a political advertisement (disclaimer required, with exemptions), an independent expenditure (disclaimer required; no applicable exemptions), or an electioneering communication (probably no disclaimer required).

**Political Advertisements**

A “political advertisement” is a paid expression in “communications media,” such as the *Internet* or a *telephone company*, which “*expressly advocates* the election or defeat of a candidate or the

approval or rejection of an issue.”<sup>1</sup> Courts have consistently interpreted “express advocacy” to require the use of so-called “magic words,” such as “vote for,” “vote against,” “support,” or “oppose.”<sup>2</sup>

Candidates and others who send a *political advertisement* by text must include a sponsorship identification disclaimer, unless the text or message is sent by short message service (SMS) and:

- Is less than 200 characters in length; or
- Requires the recipient to sign-up or opt-in to receive it.<sup>3</sup>

### **Independent Expenditures**

An “independent expenditure” (IE) is a specific *type* or *subset* of political advertisement, one where the expenditure is “not controlled by, coordinated with, or made upon consultation with, any candidate, political committee, or agent of such candidate or committee.”<sup>4</sup> The independent expenditure must still *expressly advocate* as indicated above.

Section 106.071, Florida Statutes, appears to require individuals and groups to include a sponsorship identification disclaimer on ALL text messages, without exemption.<sup>5</sup> Subsection (2) of that section provides as follows:

(2) Any *political advertisement* paid for by an independent expenditure shall prominently state “Paid political advertisement paid for by (Name and address of person paying for advertisement) independently of any (candidate or committee).” (emphasis added)

---

<sup>1</sup> Section 106.011(4),(15), F.S.

<sup>2</sup> “Speech containing the “magic words” is “unambiguously campaign related,” *Buckley v. Valeo*, 96 S.Ct. 612, 81 (1976), while speech without these words is not,” *McConnell v. Federal Election Com’n*, 540 U.S. 93, 281 (2003).

<sup>3</sup> Section 106.143(1), (10)(f), F.S.

<sup>4</sup> Section 106.011(12)(a), F.S.

<sup>5</sup> Section 106.071(2),(3), F.S. Subsection (3) exempts “novelty items” valued at \$10 or less that support, but do not oppose, a candidate or issue; it is difficult to see how such an exemption could apply to a text message.

An argument can be made that the exemptions that apply to general political advertisements discussed in the previous section should also apply (i.e., less than 200 characters in length or recipient opted-in), because IEs are a subset of political advertisements. But this argument seems likely to fail, as it would contravene a well-established principal of statutory construction: the *specific* controls over the *general*.

In this case, *specific* IE sponsorship disclaimer requirements are embodied in their own section of statute (s. 106.071), separate and apart from the *general* political advertisement disclaimer requirements and exemptions (s. 106.143). Further, the *specific* IE sponsorship disclaimer requirement at issue expressly acknowledges that it’s a *political advertisement* ... “Any *political advertisement* paid for by independent expenditure....” This makes it difficult to argue that the Legislature intended to apply the exemptions of a *more general* political advertisement disclaimer to IE text messages. In further support of this conclusion is the fact that the IE section includes *verbatim* the same \$10 exemption for certain novelty items that the political advertisement section contains. See ss. 106.071(3), *infra*, and 106.143(8). Thus, the Legislature was clearly aware of the relationship between political advertisements and IEs, and chose, for whatever reason, NOT to carry over the texting exemption to the IE section.

### Electioneering Communications

An electioneering communication (EC), on the other hand, does NOT expressly advocate for or against any candidate or issue. It is unclear whether the statutes require an EC text message to carry a sponsorship identification disclaimer; arguably, they do not.

An electioneering communication generally means a “communication that is publicly distributed by a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, or *telephone*” that:

- Refers to a clearly-identified candidate *without expressly advocating* the election or defeat of any candidate, but that is susceptible of no reasonable interpretation other than an appeal to vote for or against a specific candidate;
- Is made within 30 days before a primary or 60 days before a general election; and
- Is targeted to the relevant electorate in the geographic area the candidate would represent if elected.<sup>6</sup>

All ECs require a sponsorship identification disclaimer, except for certain EC telephone calls.<sup>7</sup>

The question of whether text messages that otherwise meet the requirements would trigger the disclaimer requirement turns on the *method of communication*; specifically, whether the term “telephone” in the definition is broad enough to embrace text messaging.

In the case of political advertisements, the Legislature has created a specific exemption from the disclaimer requirements for certain text messages. Those political advertisements must, by definition, be communicated by “*communications media*,” which in the case of text messaging means “*the Internet*” and/or “*telephone companies*.”<sup>8</sup> Thus, the Legislature, *in the context of political advertisements*, has effectively “updated” those terms to embrace the concept of text messaging and wireless carriers.

Whether that legislative *gloss* also extends to the term “telephone” with respect to the communication of EC text messages is an open question. While it might seem like a logical extension, we are talking about two seemingly related, *but not identical*, types of communications media --- “telephone” in the case of ECs and “telephone company” in the case of political advertisements. This makes the gloss far murkier. Further, and perhaps more persuasively, the EC section (s. 106.1439, F.S.) contains a targeted telephone sponsorship disclaimer requirement (in addition to a more general one) that specifically references “calls” and “*making the call*” ... terms not typically associated with *sending text messages*:

(2) Any electioneering communication telephone call shall identify the persons or organization sponsoring the call by stating either: “Paid for by (insert name of persons or organizations sponsoring the call).” ... This subsection does not apply to any telephone call in which the individual making the call is not being paid and the individuals participating in the call know each other prior to the call.<sup>9</sup>

<sup>6</sup> Section 106.011(8)(a), F.S.

<sup>7</sup> Section 106.1439, F.S. EC telephone calls in which the individual making the call is not being paid and the individuals participating in the call know each other prior to the call are exempt from the disclaimer requirement; the statute is targeted at phone bank operations.

<sup>8</sup> Section 106.011(4), F.S.

<sup>9</sup> Section 106.1439(2), F.S.

Finally, the statutes contain parallel telephone disclaimer language in s. 106.147, F.S., which deals exclusively with political advertisement *telephone calls* and NOT text messaging. Thus, the weight of the evidence suggests that EC text messages currently may not be subject to any sponsorship identification disclaimer requirements.

### III. Effect of Proposed Changes:

SB 82 requires most political advertisements, independent expenditures, and electioneering communications sent by text message to carry a sponsorship disclaimer, or a URL address or hyperlink to a website containing the disclaimer. For ease of administration and because the communications share certain characteristics, the bill incorporates these texting requirements into the existing framework in ss. 106.147 and 106.1475, F.S., addressing telephone call political advertisements.

Specifically, the bill:

- Modifies and simplifies the disclaimer language in recognition of text messaging's inherent technical limitations.
- Requires political advertisements, independent expenditures, and electioneering communications sent by text message to carry a sponsorship disclaimer identifying who paid for the message, or a URL address or hyperlink to a website containing the disclaimer. If using a URL or website, it must remain online and available to the public for at least 30 days after the date of the election at issue.
- Exempts text messages from disclaimer requirements:
  - If sent by individuals without the assistance of mass distribution technology who are not being paid; or
  - That require the recipient to sign-up or opt-in to receive it.
- Includes a number of "safe harbor" provisions for those sending the text messages, including:
  - If an exchange consists of a sequence of multiple text messages sent on the same day, the sponsorship disclaimer is only required to be included with the first text message.
  - A person or an organization is deemed to be in compliance if the required sponsorship disclaimer is included in the text message in the form in which the person or organization intended it to be sent, regardless of the form the carrier relayed it to the recipient (to account for the fact that longer text messages can sometimes be received with information out-of-order.)
  - If a person or an organization includes a working hyperlink or URL in the text message as part of the required disclaimer, the person or organization is deemed to be in compliance with this subsection even if the recipient's device is incapable of accessing the referenced website.
- Mandates that those sending texts expressly advocating for or against a candidate or ballot measure that are coordinated with a candidate or campaign must get the prior written approval of the candidate or ballot sponsor. Also, the candidate or ballot sponsor must file that approval with the appropriate qualifying officer prior to commencing texting, as is currently required for coordinated telephone calls. These new mandates mirror current requirements for telephone calls.

- Requires those individuals and groups subject to texting disclaimer requirements to register and maintain an in-state registered agent for legal process as is currently required for those engaging in political advertisement telephone calls.
- Condenses and reorganizes all text message and telephone disclaimer requirements into one easily identifiable statutory section, for ease of administration.

The bill also makes a number of technical and clarifying changes to other sections of Chapter 106, to conform.

The bill takes effect October 1, 2021.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may increase the cost for private individuals and groups engaging in certain political text messaging who are required to appoint an in-state, registered agent for service. The costs are indeterminate, but expected to be minimal.

C. **Government Sector Impact:**

Local prosecutors and/or the Florida Election Commission may incur additional costs relating to enforcement and prosecuting violations. The costs are indeterminate, but should be minimal enough to incorporate into existing budgets.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

Some of the specific requirements relating to texting disclaimers have been adapted from CAL. GOV'T CODE, tit. 9, § 84504.7.

Given certain similarities in their operation, the bill incorporates all the texting requirements into the existing framework for telephone banks in ss. 106.147 and 106.1475, F.S.

VIII. **Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 106.011, 106.071, 106.143, 106.1439, 106.147, and 106.1475.

IX. **Additional Information:**

A. **Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. **Amendments:**

None.

By Senator Baxley

12-00601-21

202182

A bill to be entitled

1 An act relating to sponsorship identification  
2 disclaimers; amending s. 106.011, F.S.; revising the  
3 definition of the term "electioneering communication"  
4 to conform to changes made by the act; amending s.  
5 106.071, F.S.; modifying provisions governing general  
6 independent expenditure disclaimers to conform to  
7 changes made by the act; amending s. 106.143, F.S.;  
8 removing an exemption for text messages from certain  
9 requirements governing political advertisement  
10 disclaimers to conform to changes made by the act;  
11 amending s. 106.1439, F.S.; modifying provisions  
12 governing general electioneering communications  
13 disclaimer requirements to conform to changes made by  
14 the act; amending s. 106.147, F.S.; establishing  
15 sponsorship identification disclaimer requirements for  
16 certain text messages; modifying existing requirements  
17 governing telephone call disclaimers; providing  
18 exceptions and restrictions; providing a penalty;  
19 revising the definition of the term "person" to  
20 conform to changes made by the act; amending s.  
21 106.1475, F.S.; requiring specified persons and  
22 organizations sending certain paid text messages to  
23 have and maintain a registered agent for specified  
24 purposes; providing exceptions; providing a penalty;  
25 providing an effective date.  
26  
27

28 Be It Enacted by the Legislature of the State of Florida:  
29

12-00601-21

202182

Section 1. Paragraph (a) of subsection (8) of section

30 106.011, Florida Statutes, is amended to read:  
31 106.011 Definitions.—As used in this chapter, the following  
32 terms have the following meanings unless the context clearly  
33 indicates otherwise:  
34 (8)(a) "Electioneering communication" means a text message  
35 or communication that is publicly distributed by a television  
36 station, radio station, cable television system, satellite  
37 system, newspaper, magazine, direct mail, or telephone which ~~and~~  
38 that:  
39 1. Refers to or depicts a clearly identified candidate for  
40 office without expressly advocating the election or defeat of a  
41 candidate but that is susceptible of no reasonable  
42 interpretation other than an appeal to vote for or against a  
43 specific candidate;  
44 2. Is made within 30 days before a primary or special  
45 primary election or 60 days before any other election for the  
46 office sought by the candidate; and  
47 3. Is targeted to the relevant electorate in the geographic  
48 area the candidate would represent if elected.  
49 Section 2. Subsection (2) of section 106.071, Florida  
50 Statutes, is amended to read:  
51 106.071 Independent expenditures; electioneering  
52 communications; reports; disclaimers.—  
53 (2) Any political advertisement, other than a text message  
54 or a telephone call, paid for by an independent expenditure must  
55 shall prominently state "Paid political advertisement paid for  
56 by ...(Name and address of person paying for advertisement)...  
57 independently of any ...(candidate or committee)..."  
58



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59 Section 3. Paragraph (f) of subsection (10) of section  
60 106.143, Florida Statutes, is amended to read:

61 106.143 Political advertisements circulated prior to  
62 election; requirements.-

63 (10) This section does not apply to any campaign message or  
64 political advertisement used by a candidate and the candidate's  
65 supporters or by a political committee if the message or  
66 advertisement is:

67 ~~(f) Distributed as a text message or other message via~~  
68 ~~Short Message Service, provided the message is no more than 200~~  
69 ~~characters in length or requires the recipient to sign up or opt~~  
70 ~~in to receive it.~~

71 Section 4. Section 106.1439, Florida Statutes, is amended  
72 to read:

73 106.1439 Electioneering communications; disclaimers.-

74 (1) Any electioneering communication, other than a text  
75 message or a telephone call, must ~~shall~~ prominently state: "Paid  
76 electioneering communication paid for by ... (Name and address of  
77 person paying for the communication)...."

78 ~~(2) Any electioneering communication telephone call shall~~  
79 ~~identify the persons or organizations sponsoring the call by~~  
80 ~~stating either: "Paid for by ... (insert name of persons or~~  
81 ~~organizations sponsoring the call)...." or "Paid for on behalf~~  
82 ~~of ... (insert name of persons or organizations authorizing~~  
83 ~~call)...." This subsection does not apply to any telephone call~~  
84 ~~in which the individual making the call is not being paid and~~  
85 ~~the individuals participating in the call know each other prior~~  
86 ~~to the call.~~

87 ~~(2)(3)~~ Any person who fails to include the disclaimer

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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88 prescribed in this section in any electioneering communication  
89 that is required to contain such disclaimer commits a  
90 misdemeanor of the first degree, punishable as provided in s.  
91 775.082 or s. 775.083.

92 Section 5. Section 106.147, Florida Statutes, is amended to  
93 read:

94 106.147 Text message and telephone solicitation; disclosure  
95 requirements; prohibitions; exemptions; penalties.-

96 (1) (a) Any text message or telephone call supporting or  
97 opposing a candidate, an elected public official, or a ballot  
98 measure, and any electioneering text message or telephone call,  
99 must include the phrase proposal must identify the persons or  
100 organizations sponsoring the call by stating either: "Paid for  
101 by ....," followed by the (insert name of the persons or  
102 organizations sponsoring the message or call or, in the case of  
103 a text message, a working hyperlink or a uniform resource  
104 locator (URL) to a website containing the required disclosure  
105 "paid for on behalf of ...." (insert name of persons or  
106 organizations authorizing call).

107 (b) A candidate's text message or telephone call must  
108 include the phrase "Paid for by," followed by the name of the  
109 candidate, then followed by the word "For," and the name of the  
110 elective office sought.

111 (c) A website that is hyperlinked, or identified by URL, in  
112 a text message must remain online and available to the public  
113 for at least 30 days after the date of the election in which the  
114 candidate or ballot measure that the advertisement supported or  
115 opposed was voted on.

116 (d)1. If an exchange consists of a sequence of multiple

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 117 text messages sent on the same day, the sponsorship disclaimer  
 118 is only required to be included with the first text message.  
 119 2. A person or an organization is deemed to be in  
 120 compliance with this subsection if the sponsorship disclaimer  
 121 required by this subsection is included in the text message in  
 122 the form in which the person or organization intended it to be  
 123 sent, regardless of the form the carrier relayed it to the  
 124 recipient.  
 125 3. If a person or an organization includes a working  
 126 hyperlink or URL in the text message as part of the required  
 127 disclaimer, the person or organization is deemed to be in  
 128 compliance with this subsection even if the recipient's device  
 129 is incapable of accessing the referenced website.  
 130 (e) This subsection ~~paragraph~~ does not apply to any:  
 131 1. Telephone call;  
 132 a. In which both the individual making the call is not  
 133 being paid and the individuals participating in the call know  
 134 each other before ~~prior to~~ the call; or  
 135 b. That is a part of a series of like telephone calls  
 136 consisting of fewer than 1,000 completed calls averaging more  
 137 than 2 minutes in duration which are conducted for the purpose  
 138 of polling respondents regarding a candidate or an elected  
 139 public official.  
 140 2. Text message:  
 141 a. In which both the individual sending the text message is  
 142 not being paid and the text is individually sent without the  
 143 assistance of mass distribution technology, including a text  
 144 messaging platform; or  
 145 b. That requires the recipient to sign up or opt in to

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 146 receive it.  
 147 (b) Any telephone call conducted for the purpose of polling  
 148 respondents concerning a candidate or elected public official  
 149 which is a part of a series of like telephone calls that  
 150 consists of fewer than 1,000 completed calls and averages more  
 151 than 2 minutes in duration is presumed to be a political poll  
 152 and not subject to the provisions of paragraph (a).  
 153 (2) ~~(a)~~ A text message or a ~~no~~ telephone call may not shall  
 154 state or imply that the caller:  
 155 (a) Represents any person or organization unless the person  
 156 or organization so represented has given specific approval in  
 157 writing to make such representation; or  
 158 ~~(d) No telephone call shall state or imply that the caller~~  
 159 (b) Represents a nonexistent person or organization.  
 160 (3) ~~(d)~~ Any text message or telephone call, not conducted by  
 161 independent expenditure, which expressly advocates for or  
 162 against a candidate or ballot measure ~~proposes~~ requires prior  
 163 written authorization by the candidate or sponsor of the ballot  
 164 measure ~~proposes~~ that the text message or telephone call  
 165 supports. A copy of such written authorization must be placed on  
 166 file with the qualifying officer by the candidate or sponsor of  
 167 the ballot measure before ~~proposes~~ prior to the time the text  
 168 messages or telephone calls commence.  
 169 (4) ~~(a) ~~(3) ~~(a)~~~~~~ Any person who willfully violates any  
 170 provision of this section commits a misdemeanor of the first  
 171 degree, punishable as provided in s. 775.082 or s. 775.083.  
 172 (b) For purposes of paragraph (a), the term "person"  
 173 includes any individual or organization making an independent  
 174 expenditure; any candidate; any officer of any political

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175 committee, affiliated party committee, or political party  
 176 executive committee; any officer, partner, attorney, or other  
 177 representative of a corporation, partnership, or other business  
 178 entity; and any agent or other person acting on behalf of any  
 179 candidate, political committee, affiliated party committee,  
 180 political party executive committee, or corporation,  
 181 partnership, or other business entity.

182 Section 6. Section 106.1475, Florida Statutes, is amended  
 183 to read:

184 106.1475 Text message and telephone solicitation;

185 registered agent requirements; penalty.—

186 (1) Any person or organization that conducts ~~any~~ business  
 187 in this state consisting of sending text messages or placing  
 188 telephone calls that are subject to the disclaimer requirements  
 189 in s. 106.147 ~~which consists of making paid telephone calls~~  
 190 ~~supporting or opposing any candidate or elected public official~~  
 191 must, prior to conducting such business, have and continuously  
 192 maintain, for at least 180 days following the cessation of such  
 193 business activities in the state, a registered agent for the  
 194 purpose of any service of process, notice, or demand required or  
 195 authorized by law and must file with the division a notice of  
 196 such registered agent. Such registered agent must be an  
 197 individual who is a resident of this state, a domestic  
 198 corporation, or a foreign corporation authorized to do business  
 199 in this state. However, this subsection does not apply to any  
 200 person or organization already lawfully registered to conduct  
 201 business in this state.

202 (2) For purposes of this section, conducting business in  
 203 this state as specified in subsection (1) includes both sending

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204 text messages or placing telephone calls from a location in this  
 205 state and sending text messages or placing telephone calls from  
 206 a location outside this state to individuals located in this  
 207 state.

208 (3) (a) The division shall create and maintain forms for the  
 209 notice required by subsection (1), which, at a minimum, must  
 210 elicit all of the following information:

211 1. The name, address, and telephone number of the  
 212 registered agent.

213 2. The name, address, and telephone number of the person or  
 214 organization conducting business in this state as specified in  
 215 subsection (1).

216 (b) The person or organization conducting business in this  
 217 state as specified in subsection (1) must immediately notify the  
 218 division of any changes in the information required in paragraph  
 219 (a).

220 (4) Any person or organization that violates this section  
 221 commits a misdemeanor of the first degree, punishable as  
 222 provided in s. 775.082 or s. 775.083.

223 Section 7. This act shall take effect October 1, 2021.

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The Florida Senate  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**  
(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Ethics and Elections

BILL: SB 90

INTRODUCER: Senator Baxley

SUBJECT: Vote-by-mail Ballots

DATE: February 15, 2021      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Biehl	Roberts	EE	<b>Pre-meeting</b>
2.			GO	
3.			RC	

**I. Summary:**

Senate Bill 90 makes the following changes related to vote-by-mail ballots:

- Reduces the number of elections for which one request for a vote-by-mail ballot is sufficient to all elections held within a calendar year of the request; and
- Moves up the starting time for canvassing vote-by-mail ballots from 22 days before an election to 35-40 days before an election, thereby codifying a portion of Governor Ron DeSantis' Executive Order 20-149.

The bill takes effect July 1, 2021.

**II. Present Situation:**

**Schedule of Elections**

A general election is held on the first Tuesday after the first Monday in November of every even-numbered year – this means that a general election is held every two years.<sup>1</sup> A primary election is held 11 weeks before each general election.<sup>2</sup> The dates for the next primary election and general election are:

- Primary election – August 23, 2022; and
- General election – November 8, 2022.

<sup>1</sup> Article VI, s. 5(a), FLA. CONST.; and s. 100.031, F.S. A general election is held to choose a successor to each elective federal, state, county, and district officer whose term will expire before the next general election.

<sup>2</sup> Section 100.061, F.S. A primary election is held to determine party nominees to be on the ballot in the general election to fill each federal, state, county, or district office.

### **Vote-by-Mail Generally**

Florida law allows a voter to request a vote-by-mail (VBM) ballot, which the voter can either return via mail or drop off at an authorized site in lieu of having to vote at the polls during early voting or on Election Day. A voter does not need to provide a reason for a VBM ballot request. A request for a VBM ballot can be made in person or in writing.<sup>3</sup>

### **Effective Period for Vote-by-Mail Ballot Requests**

Current law provides that one request from a voter for a VBM ballot is sufficient to receive a VBM ballot for all elections through the end of the calendar year of the second ensuing regularly scheduled general election,<sup>4</sup> unless the voter indicates at the time of the request the elections for which he or she would like to receive a VBM ballot.<sup>5</sup> A request for a VBM ballot may be considered canceled when any first-class mail sent by the supervisor of elections (supervisor) to the voter is returned as undeliverable.<sup>6</sup>

The law formerly provided that one request from a voter for a VBM ballot was sufficient for all elections held within a calendar year of the request. The Legislature in 2007 expanded the length of time for which one request was sufficient in order to mirror what is allowed under federal law for certain military and overseas voters.<sup>7,8</sup>

### **Starting Date for Vote-by-Mail Canvassing Period**

Florida law allows county canvassing boards<sup>9</sup> to begin canvassing VBM ballots starting at 7 a.m. on the 22nd day before an election.<sup>10</sup> In 2019, the Legislature extended this starting period from 15 days before an election to 22 days before an election.<sup>11</sup>

In 2020, at the request of the supervisors and in response to the COVID-19 pandemic, Governor Ron DeSantis issued an executive order suspending the 22-day timeframe and allowing each county canvassing board to begin canvassing VBM ballots as soon as the Logic and Accuracy (L&A) testing of the machines/equipment was completed.<sup>12</sup> The L&A tests are designed to

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<sup>3</sup> Section 101.62(1)(a), F.S.

<sup>4</sup> For example, under the current law, if a voter makes a general request for a VBM ballot in February 2021, then he or she would receive VBM ballots for all elections through the end of 2024, because the next two general elections will be held in November 2022 and November 2024, respectively.

<sup>5</sup> Section 101.62(1)(a), F.S.

<sup>6</sup> *Id.*

<sup>7</sup> Chapter 2007-30, s. 30, L.O.F.

<sup>8</sup> The Uniformed and Overseas Citizens Absentee Voter Act, passed by Congress in 1986, provides absentee voting requirements for federal offices for voters who are United States uniformed services members on active duty, Merchant Marine members, spouses or dependents thereof, or United States citizens residing outside of the United States.

<sup>9</sup> A county canvassing board is composed of the supervisor of elections; a county court judge, who acts as chair; and the chair of the board of county commissioners (s. 102.141(1), F.S.).

<sup>10</sup> Section 101.68(2)(a), F.S.

<sup>11</sup> Chapter 2019-162, s. 19, L.O.F.

<sup>12</sup> Office of the Governor, Executive Order No. 20-149 (June 17, 2020), available at [https://www.flgov.com/wp-content/uploads/orders/2020/EO\\_20-149.pdf](https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-149.pdf), last accessed February 4, 2021.



ensure the integrity and accuracy of the tabulators and voting machines.<sup>13</sup> Because the timing of these L&A tests is tied to the beginning of early voting in each county,<sup>14</sup> which varies from 10 to 15 days before an election,<sup>15</sup> in 2020 counties were generally able to start their VBM canvass 35 to 40 days before the primary election and general election, which is 13 to 18 days earlier than the 22 days that the current statute provides.

The media has credited the canvassing of VBM ballots prior to Election Day as one of the reasons Florida's 2020 general election went so smoothly and why results were available so much more quickly than for states, such as Pennsylvania, that had to wait until Election Day to start counting.<sup>16</sup>

### III. Effect of Proposed Changes:

#### Effective Period for Vote-by-Mail Ballot Requests

The bill reduces the number of elections for which one request for a VBM ballot is sufficient to all elections held within a calendar year of the date of the request.<sup>17</sup> This returns the law to its pre-2007 form.

The bill specifically provides that if a voter has already submitted a VBM ballot request that would, under the current law, be effective through the end of the calendar year of the second ensuing regularly scheduled general election, he or she must resubmit a VBM request after the effective date of the bill in order to receive VBM ballots for the 2022 primary election and general election.

#### Starting Date for Vote-by-Mail Canvassing Period

The bill codifies Section 1 of Executive Order of the Governor No. 20-149, providing that county canvassing boards may begin canvassing VBM ballots as soon as the county finishes L&A testing. In practice, this means that:

- Counties that begin early voting as soon as the statutes allow (15 days before an election) may begin VBM canvassing as early as the 40th day before an election instead of the 22nd day before an election, nearly doubling the available time; and
- Counties that wait until 10 days before an election to begin early voting can start VBM canvassing as early as the 35th day before an election instead of the 22nd day before an election, still providing an additional 13 days of counting.

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<sup>13</sup> Section 101.5612(2), F.S.

<sup>14</sup> Each supervisor must complete an L&A test on any day up to 25 days before the start of early voting (*id.*).

<sup>15</sup> *Id.*; see also, s. 101.657(1)(d), F.S. (counties *may* start early voting 15 days before an election, but *must* start no later than 10 days before).

<sup>16</sup> See e.g., Tampa Bay News 10 (WTSP), *Florida Counted Votes Quickly in the 2020 Election – What Happened in the Other States?* (Nov. 18, 2020), available at <https://www.wtsp.com/article/news/politics/florida-2020-election-counting/67-33b47308-7571-4c70-8afc-cfa8b872bcca>, last accessed February 4, 2021.

<sup>17</sup> For example, under the proposed changes, if a voter makes a request for a VBM ballot on August 1, 2021, then he or she would receive VBM ballots for all elections held through July 31, 2022, which is the last day of one calendar year from the date of the request.

This change will facilitate a more orderly election administration process and quicker reporting of results.

The bill takes effect July 1, 2021.

**IV. Constitutional Issues:**

**A. Municipality/County Mandates Restrictions:**

Not applicable. Bills that affect state or local elections are exempt from Art. VII, s. 18 of the Florida Constitution.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

**V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

If the reduced time period for which one VBM ballot request is sufficient results in a higher total number of requests, supervisors are likely to incur additional processing costs.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 101.62 and 101.68.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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211540

LEGISLATIVE ACTION

Senate

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House

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The Committee on Ethics and Elections (Taddeo) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 14 - 56

and insert:

Section 1. Paragraph (a) of subsection (2) of section 101.68, Florida Statutes, is amended to read:

101.68 Canvassing of vote-by-mail ballot.—

(2)(a) The county canvassing board may begin the canvassing of vote-by-mail ballots upon the completion of the public testing of automatic tabulating equipment pursuant to s.



211540

11 ~~101.5612(2) at 7 a.m. on the 22nd day before the election, but~~  
12 ~~must begin such canvassing by no not later than noon on the day~~  
13 ~~following the election. In addition, for any county using~~  
14 ~~electronic tabulating equipment, the processing of vote-by-mail~~  
15 ~~ballots through such tabulating equipment may begin at 7 a.m. on~~  
16 ~~the 22nd day before the election.~~ However, notwithstanding any  
17 such authorization to begin canvassing or otherwise processing  
18 vote-by-mail ballots early, no result shall be released until  
19 after the closing of the polls in that county on election day.  
20 Any supervisor, deputy supervisor, canvassing board member,  
21 election board member, or election employee who releases the  
22 results of a canvassing or processing of vote-by-mail ballots  
23 prior to the closing of the polls in that county on election day  
24 commits a felony of the third degree, punishable as provided in  
25 s. 775.082, s. 775.083, or s. 775.084.

26  
27 ===== T I T L E   A M E N D M E N T =====

28 And the title is amended as follows:

29       Delete lines 3 - 9

30 and insert:

31       101.68, F.S.; authorizing the canvassing of vote-by-  
32       mail ballots upon the completion of the public  
33       preelection testing of automatic tabulating equipment;  
34       providing an effective



823918

LEGISLATIVE ACTION

Senate

House

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The Committee on Ethics and Elections (Polsky) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 17 - 56

and insert:

(1)(a) The supervisor shall accept a request for a vote-by-mail ballot from an elector in person or in writing. One request is shall be deemed sufficient to receive a vote-by-mail ballot for all elections until the elector or the elector's designee notifies the supervisor that the elector rescinds such request ~~through the end of the calendar year of the second ensuing~~



823918

11 ~~regularly scheduled general election~~, unless the elector or the  
12 elector's designee indicates at the time the request is made the  
13 elections for which the elector desires to receive a vote-by-  
14 mail ballot. Such request may be considered canceled when any  
15 first-class mail sent by the supervisor to the elector is  
16 returned as undeliverable.

17 Section 2. Paragraph (a) of subsection (2) of section  
18 101.68, Florida Statutes, is amended to read:

19 101.68 Canvassing of vote-by-mail ballot.—

20 (2)(a) The county canvassing board may begin the canvassing  
21 of vote-by-mail ballots upon the completion of the public  
22 testing of automatic tabulating equipment pursuant to s.  
23 101.5612(2) at 7 a.m. on the 22nd day before the election, but  
24 must begin such canvassing by no not later than noon on the day  
25 following the election. In addition, for any county using  
26 electronic tabulating equipment, the processing of vote-by-mail  
27 ballots through such tabulating equipment may begin at 7 a.m. on  
28 the 22nd day before the election. However, notwithstanding any  
29 such authorization to begin canvassing or otherwise processing  
30 vote-by-mail ballots early, no result shall be released until  
31 after the closing of the polls in that county on election day.  
32 Any supervisor, deputy supervisor, canvassing board member,  
33 election board member, or election employee who releases the  
34 results of a canvassing or processing of vote-by-mail ballots  
35 prior to the closing of the polls in that county on election day  
36 commits a felony of the third degree, punishable as provided in  
37 s. 775.082, s. 775.083, or s. 775.084.

38  
39 ===== T I T L E A M E N D M E N T =====



823918

40 And the title is amended as follows:

41 Delete lines 3 - 9

42 and insert:

43 101.62, F.S.; authorizing standing vote-by-mail ballot  
44 requests until such a request is rescinded by an  
45 elector or the elector's designee; amending s. 101.68,  
46 F.S.; authorizing the canvassing of vote-by-mail  
47 ballots upon the completion of the public preelection  
48 testing of automatic tabulating equipment; providing  
49 an effective



810308

LEGISLATIVE ACTION

Senate

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House

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The Committee on Ethics and Elections (Baxley) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 20 - 22

and insert:

for all elections through the end of the calendar year of the  
next ~~second-ensuing~~ regularly scheduled general election, unless  
the elector or the elector's

===== T I T L E   A M E N D M E N T =====

And the title is amended as follows:



810308

11       Delete lines 4 - 5  
12 and insert:  
13       vote-by-mail ballots to all elections through the end  
14       of the calendar year of the next regularly scheduled  
15       general election; amending s. 101.68, F.S.;

By Senator Baxley

12-00669E-21

202190

A bill to be entitled

An act relating to vote-by-mail ballots; amending s.

101.62, F.S.; limiting the duration of requests for

vote-by-mail ballots to all elections held within a

calendar year of a request; amending s. 101.68, F.S.;

authorizing the canvassing of vote-by-mail ballots

upon the completion of the public preelection testing

of automatic tabulating equipment; providing for

construction and applicability; providing an effective

date.

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

Section 1. Paragraph (a) of subsection (1) of section

101.62, Florida Statutes, is amended to read:

101.62 Request for vote-by-mail ballots.-

(1) (a) The supervisor shall accept a request for a vote-by-mail ballot from an elector in person or in writing. One request is shall be deemed sufficient to receive a vote-by-mail ballot for all elections that are held within a calendar year through the end of the calendar year of the second ensuing regularly scheduled general election, unless the elector or the elector's

designee indicates at the time the request is made the elections for which the elector desires to receive a vote-by-mail ballot.

Such request may be considered canceled when any first-class

mail sent by the supervisor to the elector is returned as

undeliverable.

Section 2. Paragraph (a) of subsection (2) of section

101.68, Florida Statutes, is amended to read:

Page 1 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

12-00669E-21

202190

101.68 Canvassing of vote-by-mail ballot.-

(2) (a) The county canvassing board may begin the canvassing of vote-by-mail ballots upon the completion of the public testing of automatic tabulating equipment pursuant to s.

101.5612(2) at 7 a.m. on the 22nd day before the election, but must begin such canvassing by no ~~not~~ later than noon on the day following the election. ~~In addition, for any county using electronic tabulating equipment, the processing of vote-by-mail ballots through such tabulating equipment may begin at 7 a.m. on the 22nd day before the election.~~ However, notwithstanding any

such authorization to begin canvassing or otherwise processing vote-by-mail ballots early, no result shall be released until after the closing of the polls in that county on election day.

Any supervisor, deputy supervisor, canvassing board member,

election board member, or election employee who releases the

results of a canvassing or processing of vote-by-mail ballots

prior to the closing of the polls in that county on election day commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 3. Notwithstanding that an elector has submitted a vote-by-mail ballot request before the effective date of this act initially applicable through the end of the calendar year of the second ensuing regularly scheduled general election, any such elector must affirmatively resubmit a vote-by-mail ballot request following the effective date of this act in order to receive vote-by-mail ballots for the 2022 primary and general elections.

Section 4. This act shall take effect July 1, 2021.

Page 2 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.





# FLORIDA DEPARTMENT *of* STATE

SECRETARY OF STATE

LAUREL M. LEE

**Senate Ethics & Elections Committee**

February 16, 2021

# Senate Ethics & Elections Committee

February 16, 2021



## JESI – Joint Election Security Initiative



RON DESANTIS  
GOVERNOR

May 22, 2019

Secretary Laurel Lee  
Department of State  
R.A. Gray Building  
500 South Bronough Street  
Tallahassee, FL 32399

Dear Secretary Lee:

Recently, I was informed by federal officials that the elections systems in two Florida counties were breached during the 2016 U.S. presidential election. Although the breaches did not compromise the outcome of the election, they highlight the importance of protecting the security of our elections systems.

Accordingly, I direct the Department of State to immediately initiate a review of the security, particularly the cybersecurity, of our state's elections systems and the elections systems of Florida's 67 counties. The Department shall develop a plan to identify and address any vulnerabilities. You are further directed to make this a top priority of the Department, and report your findings to the Executive Office of the Governor upon completion of your review.

Public faith in our elections is the bedrock of our democracy and we must do everything within our power to preserve the integrity of our elections systems. This administration will continue to prioritize the security of our elections and the protection of voter information. Thank you for your diligence in these efforts.

Sincerely,

A blue ink signature of Ron DeSantis.

Ron DeSantis  
Governor

THE CAPITOL  
TALLAHASSEE, FLORIDA 32399 • (850) 717-9249

# Senate Ethics & Elections Committee

February 16, 2021



## Election Security Partnerships

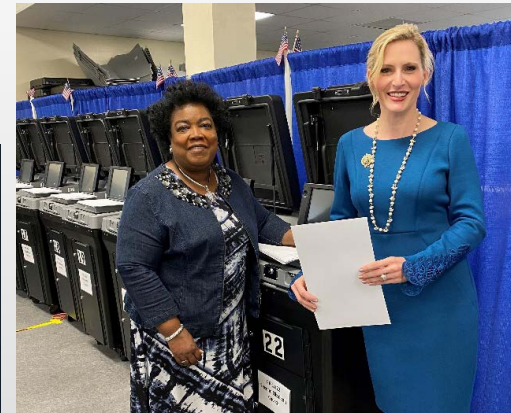




# Senate Ethics & Elections Committee

February 16, 2021

## Partnerships with Supervisors of Elections

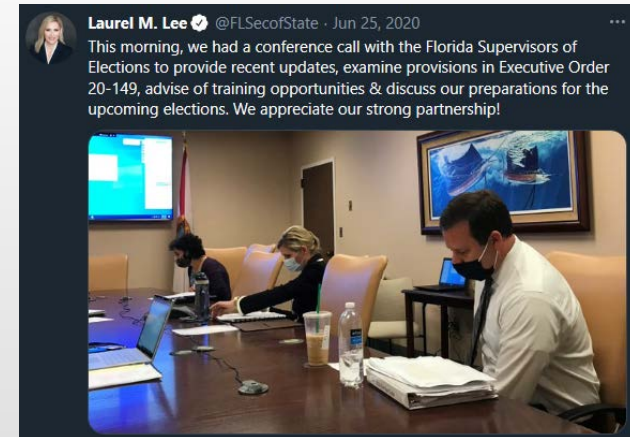


# Senate Ethics & Elections Committee

February 16, 2021



## Election Response to COVID-19





# Senate Ethics & Elections Committee

February 16, 2021



## Electronic Registration Information Center (ERIC)

### Governor Ron DeSantis Announces Florida's Membership in the Electronic Registration Information Center to Enhance Election Security & Ensure Accurate Voter Rolls

December 11, 2019 Leave a reply



Florida Governor Ron DeSantis was joined by Secretary of State Laurel M. Lee, Florida State Association of Supervisors of Elections President Tammy Jones and Florida's Election Supervisors to announce Florida would join 29 States in Enhancing Voter Registration in Orlando, Wednesday, August 21, 2019. (Photo by Willie David / Florida National News, FNN News Network)



DeSantis/ Nuñez Administrative Schedule for Wednesday, December 11, 2019

DeSantis/ Nuñez Administrative Schedule for Thursday, December 12, 2019

### Governor Ron DeSantis Announces Florida's Membership in the Electronic Registration Information Center to Enhance Election Security & Ensure Accurate Voter Rolls

On December 11, 2019, in News Releases, by Staff

*Information-Sharing Agreement Will Reduce Voter Fraud, Improve Customer Service, and Reduce Administrative Costs for Supervisors of Elections*

**Tallahassee, Fla.** – Today, Governor Ron DeSantis and Secretary of State Laurel Lee announced that Florida has been accepted for membership, along with 29 other members, into the Electronic Registration Information Center (ERIC), a multi-state partnership that uses a sophisticated data-matching tool to enhance the accuracy of voter registration systems.

"My administration is committed to protecting the integrity of Florida's voter rolls and preventing election fraud," said Governor DeSantis. "As a member of ERIC, Florida is now equipped with more tools to further ensure accurate voter rolls, make voting easier and reduce costs to taxpayers."

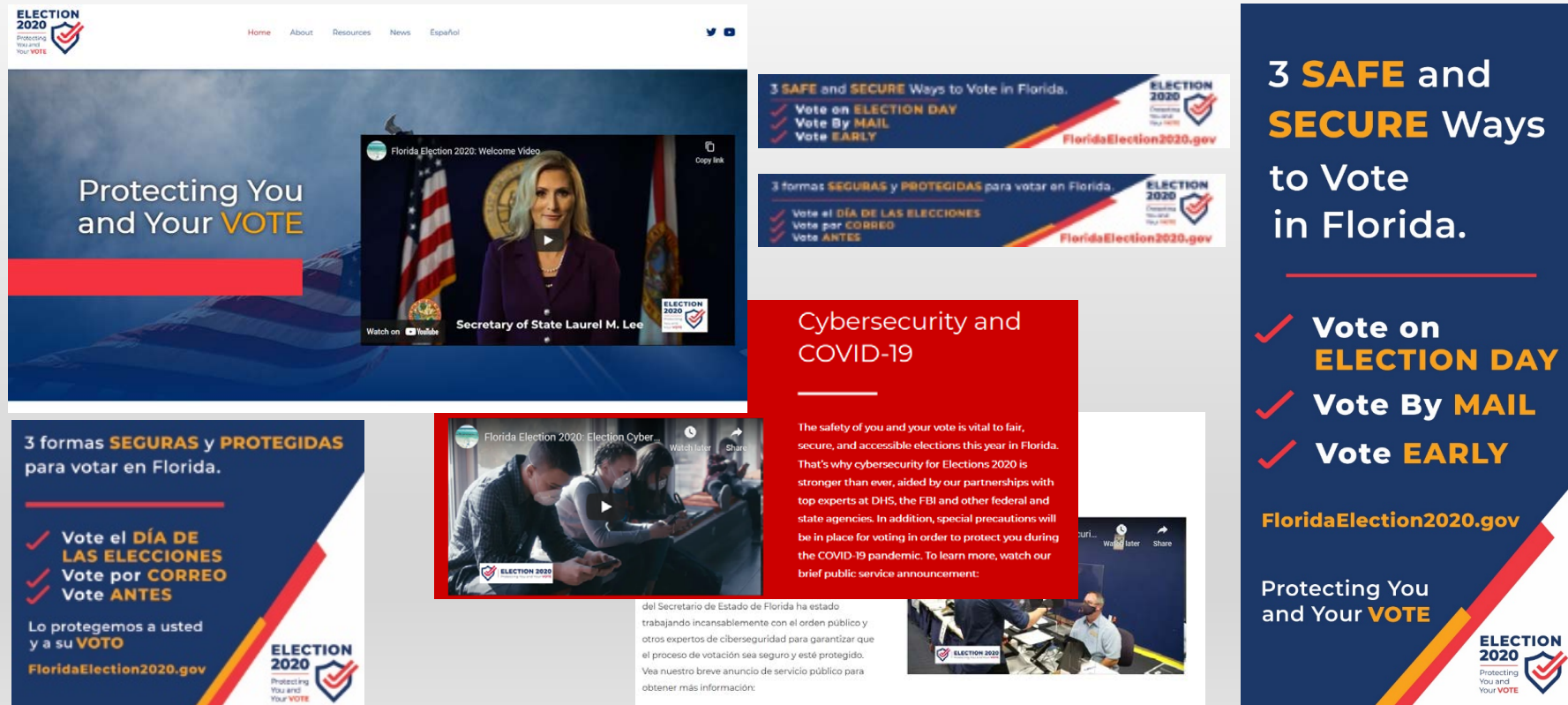
A banner for Register to Vote Florida.gov. It features a red background with white stars and the text "Register to Vote Florida.gov" in white. Below the text is a red hand icon pointing to the website. To the right, it says "Important! Importante!" and "DEADLINE TO REGISTER TO VOTE: October 5, 2020 LA FECHER LIMITE PARA REGISTRARSE: 5 de octubre 2020".

A ballot from the Florida Department of State, Division of Elections. It includes the state seal, the text "Florida Department of State Division of Elections", and a "REGISTERED VOTER" label. The ballot is for the 2020 election and includes a "NAME ADDRESS CITY, ST ZIP" section. It also features a "PRECEDENTED FIRST CLASS MAIL U.S. POSTAGE PAID Tallahassee, FL Permit 632" label and a "F7165-0000001 T-00000001" tracking number.

# Senate Ethics & Elections Committee

February 16, 2021

## Voter Education and Outreach Collateral (English and Spanish)



The screenshot displays the Florida Election 2020 website, which provides voter education and outreach materials in both English and Spanish. The main header features the "ELECTION 2020" logo and the tagline "Protecting You and Your VOTE". The navigation bar includes links for Home, About, Resources, News, and Español. The main content area is divided into several sections:

- Protecting You and Your VOTE**: A large banner with a video player showing Secretary of State Laurel M. Lee. The video is titled "Florida Election 2020: Welcome Video".
- 3 SAFE and SECURE Ways to Vote in Florida**: A section with three bullet points: "Vote on ELECTION DAY", "Vote By MAIL", and "Vote EARLY".
- 3 formas SEGURAS y PROTEGIDAS para votar en Florida**: A section with three bullet points: "Vote el DÍA DE LAS ELECCIONES", "Vote por CORREO", and "Vote ANTES".
- Cybersecurity and COVID-19**: A red box containing text about the safety of voting during the COVID-19 pandemic, mentioning partnerships with DHS, the FBI, and other federal and state agencies.
- 3 formas SEGURAS y PROTEGIDAS para votar en Florida**: A section with three bullet points: "Vote el DÍA DE LAS ELECCIONES", "Vote por CORREO", and "Vote ANTES".
- Lo protegemos a usted y a su VOTO**: A section with the text "Lo protegemos a usted y a su VOTO" and the website "FloridaElection2020.gov".
- Florida Election 2020: Election Cyber**: A video player showing a group of people working together.
- del Secretario de Estado de Florida ha estado**: A section with text in Spanish about the Secretary of State's efforts to ensure the safety of the voting process.

The website also features a sidebar with social media links and a footer with the "ELECTION 2020" logo and tagline.

# Senate Ethics & Elections Committee

February 16, 2021



## Elections Outreach







## FLORIDA SUPERVISORS OF ELECTIONS

PO Box 350 | Tallahassee, FL 32302 | Telephone: (850) 599-9120

The following issues were adopted by the FSE Legislative Committee on December 9, 2020, and voted and ratified by the FSE membership on January 12, 2021, as legislative priorities for the 2021 Legislative Session:

### PRIORITIES:

#### Executive Committee 2020 - 2021

President  
Craig Latimer  
President-Elect  
Wesley Wilcox  
Vice-President  
Mark Earley  
Secretary  
Ron Turner  
Treasurer  
Charles Overturf, III  
Past President  
Tammy Jones

#### Board Of Directors 2020 - 2021

Tappie Villane  
Mark Andersen  
Dana Southerland  
Charles Overturf  
Chris Chambless  
Lori Scott  
Shirley Anderson  
Mark Negley  
Diane Hagan  
Brenda Hoots

#### General Counsel

Ronald Labasky, Esq.

1. Public Records Exemption for ALL voter information contained in the statewide voter database, including email addresses and phone numbers, except for use for legitimate political purposes (Amend 97.0585). See House Bill 155 for 2021 Legislative Session.
2. Public Records exemption for elections infrastructure and voting systems security, including IP/MAC addresses, host names, software versions, maintenance schedules and procedures, log files and configurations.
3. Allow Super Voting Sites as an option, as has been used via executive order for four elections in Gulf and Bay Counties after voting sites were disrupted after Hurricane Michael, and still today many precincts are unavailable to be used or are destroyed. This would allow, at the county level, for early voting and Election Day voting at Super Voting sites where any voter from the county can cast their ballot.
4. Eliminate requirement to use provisional ballot envelope for votes cast but not in line before 7:00 PM on election night due to executive or judicial extension of time. (Amend 101.049). Ballots would be segregated but not required to use provisional ballot envelope.
5. Designation of paper ballots as the actual public record, not digital ballot images (Section 101.21).
6. Clarification on language added during the 2019 Session requiring solicitation to be allowed on private property used as a polling place beyond the 150' No Solicitation Zone (Amend 102.031).
7. Require 3rd Party Voter Registration Organizations & Petition Gatherers to deliver Voter Registration Applications and initiative petitions to the office or county where the voter is being registered.
8. Clear provisions that the SOE will only share VBM curing information/provisional/10-day overseas ballot information to only the voter to protect right to a secret ballot (101.048).
9. Allow additional Early Voting wildcard locations (up to 3 per county).

These additional items are issues that could, and should, be addressed if the opportunity arises, and have been brought forward by individual SOE's:

- Amend 103.091 to allow State Committeemen and State Committeewomen to prequalify (currently only allowed during qualifying week)
- Remove conflict in 101.043(1)(b)&(c) regarding providing identification and confirming address and correct precinct of voter
- Remove provisions of 101.5614 which requires duplication of overvoted ballots which do not require an interpretation of voter intent.
- Review and match timeframes and certificate envelopes of Vote By Mail ballots for Mail Only Elections.
- Allow additional days for recount deadlines, particularly for large counties.
- Change of political party deadline in 97.055 from 29 days to 45 days to accommodate mailing VBM ballots 40 days prior to an election, and not have two VBM ballots to same voter.
- Allow voters to request replacement of voter information cards by telephone or other electronic means (97.071(2)).
- Repeal law that allows voters to file a name change by submitting a signed written notice to SOE. Voter registration form should be required so voter signs the oath and signature can be used to update voter database (97.1031(2)).
- Allow list maintenance every year, although still mandate list maintenance every two years to maintain accuracy of voter file (98.065(3)).
- Tighten Undue Burden Oaths being filed for petition signature verification to require payment from surplus campaign funds prior to refunding to donors (99.09651, 99.095, 99.097(4)).
- Poll Watchers (101.71), change deadline to designate early voting poll watchers to 15 days so it doesn't fall on a Saturday (currently 14 days), and prohibit poll watchers from coming/going from polling place to circumvent prohibition of express purpose of interaction with voters.
- Amend date that political parties must nominate and submit candidate names for President/VP so SOE can receive certified ballot language from the State and still have 11 weeks between August Primary and November General Election to prepare ballot proof, mail ballots. Current law provides for September 1 deadline. (103.021(4)(a)).

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Ethics and Elections

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BILL: SB 82

INTRODUCER: Senator Baxley

SUBJECT: Sponsorship Identification Disclaimers

DATE: February 16, 2021

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Rey</u>	<u>Roberts</u>	<u>EE</u>	<u><b>Favorable</b></u>
2.	<u>                    </u>	<u>                    </u>	<u>JU</u>	<u>                    </u>
3.	<u>                    </u>	<u>                    </u>	<u>RC</u>	<u>                    </u>

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**I. Summary:**

SB 82 creates a comprehensive sponsorship disclaimer policy for most text message political advertisements, independent expenditures, and electioneering communications. Text messages must carry a sponsorship disclaimer, or a URL address or hyperlink to a website containing the disclaimer. The bill specifically exempts texts:

- Sent by individuals not being paid and without the assistance of mass distribution technology; or
- That require the recipient to sign-up or opt-in to receive it.

The new texting provisions incorporate some existing telephone-bank solicitation protections, including an in-state registered agent requirement for service of legal process.

The bill takes effect October 1, 2021.

**II. Present Situation:**

Florida law has a disjointed approach to sponsorship disclaimer requirements for political text messaging, depending on whether the text message meets the definition of a political advertisement (disclaimer required, with exemptions), an independent expenditure (disclaimer required; no applicable exemptions), or an electioneering communication (probably no disclaimer required).

**Political Advertisements**

A “political advertisement” is a paid expression in “communications media,” such as the *Internet* or a *telephone company*, which “*expressly advocates* the election or defeat of a candidate or the

approval or rejection of an issue.”<sup>1</sup> Courts have consistently interpreted “express advocacy” to require the use of so-called “magic words,” such as “vote for,” “vote against,” “support,” or “oppose.”<sup>2</sup>

Candidates and others who send a *political advertisement* by text must include a sponsorship identification disclaimer, unless the text or message is sent by short message service (SMS) and:

- Is less than 200 characters in length; or
- Requires the recipient to sign-up or opt-in to receive it.<sup>3</sup>

### Independent Expenditures

An “independent expenditure” (IE) is a specific *type* or *subset* of political advertisement, one where the expenditure is “not controlled by, coordinated with, or made upon consultation with, any candidate, political committee, or agent of such candidate or committee.”<sup>4</sup> The independent expenditure must still *expressly advocate* as indicated above.

Section 106.071, Florida Statutes, appears to require individuals and groups to include a sponsorship identification disclaimer on ALL text messages, without exemption.<sup>5</sup> Subsection (2) of that section provides as follows:

(2) Any *political advertisement* paid for by an independent expenditure shall prominently state “Paid political advertisement paid for by (Name and address of person paying for advertisement) independently of any (candidate or committee).” (emphasis added)

<sup>1</sup> Section 106.011(4),(15), F.S.

<sup>2</sup> “Speech containing the “magic words” is “unambiguously campaign related,” *Buckley v. Valeo*, 96 S.Ct. 612, 81 (1976), while speech without these words is not,” *McConnell v. Federal Election Com’n*, 540 U.S. 93, 281 (2003).

<sup>3</sup> Section 106.143(1), (10)(f), F.S.

<sup>4</sup> Section 106.011(12)(a), F.S.

<sup>5</sup> Section 106.071(2),(3), F.S. Subsection (3) exempts “novelty items” valued at \$10 or less that support, but do not oppose, a candidate or issue; it is difficult to see how such an exemption could apply to a text message.

An argument can be made that the exemptions that apply to general political advertisements discussed in the previous section should also apply (i.e., less than 200 characters in length or recipient opted-in), because IEs are a subset of political advertisements. But this argument seems likely to fail, as it would contravene a well-established principal of statutory construction: the *specific* controls over the *general*.

In this case, *specific* IE sponsorship disclaimer requirements are embodied in their own section of statute (s. 106.071), separate and apart from the *general* political advertisement disclaimer requirements and exemptions (s. 106.143). Further, the *specific* IE sponsorship disclaimer requirement at issue expressly acknowledges that it’s a *political advertisement* ... “Any *political advertisement* paid for by independent expenditure....” This makes it difficult to argue that the Legislature intended to apply the exemptions of a *more general* political advertisement disclaimer to IE text messages. In further support of this conclusion is the fact that the IE section includes *verbatim* the same \$10 exemption for certain novelty items that the political advertisement section contains. See ss. 106.071(3), *infra*, and 106.143(8). Thus, the Legislature was clearly aware of the relationship between political advertisements and IEs, and chose, for whatever reason, NOT to carry over the texting exemption to the IE section.

## Electioneering Communications

An electioneering communication (EC), on the other hand, does NOT expressly advocate for or against any candidate or issue. It is unclear whether the statutes require an EC text message to carry a sponsorship identification disclaimer; arguably, they do not.

An electioneering communication generally means a “communication that is publicly distributed by a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, or *telephone*” that:

- Refers to a clearly-identified candidate *without expressly advocating* the election or defeat of any candidate, but that is susceptible of no reasonable interpretation other than an appeal to vote for or against a specific candidate;
- Is made within 30 days before a primary or 60 days before a general election; and
- Is targeted to the relevant electorate in the geographic area the candidate would represent if elected.<sup>6</sup>

All ECs require a sponsorship identification disclaimer, except for certain EC telephone calls.<sup>7</sup>

The question of whether text messages that otherwise meet the requirements would trigger the disclaimer requirement turns on the *method of communication*; specifically, whether the term “telephone” in the definition is broad enough to embrace text messaging.

In the case of political advertisements, the Legislature has created a specific exemption from the disclaimer requirements for certain text messages. Those political advertisements must, by definition, be communicated by “*communications media*,” which in the case of text messaging means “*the Internet*” and/or “*telephone companies*.”<sup>8</sup> Thus, the Legislature, *in the context of political advertisements*, has effectively “updated” those terms to embrace the concept of text messaging and wireless carriers.

Whether that legislative *gloss* also extends to the term “telephone” with respect to the communication of EC text messages is an open question. While it might seem like a logical extension, we are talking about two seemingly related, *but not identical*, types of communications media --- “telephone” in the case of ECs and “telephone company” in the case of political advertisements. This makes the gloss far murkier. Further, and perhaps more persuasively, the EC section (s. 106.1439, F.S.) contains a targeted telephone sponsorship disclaimer requirement (in addition to a more general one) that specifically references “calls” and “*making the call*” ... terms not typically associated with *sending text messages*:

(2) Any electioneering communication telephone call shall identify the persons or organization sponsoring the call by stating either: “Paid for by (insert name of persons or organizations sponsoring the call).” ... This subsection does not apply to any telephone

<sup>6</sup> Section 106.011(8)(a), F.S.

<sup>7</sup> Section 106.1439, F.S. EC telephone calls in which the individual making the call is not being paid and the individuals participating in the call know each other prior to the call are exempt from the disclaimer requirement; the statute is targeted at phone bank operations.

<sup>8</sup> Section 106.011(4), F.S.

call in which the individual making the call is not being paid and the individuals participating in the call know each other prior to the call.<sup>9</sup>

Finally, the statutes contain parallel telephone disclaimer language in s. 106.147, F.S., which deals exclusively with political advertisement *telephone calls* and NOT text messaging. Thus, the weight of the evidence suggests that EC text messages currently may not be subject to any sponsorship identification disclaimer requirements.

### III. Effect of Proposed Changes:

SB 82 requires most political advertisements, independent expenditures, and electioneering communications sent by text message to carry a sponsorship disclaimer, or a URL address or hyperlink to a website containing the disclaimer. For ease of administration and because the communications share certain characteristics, the bill incorporates these texting requirements into the existing framework in ss. 106.147 and 106.1475, F.S., addressing telephone call political advertisements.

Specifically, the bill:

- Modifies and simplifies the disclaimer language in recognition of text messaging’s inherent technical limitations.
- Requires political advertisements, independent expenditures, and electioneering communications sent by text message to carry a sponsorship disclaimer identifying who paid for the message, or a URL address or hyperlink to a website containing the disclaimer. If using a URL or website, it must remain online and available to the public for at least 30 days after the date of the election at issue.
- Exempts text messages from disclaimer requirements:
  - If sent by individuals without the assistance of mass distribution technology who are not being paid; or
  - That require the recipient to sign-up or opt-in to receive it.
- Includes a number of “safe harbor” provisions for those sending the text messages, including:
  - If an exchange consists of a sequence of multiple text messages sent on the same day, the sponsorship disclaimer is only required to be included with the first text message.
  - A person or an organization is deemed to be in compliance if the required sponsorship disclaimer is included in the text message in the form in which the person or organization intended it to be sent, regardless of the form the carrier relayed it to the recipient (to account for the fact that longer text messages can sometimes be received with information out-of-order.)
  - If a person or an organization includes a working hyperlink or URL in the text message as part of the required disclaimer, the person or organization is deemed to be in compliance with this subsection even if the recipient’s device is incapable of accessing the referenced website.
- Mandates that those sending texts expressly advocating for or against a candidate or ballot measure that are coordinated with a candidate or campaign must get the prior written approval of the candidate or ballot sponsor. Also, the candidate or ballot sponsor must file

---

<sup>9</sup> Section 106.1439(2), F.S.

that approval with the appropriate qualifying officer prior to commencing texting, as is currently required for coordinated telephone calls. These new mandates mirror current requirements for telephone calls.

- Requires those individuals and groups subject to texting disclaimer requirements to register and maintain an in-state registered agent for legal process as is currently required for those engaging in political advertisement telephone calls.
- Condenses and reorganizes all text message and telephone disclaimer requirements into one easily identifiable statutory section, for ease of administration.

The bill also makes a number of technical and clarifying changes to other sections of Chapter 106, to conform.

The bill takes effect October 1, 2021.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may increase the cost for private individuals and groups engaging in certain political text messaging who are required to appoint an in-state, registered agent for service. The costs are indeterminate, but expected to be minimal.

**C. Government Sector Impact:**

Local prosecutors and/or the Florida Election Commission may incur additional costs relating to enforcement and prosecuting violations. The costs are indeterminate, but should be minimal enough to incorporate into existing budgets.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

Some of the specific requirements relating to texting disclaimers have been adapted from CAL. GOV'T CODE, tit. 9, § 84504.7.

Given certain similarities in their operation, the bill incorporates all the texting requirements into the existing framework for telephone banks in ss. 106.147 and 106.1475, F.S.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 106.011, 106.071, 106.143, 106.1439, 106.147, and 106.1475.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.



By Senator Baxley

12-00601-21

202182\_\_

1                   A bill to be entitled  
2       An act relating to sponsorship identification  
3       disclaimers; amending s. 106.011, F.S.; revising the  
4       definition of the term "electioneering communication"  
5       to conform to changes made by the act; amending s.  
6       106.071, F.S.; modifying provisions governing general  
7       independent expenditure disclaimers to conform to  
8       changes made by the act; amending s. 106.143, F.S.;  
9       removing an exemption for text messages from certain  
10      requirements governing political advertisement  
11      disclaimers to conform to changes made by the act;  
12      amending s. 106.1439, F.S.; modifying provisions  
13      governing general electioneering communications  
14      disclaimer requirements to conform to changes made by  
15      the act; amending s. 106.147, F.S.; establishing  
16      sponsorship identification disclaimer requirements for  
17      certain text messages; modifying existing requirements  
18      governing telephone call disclaimers; providing  
19      exceptions and restrictions; providing a penalty;  
20      revising the definition of the term "person" to  
21      conform to changes made by the act; amending s.  
22      106.1475, F.S.; requiring specified persons and  
23      organizations sending certain paid text messages to  
24      have and maintain a registered agent for specified  
25      purposes; providing exceptions; providing a penalty;  
26      providing an effective date.

28   Be It Enacted by the Legislature of the State of Florida:  
29

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Section 1. Paragraph (a) of subsection (8) of section 106.011, Florida Statutes, is amended to read:

106.011 Definitions.—As used in this chapter, the following terms have the following meanings unless the context clearly indicates otherwise:

(8)(a) "Electioneering communication" means a text message or communication that is publicly distributed by a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, or telephone which ~~and that~~:

1. Refers to or depicts a clearly identified candidate for office without expressly advocating the election or defeat of a candidate but that is susceptible of no reasonable interpretation other than an appeal to vote for or against a specific candidate;

2. Is made within 30 days before a primary or special primary election or 60 days before any other election for the office sought by the candidate; and

3. Is targeted to the relevant electorate in the geographic area the candidate would represent if elected.

Section 2. Subsection (2) of section 106.071, Florida Statutes, is amended to read:

106.071 Independent expenditures; electioneering communications; reports; disclaimers.—

(2) Any political advertisement, other than a text message or a telephone call, paid for by an independent expenditure must ~~shall~~ prominently state "Paid political advertisement paid for by ... (Name and address of person paying for advertisement) ... independently of any ... (candidate or committee) ...."

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Section 3. Paragraph (f) of subsection (10) of section 106.143, Florida Statutes, is amended to read:

106.143 Political advertisements circulated prior to election; requirements.—

(10) This section does not apply to any campaign message or political advertisement used by a candidate and the candidate's supporters or by a political committee if the message or advertisement is:

~~(f) Distributed as a text message or other message via Short Message Service, provided the message is no more than 200 characters in length or requires the recipient to sign up or opt in to receive it.~~

Section 4. Section 106.1439, Florida Statutes, is amended to read:

106.1439 Electioneering communications; disclaimers.—

(1) Any electioneering communication, other than a text message or a telephone call, must ~~shall~~ prominently state: "Paid electioneering communication paid for by ...(Name and address of person paying for the communication)...."

~~(2) Any electioneering communication telephone call shall identify the persons or organizations sponsoring the call by stating either: "Paid for by ...(insert name of persons or organizations sponsoring the call)...." or "Paid for on behalf of ...(insert name of persons or organizations authorizing call)...." This subsection does not apply to any telephone call in which the individual making the call is not being paid and the individuals participating in the call know each other prior to the call.~~

(2) ~~(3)~~ Any person who fails to include the disclaimer

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prescribed in this section in any electioneering communication that is required to contain such disclaimer commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 5. Section 106.147, Florida Statutes, is amended to read:

106.147 Text message and telephone solicitation; disclosure requirements; prohibitions; exemptions; penalties.—

(1)(a) Any text message or telephone call supporting or opposing a candidate, an elected public official, or a ballot measure, and any electioneering text message or telephone call, must include the phrase ~~proposal must identify the persons or organizations sponsoring the call by stating either:~~ "Paid for by .....", followed by the ~~(insert name of the persons or organizations sponsoring the message or call)~~ or, in the case of a text message, a working hyperlink or a uniform resource locator (URL) to a website containing the required disclosure ~~"paid for on behalf of ...." (insert name of persons or organizations authorizing call).~~

(b) A candidate's text message or telephone call must include the phrase "Paid for by," followed by the name of the candidate, then followed by the word "For," and the name of the elective office sought.

(c) A website that is hyperlinked, or identified by URL, in a text message must remain online and available to the public for at least 30 days after the date of the election in which the candidate or ballot measure that the advertisement supported or opposed was voted on.

(d)1. If an exchange consists of a sequence of multiple

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117 text messages sent on the same day, the sponsorship disclaimer  
118 is only required to be included with the first text message.

119 2. A person or an organization is deemed to be in  
120 compliance with this subsection if the sponsorship disclaimer  
121 required by this subsection is included in the text message in  
122 the form in which the person or organization intended it to be  
123 sent, regardless of the form the carrier relayed it to the  
124 recipient.

125 3. If a person or an organization includes a working  
126 hyperlink or URL in the text message as part of the required  
127 disclaimer, the person or organization is deemed to be in  
128 compliance with this subsection even if the recipient's device  
129 is incapable of accessing the referenced website.

130 (e) This subsection ~~paragraph~~ does not apply to any:

131 1. Telephone call:

132 a. In which both the individual making the call is not  
133 being paid and the individuals participating in the call know  
134 each other ~~before~~ ~~prior to~~ the call; or

135 b. That is a part of a series of like telephone calls  
136 consisting of fewer than 1,000 completed calls averaging more  
137 than 2 minutes in duration which are conducted for the purpose  
138 of polling respondents regarding a candidate or an elected  
139 public official.

140 2. Text message:

141 a. In which both the individual sending the text message is  
142 not being paid and the text is individually sent without the  
143 assistance of mass distribution technology, including a text  
144 messaging platform; or

145 b. That requires the recipient to sign up or opt in to

12-00601-21

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146 receive it.

147 ~~(b) Any telephone call conducted for the purpose of polling~~  
148 ~~respondents concerning a candidate or elected public official~~  
149 ~~which is a part of a series of like telephone calls that~~  
150 ~~consists of fewer than 1,000 completed calls and averages more~~  
151 ~~than 2 minutes in duration is presumed to be a political poll~~  
152 ~~and not subject to the provisions of paragraph (a).~~

153 (2)(e) A text message or a ~~No~~ telephone call may not ~~shall~~  
154 state or imply that the caller:

155 (a) Represents any person or organization unless the person  
156 or organization so represented has given specific approval in  
157 writing to make such representation; or.

158 ~~(d) No telephone call shall state or imply that the caller~~

159 (b) Represents a nonexistent person or organization.

160 (3)(2) Any text message or telephone call, not conducted by  
161 independent expenditure, which expressly advocates for or  
162 against a candidate or ballot measure ~~proposal~~ requires prior  
163 written authorization by the candidate or sponsor of the ballot  
164 measure ~~proposal~~ that the text message or telephone call  
165 supports. A copy of such written authorization must be placed on  
166 file with the qualifying officer by the candidate or sponsor of  
167 the ballot measure before ~~proposal prior to~~ the time the text  
168 messages or telephone calls commence.

169 (4) (a) ~~(3) (a)~~ Any person who willfully violates ~~any~~  
170 ~~provision of~~ this section commits a misdemeanor of the first  
171 degree, punishable as provided in s. 775.082 or s. 775.083.

172 (b) For purposes of paragraph (a), the term "person"  
173 includes any individual or organization making an independent  
174 expenditure; any candidate; any officer of any political

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committee, affiliated party committee, or political party executive committee; any officer, partner, attorney, or other representative of a corporation, partnership, or other business entity; and any agent or other person acting on behalf of any candidate, political committee, affiliated party committee, political party executive committee, or corporation, partnership, or other business entity.

Section 6. Section 106.1475, Florida Statutes, is amended to read:

106.1475 Text message and telephone solicitation; registered agent requirements; penalty.—

(1) Any person or organization that conducts ~~any~~ business in this state consisting of sending text messages or placing telephone calls that are subject to the disclaimer requirements in s. 106.147 ~~which consists of making paid telephone calls supporting or opposing any candidate or elected public official~~ must, prior to conducting such business, have and continuously maintain, for at least 180 days following the cessation of such business activities in the state, a registered agent for the purpose of any service of process, notice, or demand required or authorized by law and must file with the division a notice of such registered agent. Such registered agent must be an individual who is a resident of this state, a domestic corporation, or a foreign corporation authorized to do business in this state. However, this subsection does not apply to any person or organization already lawfully registered to conduct business in this state.

(2) For purposes of this section, conducting business in this state as specified in subsection (1) includes both sending

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204 text messages or placing telephone calls from a location in this  
205 state and sending text messages or placing telephone calls from  
206 a location outside this state to individuals located in this  
207 state.

208 (3) (a) The division shall create and maintain forms for the  
209 notice required by subsection (1), which, at a minimum, must  
210 elicit all of the following information:

211 1. The name, address, and telephone number of the  
212 registered agent.

213 2. The name, address, and telephone number of the person or  
214 organization conducting business in this state as specified in  
215 subsection (1).

216 (b) The person or organization conducting business in this  
217 state as specified in subsection (1) must immediately notify the  
218 division of any changes in the information required in paragraph  
219 (a).

220 (4) Any person or organization that violates this section  
221 commits a misdemeanor of the first degree, punishable as  
222 provided in s. 775.082 or s. 775.083.

223 Section 7. This act shall take effect October 1, 2021.



THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

FEB 16<sup>th</sup> 2021

Meeting Date

SB 82

Bill Number (if applicable)

Topic Sponsorship ID Disclaimance

Amendment Barcode (if applicable)

Name David Sordani

Job Title A ONE TIME Candidate (in fact twice)

Address 66 Wintergreen Dr Fruit

Phone

Street

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Ethics and Elections

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BILL: CS/SB 90

INTRODUCER: Ethics and Elections Committee and Senator Baxley

SUBJECT: Vote-by-mail Ballots

DATE: February 16, 2021

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Biehl	Roberts	EE	<b>Fav/CS</b>
2.			GO	
3.			RC	

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

Senate Bill 90 makes the following changes related to vote-by-mail ballots:

- Reduces the number of elections for which one request for a vote-by-mail ballot is sufficient to all elections through the end of the calendar year of the next regularly scheduled general election; and
- Moves up the starting time for canvassing vote-by-mail ballots from 22 days before an election to 35-40 days before an election, thereby codifying a portion of Governor Ron DeSantis' Executive Order 20-149.

The bill takes effect July 1, 2021.

**II. Present Situation:**

**Schedule of Elections**

A general election is held on the first Tuesday after the first Monday in November of every even-numbered year – this means that a general election is held every two years.<sup>1</sup> A primary election

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<sup>1</sup> Article VI, s. 5(a), FLA. CONST.; and s. 100.031, F.S. A general election is held to choose a successor to each elective federal, state, county, and district officer whose term will expire before the next general election.

is held 11 weeks before each general election.<sup>2</sup> The dates for the next primary election and general election are:

- Primary election – August 23, 2022; and
- General election – November 8, 2022.

### **Vote-by-Mail Generally**

Florida law allows a voter to request a vote-by-mail (VBM) ballot, which the voter can either return via mail or drop off at an authorized site in lieu of having to vote at the polls during early voting or on Election Day. A voter does not need to provide a reason for a VBM ballot request. A request for a VBM ballot can be made in person or in writing.<sup>3</sup>

### **Effective Period for Vote-by-Mail Ballot Requests**

Florida law provides that one request from a voter for a VBM ballot is sufficient to receive a VBM ballot for all elections through the end of the calendar year of the second ensuing regularly scheduled general election,<sup>4</sup> unless the voter indicates at the time of the request the elections for which he or she would like to receive a VBM ballot.<sup>5</sup> A request for a VBM ballot may be considered canceled when any first-class mail sent by the supervisor of elections (supervisor) to the voter is returned as undeliverable.<sup>6</sup>

Since the establishment of Florida's absentee/vote-by-mail program, the number of elections for which one request for a VBM ballot is sufficient has varied, including:

- All elections held within a calendar year;<sup>7</sup>
- All elections through the next regularly scheduled general election;<sup>8</sup>
- All elections through the next two regularly scheduled general elections;<sup>9</sup> and
- All elections through the end of the calendar year of the second ensuing regularly scheduled general election.<sup>10</sup>

In addition to Florida law, the federal Uniformed and Overseas Citizens Absentee Voter Act (UOCAVA) provides absentee voting requirements for federal offices for voters who are United States uniformed services members on active duty, Merchant Marine members, spouses or dependents thereof, or United States citizens residing outside of the United States.<sup>11</sup> In part, the UOCAVA requires establishment of an official post card form, known as the federal post card application (FPCA), to be used for voter registration application and absentee ballot

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<sup>2</sup> Section 100.061, F.S. A primary election is held to determine party nominees to be on the ballot in the general election to fill each federal, state, county, or district office.

<sup>3</sup> Section 101.62(1)(a), F.S.

<sup>4</sup> For example, under the current law, if a voter makes a general request for a VBM ballot in February 2021, then he or she would receive VBM ballots for all elections through the end of 2024, because the next two general elections will be held in November 2022 and November 2024, respectively.

<sup>5</sup> Section 101.62(1)(a), F.S.

<sup>6</sup> *Id.*

<sup>7</sup> *See, e.g.,* the 2006 Florida Statutes.

<sup>8</sup> *See, e.g.,* ch. 2010-167, s. 7, L.O.F.

<sup>9</sup> *See, e.g.,* ch. 2007-30, s. 30, L.O.F.

<sup>10</sup> *See, e.g.,* ch. 2011-40, s. 37, L.O.F.

<sup>11</sup> 52 U.S.C. 203.

application.<sup>12</sup> The UOCAVA does not specify a length of time for which one FPCA request is effective. The Federal Voting Assistance Program, which is tasked with administrative responsibilities for the UOCAVA, currently provides guidance that the FPCA request allows an eligible voter to request an absentee ballot for all federal elections in the calendar year.<sup>13</sup> The guidance further recommends that eligible voters send in a new FPCA request every January and each time they move.<sup>14</sup>

### **Starting Date for Vote-by-Mail Canvassing Period**

Florida law allows county canvassing boards<sup>15</sup> to begin canvassing VBM ballots starting at 7 a.m. on the 22nd day before an election.<sup>16</sup> In 2019, the Legislature extended this starting period from 15 days before an election to 22 days before an election.<sup>17</sup>

In 2020, at the request of the supervisors and in response to the COVID-19 pandemic, Governor Ron DeSantis issued an executive order suspending the 22-day timeframe and allowing each county canvassing board to begin canvassing VBM ballots as soon as the Logic and Accuracy (L&A) testing of the machines/equipment was completed.<sup>18</sup> The L&A tests are designed to ensure the integrity and accuracy of the tabulators and voting machines.<sup>19</sup> Because the timing of these L&A tests is tied to the beginning of early voting in each county,<sup>20</sup> which varies from 10 to 15 days before an election,<sup>21</sup> in 2020 counties were generally able to start their VBM canvass 35 to 40 days before the primary election and general election, which is 13 to 18 days earlier than the 22 days that the current statute provides.

The media has credited the canvassing of VBM ballots prior to Election Day as one of the reasons Florida's 2020 general election went so smoothly and why results were available so much more quickly than for states, such as Pennsylvania, that had to wait until Election Day to start counting.<sup>22</sup>

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<sup>12</sup> 52 U.S.C. ss. 20301(b)(2) and 20302(a)(4).

<sup>13</sup> Federal Voting Assistance Program, *Frequently Asked Questions About Absentee Voting*, available at <https://www.fvap.gov/guide/appendix/faq>, last accessed February 17, 2021.

<sup>14</sup> *Id.*

<sup>15</sup> A county canvassing board is composed of the supervisor of elections; a county court judge, who acts as chair; and the chair of the board of county commissioners (s. 102.141(1), F.S.).

<sup>16</sup> Section 101.68(2)(a), F.S.

<sup>17</sup> Chapter 2019-162, s. 19, L.O.F.

<sup>18</sup> Office of the Governor, Executive Order No. 20-149 (June 17, 2020), available at [https://www.flgov.com/wp-content/uploads/orders/2020/EO\\_20-149.pdf](https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-149.pdf), last accessed February 4, 2021.

<sup>19</sup> Section 101.5612(2), F.S.

<sup>20</sup> Each supervisor must complete an L&A test on any day up to 25 days before the start of early voting (*id.*).

<sup>21</sup> *Id.*; see also, s. 101.657(1)(d), F.S. (counties *may* start early voting 15 days before an election, but *must* start no later than 10 days before).

<sup>22</sup> See, e.g., Tampa Bay News 10 (WTSP), *Florida Counted Votes Quickly in the 2020 Election – What Happened in the Other States?* (Nov. 18, 2020), available at <https://www.wtsp.com/article/news/politics/florida-2020-election-counting/67-33b47308-7571-4c70-8afc-cfa8b872bcca>, last accessed February 4, 2021.

### **III. Effect of Proposed Changes:**

#### **Effective Period for Vote-by-Mail Ballot Requests**

The bill reduces the number of elections for which one request for a VBM ballot is sufficient to all elections through the end of the calendar year of the next regularly scheduled general election.<sup>23</sup>

The bill specifically provides that if a voter has already submitted a VBM ballot request that would, under the current law, be effective through the end of the calendar year of the second ensuing regularly scheduled general election, he or she must resubmit a VBM ballot request after the effective date of the bill in order to receive VBM ballots for the 2022 primary election and general election.

#### **Starting Date for Vote-by-Mail Canvassing Period**

The bill codifies Section 1 of Executive Order of the Governor No. 20-149, providing that county canvassing boards may begin canvassing VBM ballots as soon as the county finishes L&A testing. In practice, this means that:

- Counties that begin early voting as soon as the statutes allow (15 days before an election) may begin VBM canvassing as early as the 40th day before an election instead of the 22nd day before an election, nearly doubling the available time; and
- Counties that wait until 10 days before an election to begin early voting can start VBM canvassing as early as the 35th day before an election instead of the 22nd day before an election, still providing an additional 13 days of counting.

This change will facilitate a more orderly election administration process and quicker reporting of results.

The bill takes effect July 1, 2021.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

Not applicable. Bills that affect state or local elections are exempt from Art. VII, s. 18 of the Florida Constitution.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

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<sup>23</sup> For example, under the proposed changes, if a voter makes a request for a VBM ballot on August 1, 2021, then he or she would receive VBM ballots for all elections held through December 31, 2022, which is the end of the calendar year of the next regularly scheduled general election.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

If the reduced time period for which one VBM ballot request is sufficient results in a higher total number of requests, supervisors are likely to incur additional processing costs.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 101.62 and 101.68.

**IX. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Ethics and Election on February 16, 2021:**

As originally filed, the bill reduced the number of elections for which one VBM ballot request is sufficient to all elections held within a calendar year of the request. The committee substitute instead reduces the number to all elections through the end of the calendar year of the next regularly scheduled general election.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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By Senator Baxley

12-00669E-21

202190\_\_

A bill to be entitled

An act relating to vote-by-mail ballots; amending s. 101.62, F.S.; limiting the duration of requests for vote-by-mail ballots to all elections held within a calendar year of a request; amending s. 101.68, F.S.; authorizing the canvassing of vote-by-mail ballots upon the completion of the public preelection testing of automatic tabulating equipment; providing for construction and applicability; providing an effective date.

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

Section 1. Paragraph (a) of subsection (1) of section 101.62, Florida Statutes, is amended to read:

101.62 Request for vote-by-mail ballots.—

(1)(a) The supervisor shall accept a request for a vote-by-mail ballot from an elector in person or in writing. One request ~~is shall be~~ deemed sufficient to receive a vote-by-mail ballot for all elections that are held within a calendar year through ~~the end of the calendar year of the second ensuing regularly scheduled general election,~~ unless the elector or the elector's designee indicates at the time the request is made the elections for which the elector desires to receive a vote-by-mail ballot. Such request may be considered canceled when any first-class mail sent by the supervisor to the elector is returned as undeliverable.

Section 2. Paragraph (a) of subsection (2) of section 101.68, Florida Statutes, is amended to read:



12-00669E-21

202190\_\_

101.68 Canvassing of vote-by-mail ballot.-

(2) (a) The county canvassing board may begin the canvassing of vote-by-mail ballots upon the completion of the public testing of automatic tabulating equipment pursuant to s. 101.5612(2) ~~at 7 a.m. on the 22nd day before the election~~, but must begin such canvassing by no ~~not~~ later than noon on the day following the election. ~~In addition, for any county using electronic tabulating equipment, the processing of vote-by-mail ballots through such tabulating equipment may begin at 7 a.m. on the 22nd day before the election.~~ However, notwithstanding any such authorization to begin canvassing or otherwise processing vote-by-mail ballots early, no result shall be released until after the closing of the polls in that county on election day. Any supervisor, deputy supervisor, canvassing board member, election board member, or election employee who releases the results of a canvassing or processing of vote-by-mail ballots prior to the closing of the polls in that county on election day commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 3. Notwithstanding that an elector has submitted a vote-by-mail ballot request before the effective date of this act initially applicable through the end of the calendar year of the second ensuing regularly scheduled general election, any such elector must affirmatively resubmit a vote-by-mail ballot request following the effective date of this act in order to receive vote-by-mail ballots for the 2022 primary and general elections.

Section 4. This act shall take effect July 1, 2021.

THE FLORIDA SENATE

APPEARANCE RECORD

2/18/2021

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 90

Bill Number (if applicable)

Topic Vote By Mail

Amendment Barcode (if applicable)

Name Robert McKinnon

Job Title Florida Director

Address 25 N. Market St

Phone 843 384 4403

Street

City

Jacksonville

State

FL

Zip

32202

Email

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Representing Faith in Public Life

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

Feb 16<sup>th</sup> 2021

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 90

Bill Number (if applicable)

Topic Vote By Mail Ballots Limits

Amendment Barcode (if applicable)

Name David Berdan

Job Title A Primary Winner Green Party 2009

Address 66 Wintergreen Dr

Street

Phone

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/16/21

Meeting Date

90

Bill Number (if applicable)

Topic Vote - by - Mail Ballots

Amendment Barcode (if applicable)

Name Lauren Gallo

Job Title Lobbyist

Address 106 E College Ave S1110

Street

Phone (407) 797-7796

Tallahassee FL 32301

City

State

Zip

Email lngalloca@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Representing League of Women voters FL

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

2/16/2021

Meeting Date

90

Bill Number (if applicable)

Topic Vote-By-Mail Ballots

Amendment Barcode (if applicable)

Name Jonathan Webber

Job Title Deputy Director

Address 1700 N. Monroe St. #11-286

Phone 954-593-4449

Street

Tallahassee

FL

32301

Email jwebber@fcvoters.org

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Representing Florida Conservation Voters

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

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**THE FLORIDA SENATE**

**APPEARANCE RECORD**

2/16/21

*Meeting Date*

SB 90

*Bill Number (if applicable)*

Topic Creating Barriers to Vote-By-Mail

*Amendment Barcode (if applicable)*

Name Kara Gross

Job Title Legislative Director & Senior Policy Counsel

Address 4343 W. Flagler St.

Phone 786-363-4436

*Street*

Miami

FL

33134

Email kgross@aclufl.org

*City*

*State*

*Zip*

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Representing ACLU of Florida

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/18  
Meeting Date

SB 90  
Bill Number (if applicable)

Topic Elections

Amendment Barcode (if applicable)

Name Dr. Rich Templin

Job Title \_\_\_\_\_

Address 135 S. Monroe

Phone 850-224-6926

Street

Tallahassee

32301

FL

City

State

Zip

Email \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida AFL-CIO

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

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Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

2/16/21

Meeting Date

SB 90

Bill Number (if applicable)

Topic Election Integrity

Amendment Barcode (if applicable)

Name Helena Sims

Job Title Retired

Address 2152 Amanda Mae Court

Phone (202) 468-5536

Street

Tallahassee

Florida

32312

Email hgs5536@gmail.com

City

State

Zip

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)



**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/16/21

Meeting Date

~~SB90~~ SB90

Bill Number (if applicable)

Topic Vote By Mail

Amendment Barcode (if applicable)

Name Brad Ashwell

Job Title Director for All Voting is Local

Address 1536 Chulivene

Street

Phone 850-294-1008

Tallahassee

City

FL

State

32301

Zip

Email brad@allvotingislocal.org

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing All Voting is Local \*

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

16 Feb 21

Meeting Date

SB 90

Bill Number (if applicable)

Topic Elections

Amendment Barcode (if applicable)

Name Paul Lux

Job Title Sup. of Elections - Okaloosa Cty

Address 302 N. Wilson St.

Street

Phone 850-689-5600

Crestview

FL

32536

City

State

Zip

Email plux@myokaloosa.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida's Supervisors of Elections

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

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Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

2/15/2021

Meeting Date

SB90

Bill Number (if applicable)

Topic Vote By Mail Ballots

Amendment Barcode (if applicable)

Name Rev. Joseph Parramore

Job Title Pastor

Address 6099 Pat Thomas Parkway

Phone 8505100584

Street

Quincy

FL

32351

Email revjoeparramore@gmail.com

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Faith in Public Life

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/16/21

Meeting Date

90

Bill Number (if applicable)

Topic Vot By Mail

Amendment Barcode (if applicable)

Name Ida V. Eskamani

Job Title \_\_\_\_\_

Address \_\_\_\_\_

Street

Phone \_\_\_\_\_

City

State

Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Representing Florida Rising

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/16/21

Meeting Date

SB90

Bill Number (if applicable)

211540

Amendment Barcode (if applicable)

Topic Vote-By-Mail

Name Brad Ashwell

Job Title Director of All Voting is Local

Address 1536 Chalk Nere

Street

Phone 850-294-1008

Tallahassee FL 32301

City

State

Zip

Email brad@allvotingislocal.org

Speaking: ☒ For ☐ Against ☐ Information

*BT Waive in Support*

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

\_\_\_\_\_  
Meeting Date

SB 90

\_\_\_\_\_  
Bill Number (if applicable)

810304

\_\_\_\_\_  
Amendment Barcode (if applicable)

Topic \_\_\_\_\_

Name Paul Lux

Job Title SOE - Okaloosa

Address \_\_\_\_\_  
Street

Phone \_\_\_\_\_

City

State

Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/16/21

Meeting Date

5890

Bill Number (if applicable)

823918

Amendment Barcode (if applicable)

Topic Vote - By - Mail

Name Brad Ashwell

Job Title Director for All Voting is Local

Address 1336 Clark Ave

Street

Phone 850-294-1008

Tallahassee

City

FL

State

32301

Zip

Email brad@allvotingislocal.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)